

**PLANNING AND REGULATORY COMMITTEE
NOTICE OF MEETING**

Date: Wednesday, 3 September 2014
Time 10.30 am
Place: Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN

Contact: Cheryl Hardman or Helen Rankin, Room 122, County Hall
Telephone: 020 8541 9075 or 020 8541 9126
Email: cherylh@surreycc.gov.uk or helen.rankin@surreycc.gov.uk

[For queries on the content of the agenda and requests for copies of related documents]

APPOINTED MEMBERS [12]

Keith Taylor (Chairman)	Shere;
Tim Hall (Vice-Chairman)	Leatherhead and Fetcham East;
Ian Beardsmore	Sunbury Common & Ashford Common;
Natalie Bramhall	Redhill West & Meadvale;
Carol Coleman	Ashford;
Jonathan Essex	Redhill East;
Margaret Hicks	Hersham;
George Johnson	Shalford;
Christian Mahne	Weybridge;
Ernest Mallett MBE	West Molesey;
Michael Sydney	Lingfield;
Richard Wilson	The Byfleets;

EX OFFICIO MEMBERS (NON-VOTING) [4]

David Munro	Chairman of the County Council	Farnham South;
Sally Marks	Vice Chairman of the County Council	Caterham Valley;
David Hodge	Leader of the Council	Warlingham;
Peter Martin	Deputy Leader	Godalming South, Milford & Witley;

APPOINTED SUBSTITUTES [19]

Mike Bennison	Hinchley Wood, Claygate and Oxshott;
Stephen Cooksey	Dorking South and the Holmwoods;
Tim Evans	Lower Sunbury and Halliford;
Will Forster	Woking South;
Denis Fuller	Camberley West;
Nick Harrison	Nork & Tattenhams;
Peter Hickman	The Dittons;
David Ivison	Heatherside and Parkside;
Daniel Jenkins	Staines South and Ashford West;
Stella Lallement	Epsom West;
John Orrick	Caterham Hill;
Adrian Page	Lightwater, West End and Bisley;
Chris Pitt	
Chris Townsend	Ashtead;
Fiona White	Guildford West;
Helena Windsor	Godstone;

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AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive any apologies for absence and notices of substitutions under Standing Order 40.

2 MINUTES OF THE LAST MEETING

(Pages 1 - 62)

To confirm the minutes of the meeting held on 16 July 2014 and 30 July 2014.

3 PETITIONS

To receive any petitions from members of the public in accordance with Standing Order 65 (please see note 7 below).

4 PUBLIC QUESTION TIME

To answer any questions received from local government electors within Surrey in accordance with Standing Order 66 (please see note 8 below).

5 MEMBERS' QUESTION TIME

To answer any questions received from Members of the Council in accordance with Standing Order 47.

6 DECLARATIONS OF INTERESTS

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

Notes:

- In line with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, declarations may relate to the interest of the member, or the member's spouse or civil partner, or a person with whom the member is living as husband or wife, or a person with whom the member is living as if they were civil partners and the member is aware they have the interest.
- Members need only disclose interests not currently listed on the Register of Disclosable Pecuniary Interests.
- Members must notify the Monitoring Officer of any interests disclosed at the meeting so they may be added to the Register.
- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest.

**7 MINERALS/WASTE WA/2014/0005: ALTON ROAD SANDPIT,
FARNHAM, SURREY, GU10 5EL**

(Pages 63 -
168)

An application for the extraction of sand (770,000 tonnes) and clay (512,000 cubic metres) from a site of 36.2 ha; filling of existing and resultant void with (2.6 million cubic metres) non-hazardous industrial, commercial, household and inert waste; installation of plant and equipment; alterations to existing site access onto A31; and comprehensive restoration of the site over a period of 11.5 years without compliance with Condition 1 of planning permission ref. WA99/0223 to allow the development be completed in all respects not later than 31 December 2029.

The recommendation is that subject to:-

- The prior completion of a Legal Agreement with the applicant and landowners to secure the long term (20 years in addition to the 5 year aftercare scheme) management, maintenance and aftercare of the application site, edged red and blue, as denoted on the application site plan (Drawing ref: ALTONRD1309/Drawing No 2/ Revision B), through the preparation of a ecological enhancement and woodland management plan in accordance with the draft Heads of Agreement set out in Appendix 1 to the report,

to PERMIT subject to conditions.

8 DATE OF NEXT MEETING

The next meeting of the Planning & Regulatory Committee will be on 24 September 2014.

David McNulty
Chief Executive
Thursday, 21 August 2014

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, County Hall has wifi available for visitors – please ask at reception for details.

Anyone is permitted to film, record or take photographs at council meetings with the Chairman's consent. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that the Chairman can grant permission and those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation

Note: *This meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.*

Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this, please contact the representative of Legal and Democratic Services at the meeting

NOTES:

1. The Chairman will adjourn the meeting for lunch from 12.45pm unless satisfied that the Committee's business can be completed by 1.15pm.
2. Members are requested to let the Regulatory Committee Manager have the wording of any motions and amendments not later than one hour before the start of the meeting.
3. Substitutions must be notified to the Regulatory Committee Manager by the absent Member or group representative at least half an hour in advance of the meeting.
4. Planning officers will introduce their report and be able to provide information or advice to Members during the meeting. They can also be contacted before the meeting if you require information or advice on any matter.
5. A record of any items handled under delegated powers since the last meeting of the Committee will be available for inspection at the meeting.
6. Members of the public can speak at the Committee meeting on any planning application that is being reported to the Committee for decision, provided they have made written representations on the application at least 14 days in advance of the meeting, and provided they have registered their wish to do so with the Regulatory Committee Manager in advance of the meeting. The number of public speakers is restricted to five objectors and five supporters in respect of each application.
7. Petitions from members of the public may be presented to the Committee provided that they contain 100 or more signatures and relate to a matter within the Committee's terms of reference. The presentation of petitions on the following matters is not allowed: (a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985; and (b) planning applications. Notice must be given in writing at least 14 days before the meeting. Please contact the Regulatory Committee Manager for further advice.
8. Notice of public questions must be given in writing at least 7 days before the meeting. Members of the public may ask one question relating to a matter within the Committee's terms of reference. Questions on "confidential" or "exempt" matters and planning applications are not allowed. Questions should relate to general policy and not detail. Please contact the Regulatory Committee Manager for further advice.
9. On 10 December 2013, the Council agreed amendments to the Scheme of Delegation so that:
 - All details pursuant (applications relating to a previously granted permission) and non-material amendments (minor issues that do not change the principles of an existing permission) will be delegated to officers (irrespective of the number of objections).
 - Any full application with fewer than 5 objections, which is in accordance with the development plan and national policies will be delegated to officers.
 - Any full application with fewer than 5 objections that is not in accordance with the development plan (i.e. waste development in Green Belt) and national policies will be delegated to officers in liaison with either the Chairman or Vice Chairman of the Planning & Regulatory Committee.
 - Any application can come before committee if requested by the local member or a member of the Planning & Regulatory Committee.

The revised Scheme of Delegation came into effect as of the date of the Council decision.

HUMAN RIGHTS ACT 1998 – GUIDANCE FOR INTERPRETATION

This Guidance should be read in conjunction with the Human Rights section in the following Committee reports.

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights in English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report. Members of the public wishing to make oral representations may do so at Committee, having given the requisite advance notice, and this satisfies the requirements of Article 6.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

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MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 16 July 2014 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

Members Present:

Mr Keith Taylor (Chairman)
Mr Tim Hall (Vice-Chairman)
Mr Ian Beardsmore
Mrs Natalie Bramhall
Mr Jonathan Essex
Mr George Johnson
Mr Christian Mahne
Mr Ernest Mallett MBE
Mr Michael Sydney
Mr Richard Wilson

Apologies:

Mrs Carol Coleman
Mrs Margaret Hicks

74/14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Carol Coleman and Margaret Hicks.

75/14 MINUTES OF THE LAST MEETING [Item 2]

These were agreed as a correct record.

76/14 PETITIONS [Item 3]

There were none.

77/14 PUBLIC QUESTION TIME [Item 4]

There were none.

78/14 MEMBERS' QUESTION TIME [Item 5]

There were none.

79/14 DECLARATIONS OF INTERESTS [Item 6]

There were none.

80/14 SURREY COUNTY COUNCIL PROPOSAL EL/2014/0363: LAND AT FORMER JOHN NIGHTINGALE SCHOOL SITE, HURST ROAD, WEST MOLESEY, SURREY KT8 1QS [Item 7]

AN UPDATE SHEET WAS TABLED

Declarations of interest:

None

Officers:

Alan Stones, Planning Development Control Team Manager
Nancy El-Shatoury, Principal Lawyer
Caroline Smith, Transport Development Planning Team Manager

Speakers:

John Fryer, a local resident, made representations in objection to the application and the points raised included:

- Parking conditions outside of the school is a dangerous environment for all. The safety provision for school children has not been considered in detail.
- An independent engineer's assessment states that the Bishop Fox Way is too small in width for cars to park during school pick up and drop off times.
- Staff parking on site is inadequate but there seems to be ample space on site.
- Residents have both the support of Dominic Raab MP and Elmbridge Borough Council.

Lionel Haywood, a local resident, made representations in objection to the application and the points raised included:

- No objection to the school in principle but do not think the parking and highways issues have been carefully considered.
- The roads around the vicinity of the school are not designed to carry heavy traffic. Need for a drop off/pick up point within the school grounds.
- Parking around the estate will create a number of safety issues and will decrease the quality of life in the area especially for the elderly residents.
- There will be traffic impacts on residents from evening events held at the school.

Rupert James Sibley, a local resident, made representations in objection to the application and the points raised included:

- Support the principle of more school places but believe that safety is also crucial
- Have been told many will be walking to school therefore we should have a pedestrian entrance to the south west of the school.
- Width of the roads will make it difficult for large traffic movements

- There is room on the school site for pick up/drop off and plans to include this need to be drawn up.

Nicola Parkins, a local resident, made representations in objection to the application and the points raised included:

- The parking assessment for parking on the road is inaccurate - a decision cannot be made until the Surrey school parking guidance is revised.
- Roads around the area are narrow with tight junctions; parking issues would be exacerbated with allowing parking outside the school.
- There is room on the school site for pick up/drop off and plans to include this need to be drawn up.

The agent of the applicant, **Rachael Fisher, Senior Consultant Highways and Transportation, Atkins** addressed the Committee and raised the following points;

- The highways issues raised by residents have been cleared by Surrey's highways department. On street parking outside the school would be monitored as part of the transport assessment.
- Officers believe that the onsite parking spaces for staff is sufficient.
- There is insufficient space for a drop off/pick up point on site and would be classed as inappropriate. Mitigation measures have been put in place.
- On street parking is currently ongoing in the area outside the school.
- Creating additional access to the school from the South West and South East of the school would create safeguarding issues and would not be feasible due to land ownership restrictions.

The local Member, **Stuart Selleck**, a local Member from a neighbouring division addressed the committee and raised the following points:

- Supports the speakers who raised genuine concerns
- There will be serious problems if the intention is to put yellow lines around the Bishop Fox estate.
- The possibility of using a car park at Mole Hall will not alleviate the parking problems in the area.
- The Bishop Fox estate will not be able to cope with the increase in traffic around the area.

Key Points raised during the discussion:

1. The report was introduced by the Planning Development Control Team Manager who explained that the majority of objections focused on traffic safety issues. The application site was split into three flood zones; flood zone 1 in the north of the application was low risk and permitted building on it. Flood zone 2 was medium risk and flood zone 3 was at high risk of flooding. The physical constraints on the site meant that the site could not be used as residents requested. Proposals for tree loss has been included as part of the conditions of the application.

2. The Transport Development Planning Team Manager explained that a majority of the children currently attending the school did so through sustainable modes. As the building is confined to hard standing there is no possibility of having a pick up/drop off point in the school ground; the applicant has stated that Mole Hall can be used to help facilitate this. The parking survey undertaken shows that there is capacity for on street parking outside the school with the transport plan proposing mitigation measures.
3. Although Members had no issue with the additional school places required by the county, Members of the committee raised concerns around the possible negative effects of the application on local residents especially with regards to highways issues. There was further concern that the transport plan would not be as reliable in bad weather.
4. A Member commented that the homes on the Bishop Fox estate were in danger of being flooded and that this issue would be exacerbated if the build went ahead. It was commented that it would be possible to park on flood zones.
5. Although Members understood the need and urgency around additional school places, the requirement for staff parking and pick up/drop off points were discussed as possible conditions of the application.
6. Concerns were raised that not enough attention had been given to the removal of trees on the site. The Transport Development Planning Team Manager explained that the county landscape officer was happy with the replanting provision.
7. A Member of the committee highlighted the suggestion of the Design and Procurement BREEAM Assessment that the proposed building could achieve an 'excellent' BREEAM rating and queried why officers were only proposing to condition the achievement of a 'very good' BREEAM rating. It was explained that a very good BREEAM standard was the standard all Surrey schools aimed for and is reasonable in terms of the conditions. The aim for a very good BREEAM standard was also complicit with the boroughs planning policy.
8. It was clarified that the applicant was committed to providing a park and stride as a condition to the application and would do so before the school was opened. Some Members were concerned that the specific land associated with the park and stride could be sold on in the future and leave no pick up/drop off provision.
9. It was commented that current county parking policy discouraged parking on site so as to increase sustainable modes of transport. Officers explained that there was a possibility that an additional 50-60 parking spaces could be created using the play area on site.
10. Members of the Committee asked for updated information from the EA with regards to flooding issues on and around the site.

Actions/Further information to be provided:

None

RESOLVED:

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. EL/2014/0363 be **PERMITTED** subject to conditions for the reasons set out in the report, which were amended as follows:

Condition 3

3. (a) Within 6 months of the date of the planning permission hereby granted, *a scheme for additional parking for staff vehicles and a drop off and pick up facility on the former John Nightingale School site*, shall be submitted to the County Planning Authority for approval in writing.

3. (b) The development hereby permitted shall not be occupied until the scheme for *additional parking for staff vehicles and a drop off and pick up facility* has been fully implemented in accordance with the details approved pursuant to Condition 3(a). Thereafter the approved scheme shall be fully maintained for the benefit of the development hereby permitted.

Condition 5

Prior to the occupation of the development hereby permitted, the School Travel Plan dated January 2014 shall be updated and submitted to the County Planning Authority for approval in writing and thereafter shall be implemented, maintained, monitored and further updated to the satisfaction of the County Planning Authority.

Condition 15

No later than 12 months of the first occupation of the building hereby permitted, an assessment shall be carried out by an accredited person confirming that the development has achieved a standard of sustainable construction that would have achieved a BREEAM rating '*excellent*' and that assessment has been submitted to and receipt of which acknowledged by the County Planning Authority.

Committee Next Steps:

None

81/14 MINERALS AND WASTE APPLICATION MO/2013/0176: SWIRES FARM, HENFOLD LANE, CAPEL, SURREY RH5 4RP [Item 9]

Item 9 was moved forward on the agenda as members of the public were waiting to speak and hear consideration of that item.

AN UPDATE SHEET WAS TABLED

Declarations of interest:

None

Officers:

Alan Stones, Planning Development Control Team Manager
Nancy El-Shatoury, Principal Lawyer
Caroline Smith, Transport Development Planning Team Manager

Speakers:

Neil Duggin, a local resident, made representations in objection to the application and the points raised included:

- Object to where the application site is located on the farm.
- Smell and noise from activity carried out on the farm will have an impact on nearby residents.
- Even though a sound survey has been carried out locals feel that noise will affect residents.
- There will be an effect on local roads in the area from the increase in traffic movements. This has a negative impact on residents who would like some peace and quiet.

Anthony Brady, a local resident, made representations in objection to the application and the points raised included:

- Raised concerns over the human impacts to bio aerosols emissions that would be released.
- The report is three years old and seems to have very little change made to it.
- The proposed area is of natural beauty and introducing the proposed facility would be negative for the landscape.

Edward Ford (the applicant) and Alison Crooks (the agent), addressed the Committee and raised the following points:

- An independent ecologist has undertaken an ecology survey on the site with no objections being received from Natural England and the Surrey County Council Ecologist.
- Landscaping was revisited and the layout reassessed. This was the best site within the holding for this type of facility which had minimum impact on residents.
- Commissioned an independent air quality consultant whose findings have been accepted by SCC and the EA.
- This would be a low key operation with the plant not being in constant use but being used similarly to agricultural machinery. Operations would not be utilised on the weekends.
- There was an agricultural and business need for this facility which provided a sustainable solution with environmental gains. Compost from facility will be used on own land.

The local Member, **Helyn Clack** was unable to attend the meeting but sent through the following comments;

“I have read through the report and as the farm track joins Henfold Lane just south of the boarder of my division, I recognise that Holmwood will have more concerns about traffic movements. Our rural roads are already well used by all kinds of vehicles as well as farm vehicles and any additional traffic caused by changes in planning use must be considered very carefully.

This application was previously withdrawn because it was considered inappropriate development in the green-belt and that applicant had failed to demonstrate that there were sufficient very special circumstances to justify the proposal.

I am in principal against development taking place in green-belt but also recognise the need for land management, diverse farming and sustainability. I recognise and agree with many of the issues raised by local residents and road users in the paper

I would not want this site to develop into a full blown waste recycling plant at any stage in the future and it should not be extended in any way if permission is granted. I note the conditions and the recommendation of the Planning officers and am hopeful that the planning committee will address and ensure that these conditions are robust if they are to support the officer's recommendation to approve and that you will explore that the previous reasons it was withdrawn for have been addressed more than adequately”.

Stephen Cooksey, a local Member with a division adjoining the site addressed the committee and raised the following points:

- Is the local member of an adjoining division which borders the application in question- agree with the objections raised by Mole Valley district council.
- Application constitutes inappropriate development on the green belt and will lead to a deterioration of the landscape.
- Do not believe this is the right site to hold his type of facility.
- Local roads cannot hold the increase in traffic from the site. This will in turn create safety concerns.
- Concerned that information from the applicant was used as evidence in the officer's report.

Key points raised during the discussion:

1. The report was introduced by the Planning Development Control Team Manager who explained that the applicant had submitted two previous applications in relation to this site in 2008 and 2012 which were subsequently recommended for refusal and withdrawn. It was explained that the current application activity was not prohibited but care would have to be taken with operations. The new application has included the removal of a bund which had been included in the 2008 and 2012 applications. The activity on the site moves waste up the waste hierarchy and makes good use of the waste plan. Air quality assessments have been undertaken to take account of the bio aerosol emissions. Although the development is inappropriate, officers feel there are very special circumstances due to the lack of available alternative sites.

2. Officers explained that in the past previous applications had been rejected because of the high usage of HGV's but in this application light good vehicles would be used instead, meaning fewer HGV movements down Henfold Lane.
3. The Planning Development Control Team Manager stated that the nearest residential property was more than 250 meters to the west.
4. Concerns were raised over the bio aerosols which would be released from the site. The Planning Development Control Team Manager explained that the EA was responsible for carrying out a risk assessment on this and the committee should not duplicate policy.
5. Members queried why the bund had been removed from the current application. Officers explained that the bund had been removed as the bund was no longer necessary and would have an impact on the landscape.
6. Clarification was sought around operating hours on the site. It was explained that the bulk of the operation would be undertaken between Monday and Friday with Saturday mornings being used to receive green waste on the site. Saturday working hours could only be restricted if the committee recognised some harm.
7. A member of the committee commented on the need to remember that the site was located on working countryside and the application in question would reduce HGV numbers.
8. Referring to paragraph 76, the existing Planning Policy Statement 10 (PPS10) had been used to inform the current application in question.
9. A Member of the committee queried around the possibility of including warning signage for cyclists around Mill Road. The Transport Development Planning Team Manager explained that the current safety signage on the road had taken account of all road users.

Actions/Further information to be provided:

None

RESOLVED:

That planning permission be GRANTED subject to conditions and informatives for the reasons set out in the report.

Committee Next Steps:

None

82/14 SURREY COUNTY COUNCIL PROPOSAL EP/13/01703/CMA: LAND AT STAMFORD GREEN PRIMARY SCHOOL, CHRISTCHURCH MOUNT, EPSOM, SURREY KT19 8LU [Item 8]

AN UPDATE SHEET WAS TABLED

Declarations of interest:

None

Officers:

Alan Stones, Planning Development Control Team Manager
 Nancy El-Shatoury, Principal Lawyer
 Caroline Smith, Transport Development Planning Team Manager

Speakers:

The local member, **Stella Lallement** addressed the committee and raised the following points:

- The roads around the school cannot support additional parking increases even though the transport assessment stated that there would be an additional 100 parking spaces outside the school.
- There is likelihood that the roads outside of the school will be made into resident parking spaces which will cause traffic disruption.
- There is a need for pick up/drop off points although planners say there is no room for this.
- Would like to include two conditions- one for the provision of a footway through the allotment to the school site and the second for the provision of a car park for staff outside the application site.

Key points raised during the discussion:

1. The report was introduced by the Planning Development Control Team Manager who explained this application was for the provision of an additional one form entry facility ready for September 2015 intake. There is an absence of an alternative in the area with the scale of the current proposal being proportionate to the need.

1.45pm Cllr Michael Sydney left the meeting

2. The Transport Development Planning Team Manager explained that the resulting increase from the development would lead to a slight increase in the number of cars as a majority of the pupils live near the school. The school currently has no transport plan in place and modelling suggests there is inadequate space for a pick up/drop off point.
3. Members queried whether it was possible to locate a car park on the additional land behind the school. Officers explained that this land was owned by a third party.
4. There were discussions around the possibility of having an access to the school through the allotments to the south of the school. It was explained that Epsom and Ewell borough council who owned the allotment land were not in favour of this access.
5. The Transport Development Planning Team Manager explained that the Service had approached Epsom and Ewell on the issue of access who confirmed they were unhappy with access through the allotments.

A condition relating to an access via the allotments to the south of the site had been included in the report with Epsom and Ewell stating they would use all best endeavours to fulfil this.

6. The committee agreed to include an additional informative to look at the land at the back of the school as a possible location for a car park.
7. Although Members accepted the principle need for additional school places, they recognised that there was an issue with staff car parking on the site.
8. There is a draft travel plan in place which the travel plan officer has commented on. The officer hopes the school will take these comments on board.
9. Members agreed that local councillors in Epsom and Ewell should approach their local officers on access issues related to the school.
10. The Transport Development Planning Team Manager confirmed that Ethel Bailey Close was not public highway but owned by a third party.

Actions/Further information to be provided:

None

RESOLVED:

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application EP/13/01703/CON be **PERMITTED** subject to conditions for the reasons set out in the report and the following additional informatives:

Informative

- a) That Epsom and Ewell Borough Council is encouraged to consider the requirements of the school with regard to access and parking when considering future planning applications in vicinity of the western gate.
- b) That Epsom and Ewell Borough Council is encouraged to enable an additional pedestrian/cycle access to the school via the allotments to the south of the site.

Committee Next Steps:

None

Meeting closed at 2.05pm

Chairman

**PLANNING AND REGULATORY COMMITTEE
30 JULY 2014
UPDATE TO AGENDA ITEM 7**

**SURREY COUNTY COUNCIL REGULATION 3 APPLICATION:
LAND AT JOHN NIGHTINGALE SCHOOL SITE (NEW HURST PARK PRIMARY
SCHOOL), HURST ROAD, WEST MOLESEY, SURREY
KT8 1QS**

ERECTION OF NEW SINGLE, ONE AND A HALF AND TWO STOREY HURST PARK PRIMARY SCHOOL (420 PLACES) AND NURSERY (30 PLACES) TOGETHER WITH PROVISION OF 26 PARKING SPACES, AND CYCLE AND SCOOTER PARKING; ACCESS OFF HURST ROAD; LAYING OUT OF OUTDOOR LEARNING AND PLAY AREAS AND SPORTS PITCHES; LANDSCAPE PLANTING AND ECOLOGICAL HABITATS.

FURTHER REPRESENTATIONS AND PETITION

Five additional representations have been received since the Officers' report was completed. A petition signed by 6 local residents has also been received. All of these representations and the petition raise concerns relating to traffic and parking, issues which with one exception are noted in paragraphs 25 to 27 of the report. The exception is the point that the amendments to the Transport Assessment do not overturn the fact that the roads in the Bishop Fox Estate are narrow cul-de-sacs which were not designed to accommodate a significant amount of on-street parking.

Paragraphs 37 to 58 in the Officers' report deal with transportation issues. Paragraph 43 concludes that surrounding residential roads could provide sufficient parking capacity to accommodate 142 cars, the maximum number estimated to arrive at peak morning and afternoon times for the school. The matters of the parking of staff vehicles and the influence of the School Travel Plan are discussed in paragraphs 45, 46 and 56. In paragraph 58 Officers conclude that an off-site 'park and stride' facility is considered necessary to mitigate the potential adverse impact on local residential amenity arising from traffic congestion and on-street parking. The conditions require provision of a 'park and stride' facility to take some pressure away from the residential roads in the vicinity of the school.

A last minute representation has been received. The points raised are outlined below, followed by the responses by officers in brackets:

- the need for a drop-off and pick-up facility on the school site or on the verge along Hurst Road, as well as the need for more parking space on the site [The verge provides insufficient space for this facility, leading to vehicles queuing on Hurst Road which is an A-class road. There is insufficient space on the site for the facility since the built element including car parking and space for service vehicles needs to be kept of the area prone to flooding].
- there is sufficient space on the site for this facility and the additional parking provision by sacrificing some of the over generous sports provision [The sports provision meets with requirements and should not be sacrificed to provide additional on site parking. Further parking will be provided at the off-site 'park and stride' facility].
- concerns with on-street parking in the Bishop Fox Estate [Officers accept that parked cars may cause inconvenience and have amenity impacts on residents; however these impacts will be ameliorated by the proposed off-site

'park and stride' provision and otherwise are not considered to amount to significant harm. The roads are of adequate width to allow a vehicle to pass a parked car. There are two vehicular access points to the Estate. Traffic in the Estate will be travelling at slow speeds as a result of on-street parking. Therefore, Officers do not consider that the situation will be dangerous].

- an experiment conducted by residents shows in photographs the issue with on-street parking [The photographs show that there is sufficient width to permit parking on one side of the roads in the Estate, which is in accordance with the findings of the revised parking capacity survey].
- the proposed access to the school site from Freeman Drive is very narrow and there are houses very close by [This access point is for pedestrians only and is to enable children living locally to reach the school without having to walk to the main entrance on Hurst Road].
- attached extract from a report by an independent engineer, questioning the increase in staff numbers compared with the existing school; noting the need to increase on-site parking for staff vehicles in accordance with the Surrey Transport Plan and to avoid staff parking in local residential roads; identifying congestion, chaos, and safety issues in the Bishop Fox Estate at drop-off and pick-up times; questioning the parking capacity figures in the original version of the Transport Assessment (since revised to reduce the capacity figures significantly); and notes a lack of provision for short term parking of coaches [It is not clear who prepared the report. It was based on the on revision 1.0 of the Transport Assessment and not on the latest version dated June 2014. The increase in staff numbers was provided by the applicant. Accidents outside primary schools are very rare. Coaches call infrequently at primary schools. Coaches could either stop on Hurst Road or reverse into the school site. Unless they are taking children to the school (or collecting them) coaches will not conflict with traffic at peak times for the school. The County Highway Authority and the County Planning Authority have actively encouraged the applicant to look at 'park and stride' sites, and this aspect of the scheme has been addressed in the Officers' report. Staff travel and parking will need to be addressed through the School Travel Plan].
- there are inaccuracies in the documentation supporting the application, especially the Transport Assessment and the School Travel Plan [The inaccuracies are acknowledged but as a matter of fact they do not in themselves discredit the analysis].
- the proposal conflicts with a policy in the NPPF [paragraph 35] that calls for 'safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians; the proposal does not comply with the County Council's Transport Plan and Parking Strategy [Each development proposal is considered on its own merits taking into account site specific issues and constraints. In many cases a drop-off and pick-up facility will not be suitable or able to be accommodated. Thus the lack of provision will not constitute an overriding constraint].
- the decision on the proposal should await completion of the County Council's review of policies on parking provision for school developments [The review is unlikely to make a difference in this case due to the physically constrained nature of this site, as noted above].

SUMMARY OF PUBLICITY UNDERTAKEN AND KEY ISSUES RAISED BY PUBLIC

The text at the end of the first bullet point in paragraph 26 is repetitive.

SUGGESTION FROM ELMBRIDGE BOROUGH COUNCIL ABOUT A ‘PARK AND STRIDE’ OPTION

The Officers’ report [paragraph 11, point (i)] indicates the response of Officers to the suggestion by Elmbridge Borough Council that the car park at the Molesey Cemetery be used for ‘park and stride’ purposes. Officers consider the existing use to be incompatible with a ‘park and stride’ use associated with the school.

SUSTAINABILITY – BREEAM ASSESSMENT

Paragraph 119 in the Officers’ report notes that the Design and Procurement BREEAM Assessment concludes that a rating of about 84% (exceptional) could be achieved by the new school. However, the outcome is likely to be approximately 60% (very good), a rating which has been achieved for other new schools granted planning permission in the County.

CONDITION RELATING TO THE SCHOOL TRAVEL PLAN

Condition 6 in the Officers’ report is confusing and Officers recommend that the wording be revised.

THE NUMBERING OF PLANNING CONDITIONS

In the final formatting of the report the conditions were inadvertently renumbered. The correct numbering is set out in the table below.

RECOMMENDATIONS

- 1. Deletion of the words “which has narrow and winding roads with no pavements” at the end of the first bullet point in paragraph 26.
- 2. Condition 6 be revised to read as follows:

Within 6 months of the occupation of the development hereby permitted, the School Travel Plan dated January 2014 shall be updated and submitted to the County Planning Authority for approval in writing and thereafter shall be implemented, maintained, monitored and further updated to the satisfaction of the County Planning Authority.

- 3. Condition 12 be amended to read as follows:

No later than six months after the commencement of the development hereby permitted, further details of the landscape planting and habitat creation schemes submitted with the application shall be submitted to the County Planning Authority for approval in writing. Such details shall include:

- (i) Soft Landscape Plans
- (ii) Landscape Management Plan
- (iii) a sectional drawing of the tree pits for the larger trees proposed to be planted along Hurst Road.

- 4. Condition 13 be deleted.
- 5. That the remaining conditions be renumbered as follows:

Conditions in Officers' report	Renumbered conditions
4(b)	3(b)
5	4
6	5
7	6
8	7
9	8
10	9
11	10
12	11
14	12
15	13
16	14
17	15
18	16

6. That the reasons remain as in the report.

UPDATE SHEET**Minerals and waste application MO/2013/0176****Swires Farm, Henfold Lane, Capel, Surrey RH5 4RP**

Open windrow composting facility for green waste comprising: hard standing, weighbridge, 2 portacabin offices, portaloo, internal access road and landscaping.

Description of the Development

1. The description of the development detailed on page 1 of the Officers report is incorrect.
2. On 11 February the applicant submitted a range of amending information in relation to the proposal which included a revised site layout. This revised site layout excluded the landscape bund originally proposed to be located along the southern boundary of the application site. Consequently, with the agreement of the applicant, the description of the development was changed from:

(1) Open windrow composting facility for green waste comprising: hard standing, landscape bund to southern boundary, weighbridge, 2 portacabin offices, portaloo and internal access road

to

(2) Open windrow composting facility for green waste comprising: hard standing, weighbridge, 2 portacabin offices, portaloo, internal access road, and landscaping

3. Mole Valley District Council and all other consultees and interested parties were made aware of this change. However, Officers did not amend the committee report, which was 'work-in-progress' at the time, to reflect this. Consequently, the true and accurate description of the development should read as per (2) above not (1) above.

Additional Condition

4. The terms of the application are that all compost to be produced on the application site shall be used on the agricultural landholding comprising Swires and Lodge Farms. The proposal does not include provision for the export of compost produced on the application site by way of the local highway network nor does it include the commercial sales of compost.
5. So as to secure these terms of the proposal Officers recommend that a further condition is imposed on any permission granted. This additional condition should read:

No compost produced as a result of the development hereby permitted shall be exported from the application site such that it is transported on the public highway nor shall any commercial sales of compost produced on the application site take place. Page 15

Reason: So as to comply with the terms of the application.

Additional Representation

6. Following submission of the final report prepared by Officer to Committee Services, on 9 July 2014, a further letter of objection was sent to the County Planning Authority in respect of the proposal.
7. This letter makes reference to the unsuitability of Mill Road to accommodate vehicles associated with the proposal and raises concerns in respect of the speed of vehicles travelling along the local highway network and the safety risk that they may pose to non-vehicular users of the same. Further concern is raised in respect of the congestion that associated vehicles may cause and the impact the proposal may have on the adjacent Area of Outstanding Natural Beauty.
8. The concerns raised in this letter are common to a significant majority of the letters of objections sent to the County Planning Authority in relation to the proposal. Officers have sought to address these concerns in the relevant sections of the Officers report namely: Highways, Traffic and Access (paragraphs 78 – 113) and Landscape and Visual Impact (paragraphs 195 – 216).
9. Officers do not consider that this additional letter of objection raises any new matters which have not already been considered and addressed by Officers.



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UPDATE SHEET

SURREY COUNTY COUNCIL PROPOSAL EP/13/01703/CMA

DISTRICT(S) EPSOM & EWELL BOROUGH COUNCIL

Land at Stamford Green Primary School, Christ Church Mount, Epsom, Surrey KT19 8LU

Single storey classroom block extension comprising 9 new classrooms and ancillary spaces; new hard surfaced play area and games court; alterations to pedestrian routes within the site and associated external works.

Aerial Photograph

2 amended aerial photographs are attached to be substituted for the existing ones which are not the correct site.

CONSULTATIONS AND PUBLICITY

A further letter of objection has been received (taking the total to 19) which raises similar issues to those that are already summarised in the report.

The petition referred to in paragraph 16 has continued to be signed on a daily basis since the report was finalised and at the time of the production of this update sheet the number of signatures had increased from 191 to 227. The committee will be advised if the number of signatures has increased any further on the day of Committee by presenting officers.

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MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 30 July 2014 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

Members Present:

Mr Keith Taylor (Chairman)
Mr Tim Hall (Vice-Chairman)
Mr Ian Beardsmore
Mr Jonathan Essex
Mrs Margaret Hicks
Mr George Johnson
Mr Christian Mahne
Mr Ernest Mallett MBE
Mr Michael Sydney
Mr Richard Wilson

Apologies:

Mrs Natalie Bramhall
Mrs Carol Coleman

83/14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Carol Coleman and Natalie Bramhall.

84/14 MINUTES OF THE LAST MEETING [Item 2]

It was noted that minutes of the meeting on 16 July 2014 would be confirmed at the meeting on 3 September due to the short timescale between the July meetings.

85/14 PETITIONS [Item 3]

There were none.

86/14 PUBLIC QUESTION TIME [Item 4]

There were none.

87/14 MEMBERS' QUESTION TIME [Item 5]

There were none.

88/14 DECLARATIONS OF INTERESTS [Item 6]

There were none.

89/14 MINERALS/WASTE TA/2013/1799 :MERCERS SOUTH, NUTFIELD, REDHILL, SURREY, RH1 4EU [Item 7]

An update sheet was tabled and is attached as Annex 1.

Declarations of interest:

None

Officers:

Louise Calam, Principal Transport Development Planning Officer
 Nicola Downes, Transport Development Planning Officer
 Nancy El-Shatoury, Principal Lawyer
 Alan Stones, Planning Development Control Team Manager

Speakers:

Dr Sowton, a local resident, made representations in objection to the application. The points he raised included:

- He disputed the accuracy of the assertion in paragraph 152 of the officer report that there is no evidence that dust from the sand extraction and emissions from HGV traffic pose an unacceptable risk to health. He highlighted the published results of international studies which leave no room for doubt about the harm to human health. For example, a study published this year shows the increased chance of coronary heart disease associated with breathing in particulate matter.

Chris Hoskins, a local resident, made representations in objection to the application. The points he raised included:

- He was a chartered civil engineer with expertise in reservoirs. He was unaware of anyone involved in drawing up the planning application having expertise in reservoirs. He argued that the proposals were naive and do not adequately acknowledge risk.
- The proposal retains Glebe Lake as a resource but allows extraction very close to it. There have already been flooding incidents, with levels in Glebe Lake overflowing onto farm land and gardens.

The applicant, Peter Crate of J & J Franks addressed the Committee and raised the following points:

- His company had worked with local residents, councillors and experts in drawing up these proposals. An examination in public had taken place. In 2012 further land had been acquired to provide alternative access to the site.
- The site is needed. There has been a 40% increase in demand for minerals but there is only one soft sand quarry left in Surrey. The Mercers Farms site is the biggest contributor to the Surrey Minerals Plan and will help sustain recovery in the South East.
- While he wasn't a scientist or an expert in dust and HGV emissions, he had been advised that he levels meets with Government Guidance. The company had Environmental accreditation and was regularly upgrading vehicles to meet environmental standards.

- Reservoirs are defined as man-made voids. The speaker Chris Hoskins had agreed that Glebe Lake was not a reservoir in a letter on the application. Glebe Lake is a key part of the site and will be actively managed during site operations. As the quarry approaches Glebe Lake, new measures will be put in place based on technical advice.

The local Member, Helena Windsor addressed the committee and raised the following points:

- The application was being considered on a date when many people are away on holiday. Two Parish Councils had requested an adjournment but this had not been granted.
- The report shows the Nutfield Marsh Residents Group as having had no comment but they had commented by the deadline.
- The village to the east of the site would continue to be blighted even with an alternative access route in place. While the access route would bypass Godstone Village (a historic village), it would go east through Bletchingley which has a number of listed buildings and the Godstone Triangle. She queried if there was enough information about the size and weight of the HGVs and the impact on local residents. She also asked if any work had been done to look at other alternatives.
- Sutton and East Surrey Water plc continue to voice concerns about hydrology impacts. This had been consistently raised throughout the public inquiry.

Key points raised during the discussion:

1. The Planning Development Control Team Manager introduced the report and stressed that the application was for planning permission for a temporary period. In response to technical concerns which had been raised, the Planning Development Control Team Manager highlighted that there had been no objections from the council's technical consultants or the Environment Agency, subject to certain conditions being in place. He reminded the committee that it should assume that other regulatory regimes are working correctly and that sufficient controls will be in place.
2. The Chairman informed observers that the committee had undertaken a site visit to Mercer South and that this had been well-attended.
3. A Member highlighted the environmental impact of quarrying and that sustainable impacts should be a golden thread through all plans.
4. It was commented that HGV traffic from the site was previously expected to travel along Nutfield Marsh Road and Cormongers Lane, and Cormongers Lane joins the A25 where the speed limit is 30mph. The proposed new access that is to be constructed from the site will join the A25 where the speed limit is 40mph. So it was questioned whether the new access would be safer because of the higher speed limit at this point. The Transport Development Planning Officer responded that a speed survey has been carried out along the A25 in the location of the new access, and the visibility splays at the new access have been designed in accordance with the 85th percentile speeds recorded during the survey. The proposed access is therefore considered to be safe and appropriate for the speed of traffic along

- this section of the A25. The Chairman suggested that speed limits should be considered at the local committee.
5. It was suggested that Phase 4 could be refused as this brings the travelling dust within reach of the nearest residents. The Planning Development Control Team Manager highlighted a proposed pre-commencement condition to set up a dust monitoring scheme. This will pick up both nuisance dust and dust which has an impact on health. This will lead to an Action Plan which can be tweaked over time. It will be a living document and set up controls on dust.
 6. A Member suggested that in a letter at the beginning of July, the Environment Agency had maintained an objection. He queried whether this was withdrawn. He also highlighted the objections of Sutton and East Surrey Water plc. The Planning Development Control Team Manager confirmed that the Environment Agency has no objection to the proposal. The letter from February which was acknowledged as received by Tandridge District Council on 3 July was just asking for clarification. He said that the committee should note the concerns of the water company but stressed that the key test was the views of the Environment Agency, as this is the statutory consultee. This was backed by the Planning Inspector at the Public Inquiry.
 7. Officers confirmed that residents do not have a right to a view.
 8. It was suggested that Tandridge District Council be asked to monitor pollution across a wider area to assure residents about pollution levels and the impact to health. The Planning Development Control Team Manager explained that borough and district councils interpret their responsibilities with regard to environmental health differently.
 9. A Member suggested that a liaison group be set up between the applicant and local residents. The Planning Development Control Team Manager stated that liaison group would be expected for a site of this size. It cannot be conditioned but is recommended in the Statement of Community Involvement.
 10. The Planning Development Control Team Manager confirmed that the planning application was for a time-limited period. The end date was 2036.
 11. A member of the committee described the application as exemplary and highlighted that the long term average concentration of PM₁₀ is well below the long-term Air Quality Strategy objective. He pointed out that throughout Surrey there was extraction of minerals and traffic. The pollution should be judged against the background pollution and the site is adjacent to a highway.
 12. It was pointed out that an alternative route would be the Haul Road from the M25 but this would also attract many objections. It was also highlighted that the A25 was the major road out of the south west before the M25 was built and therefore can handle the proposed increase in traffic. Another Member pointed out that the M25 was built because the A25 was felt to be inadequate. Road designations cannot be set in stone.
 13. A Member queried what would happen if monitors were to show an excessive amount of dust and pollution which is hazardous to health. The Planning Development Control Team Manager explained that the monitoring scheme specifies where the apparatus would be located and how data should be collected. An action plan would be created, eg to include a requirement to keep the haul road wet. Standards would be set eg on how many times the limit could be exceeded within

a year. The action plan would be amended as the development progresses. This is a retrospective control but it gathers a collective body of information over time.

14. A Member reminded the committee that generally it was encouraged not to look at the big picture with regard to planning applications although there was a lot of discussion with regard to the contribution of this site to the Minerals Plan. However, he agreed that the application was of a better quality than many others he had experience of.
15. Planning Condition 8 with regard to allowing an average of 150 HGV movements per day, not exceeding 240 movements on a single day was queried. It was suggested that the movements be limited to no more than 150 on a single day. The Chairman responded that it was normal practice to condition average movements but allow for peaks. The Transport Development Planning Officer confirmed that seasonal activity would result in more or less movements at different times of the year. The Planning Development Control Team Manager informed the committee that the Planning Inquiry had agreed with the limits being proposed and it would be unreasonable to put further limits on.
16. The Chairman addressed the concern expressed about the timing of the committee meeting. He explained that it was coincidence that it had come to the meeting at the end of July and that all applications were brought to committee as soon as possible following the end of the public consultation. He also highlighted the Update Sheet which addressed late representations.

Actions/Further information to be provided:

None

RESOLVED:

That the application be PERMITTED subject to conditions, for the reasons stated in the report.

90/14 SURREY COUNTY COUNCIL PROPOSAL EL2014/2144: LAND AT HURST PARK PRIMARY SCHOOL, HURST ROAD, WEST MOLESEY, SURREY KT8 1QW [Item 8]

An update sheet was tabled and is attached as Annex 2.

As items 8 and 9 deal with retrospective applications, the Chairman asked the Principal Lawyer to explain the legal situation. The Principal Lawyer explained that Section 73A of the Town and Country Planning Act 1990 clarifies that a retrospective planning application must be dealt with as if it is a conventional planning application. Being retrospective is not grounds for refusal.

Declarations of interest:

None

Officers:

Louise Calam, Principal Transport Development Planning Officer
 Nicola Downes, Transport Development Planning Officer
 Nancy El-Shatoury, Principal Lawyer
 Alan Stones, Planning Development Control Team Manager

Speakers:

John Lewis, a local resident, made representations in objection to the application. The points he raised included:

- The demountable unit had already been built and therefore the conditions being imposed were nonsense.
- He suggested an additional condition that the side gate be closed or additional parking restrictions are put in place which are enforced by Elmbridge Borough Council.
- More residents would have liked to attend and speak to the committee but due to the timing of the meeting they are on holiday.
- Many parents park on kerbs.
- A neighbour who is a midwife had been blocked into her drive by a parent and so could not get to an emergency birth. The parent's response to was to shout abuse.

Sue Ebbinghaus, a local resident, made representations in objection to the application. The points she raised included:

- She had lived in Garrick Gardens for many years. Over time it had changed as the school had grown and traffic had increased.
- Cars blocking driveways had led to residents missing trains and GP appointments. She had had to arrange a funeral around timing for school traffic.
- Parents can be abusive when challenged.

Jo Wales, a local resident, made representations in objection to the application. The points she raised included:

- She had been a teacher at Hurst Park School and her son had attended it. Traffic and parking had been a perennial issue.
- The current difficulty was the result of Surrey County Council policies. In the past school land had been sold to build houses. As a result there are now not enough school places and schools are being expanded to cope.
- The nursery is opened and closed twice a day which results in traffic and parking problems throughout the day.

The local Member, Ernest Mallett, wished to participate as part of the committee rather than speak as the local Member.

Key points raised during the discussion:

1. The Planning Development Control Team Manager introduced the report.
2. The local Member informed the committee that parking restrictions had previously been put into Garrick Gardens. Most of Garrick Gardens has dropped kerbs and there are yellow lines where they aren't dropped. The issue is one of enforcement. Further restrictions would be to the detriment of residents and their guests. He highlighted the new Hurst Park School which would lead to this site being closed and would therefore relieve residents of this problem in the medium term. He argued that shutting the side gate would lead to a dangerous

situation at the Hurst Road entrance to the site. He also explained that school sites had been disposed of during a drop in birth rates and that there had recently been an increase in birth rates leading to the need for more school places.

3. It was suggested that a liaison group between residents and the school would help address issues.
4. Concern was expressed about schools being expanded into 'giant' schools with people being forced to travel further and therefore making Surrey more car-dependent.
5. Members felt that the committee was in a difficult position as it could not vote against an application where pupils are waiting for school places. The Principal Lawyer clarified that Members must decide based on the information in front of them and not be bound by the application being retrospective or feeling that there is any pressure on them.
6. The recycling potential of demountable buildings was queried. The Planning Development Control Team Manager explained that the committee could require that a demountable building be removed but not that it be reused. The Chairman suggested that the committee had to assume that Property would seek to reuse demountable buildings.

Actions/Further information to be provided:

None

RESOLVED:

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application number EL2014/2144 be PERMITTED subject to conditions, for the reasons set out in the report.

91/14 SURREY COUNTY COUNCIL PROPOSAL EP14/00362: LAND AT THE VALE PRIMARY SCHOOL, BEACONSFIELD ROAD, LANGLEY VALE, EPSOM, SURREY KT18 6HP [Item 9]

An update sheet was tabled and is attached as Annex 3.

Declarations of interest:

None

Officers:

Louise Calam, Principal Transport Development Planning Officer
 Nicola Downes, Transport Development Planning Officer
 Nancy El-Shatoury, Principal Lawyer
 Alan Stones, Planning Development Control Team Manager

Speakers:

Chris Frost, a local resident, made representations in objection to the application. The points he raised included:

- He had been the local County Councillor when the school was built. The officer report had recommended that permission be refused because of residential amenity issues. The concerns were overcome with the addition of a condition to limit the number of cars parked

outside the school to 30. Local residents were told that the school would not be able to expand as the site was too small.

- There was impact on residential amenity into the evenings because of parents' evenings etc.
- He highlighted the reduction in parking for staff. This was formally being reduced by three spaces but in fact was being reduced by five spaces as two further members of staff were currently able to park in informal car parking spaces.

Liz Frost, a local resident, made representations in objection to the application. The points she raised included:

- When the school had been built, residents had been assured that the site was too small for expansion.
- Conditions on parking had not been complied with or enforced.
- The school is situated at the top of a steep, narrow cul de sac. As it takes time to load and unload children, and cars are blocked from leaving by cars trying to reach the school, many parents simply park across driveways etc.
- There had been near misses between cars and this is a dangerous situation for pedestrians, especially children. An additional 30 children implies that they will be coming from outside the village and will therefore be driven to school.
- The School Travel Plan had not been complied with.

The local Member, Tina Mountain, had not registered to speak.

Key points raised during the discussion:

1. The Planning Development Control Team Manager introduced the report. He explained that this was an application for a temporary permission to deal with a bulge in a single year. The current capacity for the school would not be reached even when taking account of the bulge.
2. Members queried whether a temporary period of seven years was sufficient. Officers explained that seven years would see the bulge year group through primary school. The Chairman informed the committee that the school was not obliged to keep the demountable for the full seven years if it is found that it is no longer required.
3. A Member argued that allowing six months from occupation of the development for the submission of a school travel plan was too long. To have value it should be submitted by the start of the school year. The Planning Development Control Team Manager felt that this would be an unreasonable requirement given the short time this would allow for the plan to be developed. The Chairman stressed that the priority should not be for the school travel plan to be produced as soon as possible but for it to get proper buy-in from all those involved.
4. Members queried whether the demountable could be relocated so as to not block the car parking spaces. The Planning Development Control Team Manager informed the committee that there were no other options for locating the unit.

Actions/Further information to be provided:

None

RESOLVED:

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application number EP14/00362 be PERMITTED subject to conditions, for the reasons set out in the report.

92/14 ARRANGEMENTS FOR PRE APPLICATION GUIDANCE AND LOCAL FEE SETTING FOR COUNTY COUNCIL MATTER DEVELOPMENT [Item 10]

Declarations of interest:

None

Officers:

Nancy El-Shatoury, Principal Lawyer

Alan Stones, Planning Development Control Team Manager

Key points raised during the discussion:

- The Planning Development Control Team Manager introduced the report. He clarified that local authorities were able to recover costs incurred in providing pre-application advice but not to make a profit. In charges being recommended are comparable to what other local authorities have although where local authorities are reviewing their schemes they are finding that have under- rather than over-estimated costs.
- Members queried whether the charges proposed fully reflect the service provided. It appears that applicants are getting a good deal. It was also queried whether a free level one should be offered or if there should be a nominal fee for level one which is offset against other levels of advice. The Planning Development Control Team Manager explained that the charges replicates what other local authorities are doing. It was not possible to charge for information which the planning service is obliged to provide. A reasonable level of service is being offered for free and gives an entree into the service.
- There was concern that tax-payers already pay for the planning service and applicants pay a substantial planning fee. It was suggested that once charges are introduced they tend to increase rather than decrease.
- Members queried whether there would be any charge to objectors requesting information. The Planning Development Control Team Manager informed the committee that there was no proposal to charge objectors for information. They can generally access all the information they need already and can also utilise Freedom of Information requests.
- There was concern about blurring the division between poacher and gamekeeper. If applicants paid for pre-application work and the application is then reviewed by the same planning officer, would any advice be publicly available. The Planning Development Control Team Manager explained that information is likely to be publicly available unless it is exempt for financial reasons. With regard to consultants having a conflict of interest, they would have to declare an interest and the Council would call in a fall-back consultant.

Actions/Further information to be provided:

None

RESOLVED:

To APPROVE the implementation of the proposed pre-application guidance procedures and charging scheme to be introduced by the 15 September 2014, and to be reviewed after the first year and thereafter as appropriate.

93/14 ENFORCEMENT & MONITORING UPDATE REPORT [Item 11]

Photographs were tabled and are attached as Annex 4.

Declarations of interest:

None

Officers:

Nancy El-Shatoury, Principal Lawyer

Ian Gray, Principal Planning Enforcement Officer

Alan Stones, Planning Development Control Team Manager

Key points raised during the discussion:

1. The Principal Planning Enforcement Officer introduced the report and explained the photographs.
2. Members welcomed the report and asked if it would be possible to be brought an update on a quarterly basis. Officers explained that this would be administratively onerous and would take resources away from enforcement action.
3. The Principal Planning Enforcement Officer confirmed that he was getting co-operation from local enforcement officers. He explained that all councils were under the same pressures and support will fluctuate over time. If he had any particular issues he was able to raise them with the Planning Development Control Team Manager.
4. Officers informed Members that the planning service has no control over where material is moved to. In the past enforcement notices had attempted to include this but the Planning Inspector had said that this was not in the council's authority. However, the Environment Agency is encouraged to check where the material is going so that it isn't just moved to another problem site.

Actions/Further information to be provided:

None

RESOLVED:

To NOTE the Enforcement and Monitoring Update Report.

94/14 DATE OF NEXT MEETING [Item 12]

The date of the next meeting was noted.

Meeting closed at 3.15 pm

Chairman

Planning & Regulatory Committee 30 July 2014

UPDATE SHEET TO AGENDA ITEM 7

Minerals & Waste Application: TA/2013/1799

Mercers South, Nutfield, Redhill, Surrey, RH1 4EU

Extraction and screening of sand from Mercers South with progressive restoration to agriculture using inert waste materials, together with: the construction of a new dedicated internal access from the A25; screening bunds; the provision of a welfare/office block and mobile home to accommodate staff and security personnel; a wheelwash, weighbridge and associated office; car parking area; reinstatement of rights of way network, woodland, historic hedgerows and ditch to include landscape and ecological enhancements, on a site of 52.2 ha and the temporary diversion of public footpath 173 for the duration of the operations.

CONSULTATIONS AND PUBLICITY

Parish /Town Council and Amenity Groups

44 Nutfield Marsh Residents Group

Object. Raise the following comments:

- Air pollution – health risk from emissions due to increased HGV traffic, odour,
- Transport - safety through narrow sections of A25 in Nutfield, Godstone and Bletchingley, vibration from HGVs and damage to our heritage, safety for cyclists, risk to users of M23 from sand and dust, parking of HGVs out of hours,
- Landscape Impact – adverse impact on local amenity groups, loss of trees and tranquillity, significantly would affect distinctive character adjacent to AONB and AGLV,
- Wildlife – detriment to local wildlife, in particular bats, great crested newts, snakes, badgers and deer,
- Hydrology – present extreme weather has seen local flooding, concerns over pumping of water on flooding, detriment to watertable and potential pollution from neighbouring landfills
- Bunds and Clay Storage Area - will cause noise, dust and disturbance to local properties, contribute to flooding, clay storage up to 6m and visible from surrounding areas
- Hours of working – light pollution from winter working, Saturday working impinges on quality of life

(Officer comment: The above issues have already been covered within the report)

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**PLANNING AND REGULATORY COMMITTEE
30 JULY 2014
UPDATE TO AGENDA ITEM 8**

**SURREY COUNTY COUNCIL REGULATION 3 APPLICATION: EL2014/2144
LAND AT HURST PARK PRIMARY SCHOOL, HURST ROAD, WEST MOLESEY,
SURREY KT8 1QW**

**INSTALLATION OF DEMOUNTABLE UNIT COMPRISING TWO CLASSROOMS
FOR A TEMPORARY PERIOD OF 3 YEARS.**

PLANNING CONSIDERATIONS

The references to the Development Plan documents and policies under the heading of Impact on Residential Amenity (following paragraph 24 in the Officers' report) should be amended to read as follows:

Elmbridge Core Strategy 2011

Policy CS 11 – Local Character and Design

Replacement Elmbridge Borough Local Plan 2000

Policy COM4 – Provision of Educational Facilities

CONDITION 1 AND REASON – Temporary Permission

Condition 1 needs amending to relate to the temporary modular building. The reason requires re-wording appropriately. The revised wording by Officers is as follows:

Condition 1 The classroom building hereby permitted is for a temporary period of three years from the date of this decision.

Reason To reflect the terms of the application and in the interests of the amenities and environment of the local area pursuant to Policy COM4 of the Replacement Elmbridge Borough Local Plan 2000.

CONDITION REGARDING HOURS OF CONSTRUCTION ACTIVITY

A complaint has been received from a local resident about the hours of construction activity extending beyond those normally allowed. An additional planning condition and reason are needed to regulate the situation. The wording recommended is as follows:

Condition 7 In carrying out the development hereby permitted, no construction activities shall take place except between the hours of 8.00 and 18.00 between Mondays and Fridays and between 8.00 and 13.00 on Saturdays. There shall be no working on Sundays or bank and public/national holidays.

Reason In the interests of the amenities of the area pursuant to Policy CS 17 of the Elmbridge Core Strategy 2011 and Policy COM4 of the Replacement Elmbridge Borough Local Plan 2000.

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**PLANNING AND REGULATORY COMMITTEE
30 JULY 2014
UPDATE TO AGENDA ITEM 9**

**SURREY COUNTY COUNCIL REGULATION 3 APPLICATION: EP14/00362
LAND AT THE VALE PRIMARY SCHOOL, BEACONSFIELD ROAD, LANGLEY
VALE, EPSOM, SURREY KT18 6HP**

**INSTALLATION OF DEMOUNTABLE CLASSROOM UNIT COMPRISING ONE
CLASSROOM AND ANCILLARY FACILITIES FOR A TEMPORARY PERIOD OF 7
YEARS.**

FURTHER INFORMATION FROM THE APPLICANT

The applicant has provided the following additional information relating to the proposed development. The comment of Officers follows each point.

- The site is restricted and the loss of 2 parking spaces is regrettable but unavoidable. Officer comment: It is agreed that the constraints of the site make this loss unavoidable. It is considered that the loss will not make the on-street parking situation significantly worse and that the impact on residential amenity can be mitigated satisfactorily by applying planning conditions (see paragraph 39 of the officer's report).
- The school has a capacity of 210 pupils. The enrolment is currently less than this number and this capacity will not be reached even with the increase by up to 30 pupils as a result of the current 'bulge'. It is expected that 11 rather than 30 additional pupils will be admitted to the school in September 2014. Officer comment: The potential physical capacity is for 30 additional pupils.
- The development is expected to result in an increase in staff numbers from 41 to 42 or 43, comprising a full time teacher and potentially a part time teaching assistant. Officer comment: It is considered that as with the decrease in 2 parking spaces noted above, the increased staffing level will have a small but manageable effect.
- The County Council's Environmental Sustainability Community Engagement Team has recently been commissioned to review and update the School Travel Plan (STP) at this school, to enable a new STP to be prepared and implemented in the autumn of this year. Officer comment: It is the understanding of Officers that there is no current STP. The County Highway Authority, endorsed by planning officers, recommends that a new STP be prepared and submitted to the County Planning Authority for written approval, followed by the implementation, monitoring and updating of the STP (see paragraphs 38 to 40 of the officers' report). Condition 4 requires the STP to be submitted within 6 months of the occupation of the demountable unit. Implementation of the STP will be an ongoing process.
- The development will not result in a loss of external play space. Officer comment: The footprint of the new building is mostly occupied currently by the 2 parking spaces, a bin store and a shelter. It is therefore unlikely that the area is not used as play space.

FURTHER REPRESENTATIONS

Four additional representations have been received since the officers' report was completed. The points raised are outlined below, followed by the comment of Officers:

- The development will exacerbate existing traffic congestion and parking issues, especially for access by emergency vehicles, refuse lorries and race horses. Residents' drives will continue to be obstructed. Officer comment: Paragraphs 37 to 40 in the officers' report deal with the transportation impacts of the proposal, paragraph 39 noting the particular importance of the School Travel Plan (STP) in keeping the impacts of traffic and parking on local residential amenity to an acceptable level. Condition 4 requires the submission of a School Travel Plan to the County Planning Authority (CPA) for its approval (by means of a subsequent planning application), followed by the implementation, maintenance, monitoring and updating of the STP, to the satisfaction of the CPA. The advice of the County Highway Authority (CHA) will be sought on the details contained in the STP and any planning conditions needed to ensure its effectiveness.
- Suggestions that the School Travel Plan (STP) should also cover the operation of a minibus service from September 2014 (possibility from the village hall to and from the school), staff members using this service, car sharing, a 'walking bus', parents living in the village walking their children to and from school, the school managing and enforcing traffic and parking at evening and weekend events. Officer comment: see above.
- The County Council should monitor the measures in the STP each term and have the results placed on the Council's web site. Officer comment: The CPA together with the CHA will decide on how the STP can best be monitored and whether any planning conditions are needed.
- Inequitable enforcement of parking restrictions on local roads [residents sometimes receiving fines when parents do not]. Officer comment: This enforcement is not within the remit of the County Planning Authority but is the responsibility of the Borough Council and the Police.
- The loss of on-site car parking including 2 'unofficial' spaces has made the parking situation worse. Officer comment: Paragraph 39 in the officers' report concludes that the potential adverse effect on residential amenity due to transportation implications (including on-street parking) can be mitigated satisfactorily by the imposition of planning conditions. Officers recommend an additional condition requiring the removal of the new building after the 7 year period has expired, followed by the reinstatement of the hardstanding on which the building is being erected. This will enable resumption of the parking use of this area.
- A number of requirements in Conditions 8, 9 and 10 of the planning permission for the original school have not been complied with (including the monitoring of on-street parking, and the operation of a 'park and ride' minibus service. Officer comment: The aspect of the original planning conditions is considered in paragraphs 46 and 47 of the officers' report.
- The school should spread open evenings over a greater number of days. Officer comment: An Informative is recommended encouraging this to be done (see below).
- The continuing deterioration of local roads will be made worse. Officer comment: Paragraph 38 in the officers' report concludes that the relatively small number of additional vehicles generated by the proposed development will not unduly worsen the existing condition of the local roads.

- Residents having their human rights ignored by only being advised of the proposed development in June and not having an opportunity to have an input into the project. Officer comment: The aspects of consultation with and notification of neighbours is considered in paragraph 50 of the officers' report. Paragraphs 52 and 53 consider the human rights implications of the proposal.
- The erection of the new building occurring prior to planning permission being granted. Officer comment: See paragraph 51 in the officers' report.
- The suggestion that the Committee refuse the application on grounds of lack of control by the school over traffic generation and because there is no existing STP as required by the planning permission for the original school. Officer comment: The officers' report recommends the proposed development for permission based on educational need, parental preferences and an analysis of potential alternative sites, and the officers' view that planning conditions will satisfactorily ameliorate the adverse impacts on residential amenity of increased traffic congestion and pressure for on-street parking.
- The assumption that if planning permission is refused, the building will be removed. Officer comment: See the Officer comment immediately above.
- A follow-up to a previous Freedom of Information (FOI) request has been made, asking for details to be provided of all monitoring information relating to the STP submitted with the original planning application. Officer comment: The FOI process is separate from the planning process.

CONDITION 1 AND REASON – Temporary Permission

Condition 1 needs amending to relate to the temporary modular building and to require the hardstanding on which the building is being erected to be restored to enable the parking of cars. The reason requires re-wording appropriately. The revised wording recommended by officers is as follows:

Condition 1 The classroom building hereby permitted is for a temporary period of seven years from the date of this decision, on or before which date the building shall be removed and the land restored to hardstanding.

Reason To reflect the terms of the application and in the interests of the amenities and environment of the local area pursuant to Policies CF1 and CF4 of the Epsom and Ewell District-wide Local Plan 2000.

INFORMATIVE

In response to a suggestion made by a local resident in a recently received representation (see above) it is recommended that an additional Informative be added in response to a suggestion from a local resident as noted above.

Informative 4. It is suggested that the school seek to increase the number evenings when open evenings and similar events held after normal school hours, in order to reduce traffic congestion and pressure for parking on local roads.

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**Fig 1 : Adams Bristow Yard:
Unauthorised storage of inert waste and skip waste.**



Fig 2 : Unauthorised storage of both inert and skip waste.



Fig 3 : Site cleared of all inert and skip waste.



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Fig 4 : Site cleared.



Fig 5 : Barnfield: Unauthorised waste deposit, transfer & disposal - 2009.



Fig 6 : Unauthorised waste deposit, transfer & disposal – 2010.



Fig 7 : Unauthorised waste deposit, transfer & disposal – 2010.



**Fig 8 : Unauthorised waste deposit, transfer & disposal – 2010.
Starting to reduce the ground levels around the beech tree where
waste has been tipped**



**Fig 9 : Unauthorised waste deposit, transfer & disposal – 2012.
Skips & waste cleared, just the hardcore remaining.**



**Fig 10 : Field Common South – A total of 5 Yrs +
from establishing the breach to remediation.**

Woodyard: timber & composting.



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Scrapyard & breaking.



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Fig 11 :

Landscaper contractors yard



Log storage area



Fig 12 :

Timber burning, soil & hardcore tipping area.



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Clearance of this area



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Fig 13 :

Area of land raising at rear of lake.



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Landscape contractor's compound.



**Fig 14 : Two companies with adjacent skip yards:
used for waste deposit, transfer & recycling.**





Fig 15 :



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Fig 16 :



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Fig 17 : Ecologically beneficial woodpiles





Fig 18 :



Fig 19 : Regeneration of the area that had been landraised within the willow copse.



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**Fig 20 : Hurtmore Golf Course -
Access track: removed and restored.**



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Fig 21 : A total expenditure of £1.2M + spent on site remediation.

Large bund removed and depression reinstated



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ITEM NO

TO: PLANNING & REGULATORY COMMITTEE DATE: 3 September 2014
 BY: PLANNING DEVELOPMENT CONTROL TEAM
 MANAGER
 DISTRICT(S) WAVERLEY BOROUGH COUNCIL ELECTORAL DIVISION(S):
 Farnham South
 Mr Munro

PURPOSE: FOR DECISION GRID REF: 481853 144647

TITLE: MINERALS/WASTE WA/2014/0005

SUMMARY REPORT

Alton Road Sandpit, Farnham, Surrey, GU10 5EL.

Extraction of sand (770,000 tonnes) and clay (512,000 cubic metres) from a site of 36.2 ha; filling of existing and resultant void with (2.6 million cubic metres) non-hazardous industrial, commercial, household and inert waste; installation of plant and equipment; alterations to existing site access onto A31; and comprehensive restoration of the site over a period of 11.5 years without compliance with Condition 1 of planning permission ref. WA99/0223 to allow the development be completed in all respects not later than 31 December 2029.

The application site lies to the south of the Alton Road (A31) between the Farnham to Alton railway line, which runs the full length of the north western boundary of the site, and the settlement of Wrecclesham. To the north-east of the site is a recreation ground, beyond which lies the residential area known as 'Riverdale', and at the south-west end of the site are a small number of larger residential properties in Holt Pound Lane. The site is 36.2 hectares in size and is identified as an Area of Great Landscape Value, Countryside beyond the Green Belt and an Area for Landscape Improvement in the Waverley Borough Local Plan 2002. The South Downs National Park boundary is 170 metres to the south-west of the site.

On 13 September 2002 planning permission ref WA99/0223 was granted for extraction of sand (770,000 tonnes) and clay (512,000m³) from a site of 36.2 hectares; filling of existing and resultant void with (2.6m³) non-hazardous industrial, commercial, household and inert waste; installation of plant and equipment, alterations to existing site access onto the A31; and comprehensive restoration of the site over a period of 11.5 years.

Planning permission ref. WA99/0223 was subject to a number of conditions covering archaeology, leachate management, ground and surface water control, tree fencing, pond and ditch design and ecology requiring the submission of details to be agreed before the development was started. These conditions were subsequently discharged by Surrey County Council and development was commenced in July 2004. However, only limited progress was made and the site has lain dormant. Condition 1 of planning permission ref. WA99/0223 required development to be completed in all respects (i.e. including the final comprehensive restoration following extraction and filling) not later than 31 December 2013.

The applicant proposes, via Section 73 of the Town and Country Planning Act 1990, to carry out work without compliance with Condition 1 of planning permission ref WA99/0223 and comprehensively restore the site over a period of 11.5 years and completed in all respects not

later than 31 December 2029. The applicant proposes filling of existing and resultant void with inert waste only, rather than non-hazardous industrial, commercial and household waste, and would accept a condition to restrict this. A Waste Permit was issued by the Environment Agency on 18 June 2014, for the proposed new extraction and infilling development; a separate process/ regime from this planning application. The Permit specifies that waste shall only be accepted for disposal if they are inert and not liquid, and the origin of all waste must be known.

There have been a number of objections to the application. The application site also includes an area of semi-natural ancient woodland, which would be lost as a consequence of the scheme permitted under planning permission ref WA99/0223 (though replacement tree planting would form part of the comprehensive restoration). However, Officers consider that there is need for mineral extraction and inert landfill and that the impacts resulting from the recommencement of operations and restoration completion at the site can be adequately mitigated. This application would also help secure restoration of the site to a higher standard, which takes into account the ecology that has matured on the site. Officers consider that the amount of mineral extraction, type of waste used to infill and time period for complete restoration can be enforced through conditions. The County Environmental Assessment Officer confirms that the submitted Environmental Statement is of sufficient quality to inform the determination of this planning application. Notwithstanding that the site has lain dormant since the commencement of planning permission ref WA99/0223, Officers consider that the proposed extraction and infilling and comprehensive restoration of the site over a period of 11.5 years complies with relevant development plan policies and the National Planning Policy Framework 2012.

The recommendation is that subject to

- the prior completion of a Legal Agreement with the applicant and landowners to secure the long term (20 years in addition to the 5 year aftercare scheme) management, maintenance and aftercare of the application site, edged red and blue, as denoted on the application site plan (Drawing ref: ALTONRD1309/Drawing No 2/ Revision B), through the preparation of a ecological enhancement and woodland management plan in accordance with the draft Heads of Agreement set out in Appendix 1 to the report,

to PERMIT subject to conditions.

APPLICATION DETAILS

Applicant

Earthline Ltd

Date application valid

12 November 2013

Period for Determination

4 March 2014 (extension until 31 October 2014)

Amending Documents

- Dust & Air Quality Addendum by DustScan, dated March 2014
- Landfill Gas Impact Assessment Addendum by Geotechnology Limited, dated April 2014.
- Stability and Materials Balance report by GWP Consultants LLP, dated April 2014.
- Human Health Assessment report by Remada, dated April 2014
- Water Environment Addendum (v.02) by GWP Consultants LLP, dated 23 May 2014.
- Email from Rob Dance Planning, dated 27 June 2014
- Draft Heads of Agreement, received 15 August 2014

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Extraction & Landfilling Issues	Yes	69-134
Restoration Issues	Yes	135-145
Highways, Traffic & Access	Yes	146-155
Air Quality: Landfill Gas, Dust, Odour	Yes	163-191
Ecology & Ancient Woodland	Yes	192-221
Flood Risk, Water Quality, Groundwater, Land Contamination	Yes	222-237
Landscape & Visual Amenity	Yes	238-255
Noise & Vibration	Yes	256-262
Lighting	Yes	263-264
Cultural Heritage	Yes	265-271
Bird Hazard	Yes	272
Cumulative Impact	Yes	273-276
Other Issues	Yes	277-284

ILLUSTRATIVE MATERIAL

Site Plan

- Plan 1 – Application site plan (Drawing Ref 1309/2 Revision B)
- Plan 2 – Existing site land use plan (Drawing Ref 1309/5 Revision B)
- Plan 3 – Sand extraction phasing plan (Drawing Ref 1309/6 Revision B)
- Plan 4 – Landfill development phasing (Drawing Ref 1309/7 Revision B)
- Plan 5 – Restoration details (Drawing Ref 1309/8 Revision B)
- Plan 6 – Waste Permit area and planning boundary (for reference only)

Site Photographs

- Figure 1 – View of southeast landfill area (Block 2) facing southwest from footpath
- Figure 2 – View of existing mineral void (Block 3), facing southwest from footbridge
- Figure 3 – View of western fields (Block 4), facing east from footpath
- Figure 4 – View of existing mineral void (Block 3) facing southwest from footpath
- Figure 5 – View of existing mineral void (Block 3) facing northeast from quarry bank

Appendices

- Appendix 1 – Draft Heads of Terms, received 15 August 2014
-

BACKGROUND

Site Description

- 1 The application site lies to the south of the Alton Road (A31) between the Farnham to Alton railway line, which runs the full length of the north western boundary of the site, and the settlement of Wrecclesham. To the north-east of the site is a recreation ground beyond which lies the residential area known as 'Riverdale'. At the south-west end of the site are located a small number of larger residential properties in Holt Pound Lane which is situated within Hampshire. Between the southern end of the site and residential properties in Wrecclesham Hill lies a wooded area.
- 2 The site is 36.2 hectares in size and sits within a landscape which slopes generally downwards from south-east to north-west. Otherwise the site is bounded by gardens of

dwellings in Riverdale (far north east of the site) and Wrecclesham, playing fields and allotments (south east), designated semi ancient woodland and scrubland of the Wrecclesham Hill area (south east boundary), and the grounds of properties on Holt Pound Lane (south western boundary). The nearest dwellings to the site are at Willey Mill Cottages some 100 metres west of the access road, in Riverdale some 30 metres from the edge of the site, along Holt Pound Lane some 60 metres and a house off Wrecclesham Hill some 75 metres from the site boundary.

- 3 The site is accessed by a narrow track off the A31 across the River Wey meadows and through a tunnel underneath the railway line. In close proximity to the site access, to the south-west, lie a row of cottages abutting the A31. The site is identified as an Area of Great Landscape Value, Countryside beyond the Green Belt and an Area for Landscape Improvement in the Waverley Borough Local Plan 2002. The South Downs National Park boundary is 170 metres to the south-west of the site. The application site also includes an area of semi-natural ancient woodland, which would be lost as a consequence of the scheme permitted under planning permission ref WA99/0223 (though replacement tree planting would form part of the comprehensive restoration).
- 4 For ease of description, the applicant has divided the 36.2 hectares site into 5 blocks: 1) Riverdale, 2) South East Landfilled Area, 3) Existing Mineral Void, 4) Holt Farm Western Fields, and 5) Woodland and Scrub. These blocks are shown on attached Plan 2.

Block 1 Riverdale

- 5 This land was landfilled with household, commercial and industrial waste and last received waste some 20 years ago. It has naturally re-vegetated with rough grass and scrub and is used informally without authority by the public for dog walking and similar recreational activity. This land has a gas collection system with occasional exposed installation/monitoring points (Officers discuss the present monitoring of landfill gas and responsibilities later in this report). It is bounded on all sides by trees and hedgerows. Public footpath number 16 runs along its south eastern boundary the other side of which lie the allotments, football/rugby pitches, a club house and related car parking. The back gardens of 8 or so dwellings adjoin the extreme north east edge of the site. The railway line abuts its north western boundary. The applicant proposes that this land would be made up to approved restoration levels which are similar to original ground levels using clay from within the application site, and then restored to grassland together with tree and shrub planting, for informal recreation.

Block 2 South East Landfill Area

- 6 Like Riverdale, this land was filled with household and other wastes and last received waste some 20 years ago. It contains the landfill gas extraction plant which extracts gas from this area and Riverdale Block 1. The plant is set down within the site, thus screened by the surrounding tipped areas. The plant is accessed from an internal haul road which runs directly from the main site access. Footpath 16 continues through this part of the site adjacent to the landfill gas plant and over a pedestrian bridge, linking Riverdale to a pathway (alongside footpath 16) alongside the railway line. The south eastern boundary is contained by mature woodland beyond which lie houses and other properties along Wrecclesham Hill. The applicant proposes that this land would be surcharged with clays from within the application site and made up to approved restoration levels similar to original ground levels. The land would be restored to grassland with tree/shrub planting, except for the landfill gas plant and compound which would remain.

Block 3 Existing Mineral Void

- 7 This land has been excavated for sand and clay and left unfilled. It is bounded on its north western side by the railway line along which run public footpath numbers 16/18. It is reached by a haul road which runs down into the site from east to west. The original

site office and weighbridge have been removed from the eastern end of this haul road. A pond has formed in part of the base of the quarry, which is fed by groundwater and run off from the surrounding higher ground. It fluctuates in depth and extent, sometimes drying out in summer, though Officers noted that during the winter of 2013/2014 this pond was very full. Many of the slopes at the edges of the quarry have naturally re-vegetated and both the pond and some parts of these slopes offer habitat for wildlife. Slopes in the south western corner of the excavation have less vegetation cover and the applicant submits that the slopes have slipped due to inadequate slope design and drainage provisions. Power lines have been diverted from across the site and they now run around the edge of the site. The applicant proposes that this part of the quarry would be filled with inert waste to approved restoration levels similar to original ground levels, top-soiled and restored, to grassland with permissive rights of way.

Block 4 Holt Farm Western Fields

- 8 This parcel of land consists of two agricultural fields at the south western end of the application site. Top soils have been stripped from these fields and used to create a screening bund along the application site boundary with properties off Holt Pound Lane. The fields are at present undisturbed by quarrying or waste activities and the applicant has undertaken archaeological field work. A drainage channel has been created between these fields and the existing quarried area, which has not been connected to the nearby ditch, and the applicant notes that this holds no water. The application proposes that sand and clay would be extracted from these fields. This would be followed by landfill with inert waste to approved restoration levels similar to original ground levels, and then restoration to grassland.

Block 5 Woodland and Scrub

- 9 This parcel of land consists of unmanaged woodland and scrub. It lies adjacent to other woods to the south which together have been designated as Ancient Semi Natural Woodland (this designation resulted in land being excluded from the scheme of the 2002 planning permission). This parcel contains a drainage ditch which runs close to the present quarry edge and the applicant notes that this has been breached, which they argue has likely contributed to the subsidence around the sides of the quarry (Block 3). This part of the site is screened from properties along Wrecclesham Hill which include houses, a garden centre and a reclamation yard. The application proposes that sand and clay would be extracted from this parcel of land, followed by filling with inert waste and then restoration to managed woodland.

Planning History

- 10 Sand extraction at the site occurred over a long period with a series of extensions to the original sandpit, with landfilling permitted for the purposes of restoration during the 1960's and 1970's. In the 1980's, planning permission ref WA88/75 in Surrey (and ref F28489/1 in Hampshire) was granted on 31 October 1989 for a western extension of the quarry into land at Holtwood Farm, with the Surrey void to be infilled with household, industrial and commercial waste, whilst the void area in Hampshire was to be filled with inert fill only.
- 11 On 13 September 2002 planning permission ref WA99/0223 was granted for extraction of sand (770,000 tonnes) and clay (512,000m³) from a site of 36.2 hectares; filling of existing and resultant void with (2.6m³) non-hazardous industrial, commercial, household and inert waste; installation of plant and equipment, alterations to existing site access onto the A31; and comprehensive restoration of the site over a period of 11.5 years. Planning permission ref. WA99/0223 was subject to a number of conditions requiring the submission of details to be agreed before the development was started. Specifically:

- On 6 April 2004, planning applications ref WA03/2617 (Conditions 20d and 40); ref WA03/2600 (Condition 41); and ref WA03/0117 (Condition 43) were approved by the County Planning Authority (CPA);
 - On 17 May 2004, planning applications ref WA03/2573 (Conditions 19, 21 & 22) and ref WA04/0117 (Condition 4) were approved by the CPA;
 - On 18 May 2004, planning application ref WA03/2362 (Condition 18) was approved by the CPA; and
 - On 24 June 2004, planning applications ref WA/03/2305 (Condition 36) and ref WA03/2574 (Condition 17) were approved by the CPA.
- 12 As the above-mentioned 'pre-commencement' conditions were discharged by the County Planning Authority (CPA), the development was commenced in July 2004. Condition 28 of planning permission ref WA99/0223 required a detailed scheme of aftercare covering a period of 5 years from the completion of the restoration to be submitted to the CPA within two years of the commencement of the development (i.e. by July 2006). Although an Outline Management Plan for the restoration scheme was submitted in March 2003, pursuant to the Section 106 Agreement attached to planning permission ref WA99/0223, a detailed scheme of aftercare was never submitted. Nevertheless, up until July 2016, enforcement action could still be taken by the CPA to remedy the matter. Officers consider that the most expedient remedy in this case would be to require such detail in relation to the new and amended restoration scheme proposed in this application.
- 13 Notwithstanding the above, only limited progress was made to extract sand and infill with waste and the site has lain dormant. Condition 1 of planning permission ref. WA99/0223 required development to be completed in all respects (including the final comprehensive restoration following extraction and filling) not later than 31 December 2013. This current application was submitted as valid on 12 November 2013. The CPA is satisfied that this application has been validly made on the basis of legal advice from Counsel, and as such the CPA must determine the application. In essence, the Counsel advice confirmed that the existing planning permission in effect gave the developer scope to deposit all or nearly all of some of the 2.6 million cubic metres of waste at the site until 31 December 2013 and that the time limited planning condition (Condition 1) is capable of variation as requested in accordance with planning legislation.

THE PROPOSAL

- 14 The applicant proposes, via Section 73 of the Town and Country Planning Act 1990, to vary the above-mentioned Condition 1 of planning permission ref. WA99/0223 to allow the development be completed in all respects not later than 31 December 2029. Although planning permission ref. WA99/0223 allowed for the deposit of non-hazardous industrial, commercial, household and inert waste, the applicant now only intends to fill the void with inert material. The applicant proposes that the remainder of the 770,000 tonnes sand reserve would be extracted in phases as approved in 2002 and the void created would be progressively infilled with inert waste. Clays extracted in association with the sand would be used in two ways: Firstly, to restore previously tipped areas within the site known as Riverdale and the South East Landfill Area to the approved scheme; and secondly, to construct a barrier between the old and new landfill areas.
- 15 The applicant proposes to fill with inert material and would accept a condition to restrict the range of wastes to inert material only. The submitted Environmental Statement supporting the application has been prepared on this basis. The areas of previously tipped waste to be restored with clay would remain the responsibility of CEMEX Ltd, though the applicant proposes to carry out works to restore this land on that company's behalf, meaning no clay would leave the site. Responsibilities in respect of landfill gas monitoring are dealt with later in this report.

Phases

- 16 Extraction is proposed to take place in 6 phases, progressing anti-clockwise from the quarry base and to the southeast (the phases are shown on attached Plan 3). Landfilling would take place in a larger area than the proposed extraction as it would infill previous mineral void and the voids created by further extraction. The infilling phases are shown on attached Plan 4, indicating that infilling would progress in 6 cells, progressing from the northeast to the southeast.

Sand Extraction

- 17 The applicant estimates that the reserve of sand within the site is 770,000 tonnes and they propose to extract this in phases, with only limited quantities of sand dug from the first phase over the first 4 years to allow time for new bat and dormice habitat to be created. From year 5, the applicant proposes that sand would be dug at a rate of up to 140,000 tonnes per year over a period of 6 years, though this rate would be subject to market demand. The sand would be dug using a loading shovel, taken by dump truck via a ramped haul road to a mobile screening plant. The mobile screen plant would be located at the base of the quarry and would as necessary be moved around the site to minimise internal haulage and facilitate landfilling. The sand would leave the site by lorry (typically 20 tonne loads) and be sold to the market. Sand would not be excavated below a minimum level of 62.5 metres above ordnance datum (Newlyn), in order to ensure there is no breach of the water table and enable the sand to be dug dry.

Clay Extraction

- 18 Clay overburden overlies the sand deposit and the applicant estimates that some 512,000m³ cubic metres of clay would be dug to gain access to the sand. This clay overburden would be used to construct a barrier between the old and new landfill areas and would also be used to bring the Riverdale and the South East Landfill areas of existing landfill up to permitted levels and enable their restoration. Restoration of the Riverdale area would be undertaken first and clay excavation and placement would be restricted to short concentrated periods, in order to reduce disturbance. Early deposit of clay onto this area would enable the area to be made available for the creation of dormice habitat. Once dug, clay would be transported to its final destinations around the site by dump truck. Of the projected 512,000m³ cubic metres of clay to be extracted, the applicant estimates that 150,000m³ would be used to construct the waste cells and the remainder would be used as necessary to restore the two areas of former tipped land (Riverdale and the South East Landfill area).

Landfill

- 19 The 2002 permission allowed landfilling of the site with non-hazardous industrial, commercial, household and inert waste (2.6 million m³) and the applicant now proposes only to import and landfill the site with inert waste. During the first four years of limited activity, landfilling would take place into a clay cell in the base of the existing quarry floor. Once sand extraction commences, landfilling would take place progressively into clay cells following sand extraction. The applicant states that this inert waste would comprise material that cannot be re-used or recycled (mainly clays, sub-soils and overburden from construction, landscaping and other sites), which would be brought to the site in lorries (typically 11.75m³ capacity) and deposited into the operating cell directly from the lorry. The waste would be deposited in layers and regularly compacted by machine to help achieve a consistent density of material, and to maximise input. The rate of import of waste would be dependent on market demand, but the applicant anticipates a maximum annual rate of 275,000m³. As each new cell is completed it would be soiled and restored.

Restoration and After-use

- 7
- 20 The applicant argues that the reworking of the site provides an opportunity to improve, restore and manage the site, and to return the whole site to beneficial use in the longer term. The applicant proposes that the Riverdale area would be brought up to permitted levels with clays and then restored using indigenous and/or imported topsoil material, and that this land would then be grassed and planted with indigenous trees and shrubs. Permissive paths would also be created with pedestrian access from Westfield Lane.
- 21 The applicant proposes to restore the site to a mixture of woodland, grassland and public access, designed to promote and benefit the ecology of the site and the immediate surroundings. Restoration would be to the levels and uses approved in the 2002 planning permission. The applicant submits that there is insufficient topsoil either in situ or stored on the site to achieve satisfactory restoration, meaning soils would need to be imported (Officers recommend conditions in respect of topsoil importation and on-site soil processing).
- 22 The applicant proposes that precise planting would be agreed in the future with the CPA with the aim of promoting ecological interest and diversity via a 5 year aftercare scheme. The remainder of the site would be progressively restored as final permitted restoration levels are achieved and indigenous and/or imported soils are placed. After-use is proposed to be a mix of woodland, grassland and permissive public access designed to provide circular walks for local residents. The aim would be to provide ecological habitat of at least equal value to that which exists at present. The applicant proposes that details of each phase that becomes available for restoration would be agreed with the CPA. Officers recommend that planning permission should be subject to a Section 106 Legal agreement, in order to secure the long term management of the site (20 years following the initial 5 year aftercare period).

Refinement of the permitted scheme

- 23 As the site has lain dormant for some years, the natural re-vegetation has created habitat for wildlife. The applicant states that it was originally intended to restart the quarry earlier in 2013 but that they delayed recommencement to wait for the outcome of ecology survey work. The applicant explains that the last of the survey work (bats) was completed in Autumn of 2013 and argues that the completed ecology survey has allowed a refinement of the working programme and restoration scheme.
- 24 The applicant submits that the presence of dormice and bats, most particularly in hedgerows and the areas of woodland (Block 5) means that sand extraction would take place initially at a slower rate, to give time for new dormice/bat habitat to be created on and behind the existing earth bunds in the south west landfill area and the Western Fields (Blocks 1 and 4 respectively) before the present woodland is removed. The proposed scheme allows 3 – 4 years initially for habitat creation within the planning application area. The applicant also has access to additional land north of the railway line, which can be used for habitat creation and or species relocation if necessary (shown a blue-edged land on attached Plan 1). The applicant argues that the longer timeframe for extraction and landfilling would also better allow for development of commercial markets for sand and landfill capacity.
- 25 The applicant argues that the final restoration would benefit from minor changes to the scheme permitted in 2002, as there would be increased ecological habitat through retention and planting of the soil bunds, with flood attenuation ponds positioned within Riverdale (Block 1) and on the restored quarry (Block 3) to ensure that any surface water run-off from the site is contained within the site. For nearby residents, the applicant argues that proposed additional planting would reduce some views across the site. Additionally, the applicant argues that proposed small shallow water bodies would add to the diversity of habitat and interest of the site.

Access

- 26 The access to the site was previously upgraded in accordance with the terms of a Section 278 Highways agreement that accompanied the 2002 planning permission. The applicant submits that heavy goods vehicle (HGV) generation from the site would depend upon market demand for sand and for waste disposal. The applicant predicts that average HGV movements are expected to be up to around 170 (i.e. 85 in and 85 out) at full activity rates.

Hours of operation

- 27 Planning permission ref WA99/0223 restricted hours of operation and the applicant does not propose to amend this. Specifically, work was previously restricted to: 0730 and 1730 Monday to Fridays, 0800 and 1300 Saturdays, with no working on Sundays, Bank Holidays or National Holidays. The formation of screen mounds and their subsequent removal for restoration purposes was restricted to: 0800 and 1700 Monday to Fridays, 0800 and 1300 Saturdays, with no working on Sundays, Bank Holidays or National Holidays. Planning permission WA99/0223 also restricted work only taking place in the Riverdale area between 0830-1730 Monday to Fridays, with no working on the weekends, Bank Holidays or National Holidays.

Plant and equipment

- 28 A site office and weighbridge are proposed to be installed at the northern end of the site between the railway and the landfill gas plant compound. Additional incidental plant and equipment would include a water bowser, road sweeper and portable lighting rigs, though no fixed lighting is proposed as part of this development. The applicant proposes to screen soils out from the imported inert waste material using a portable soil screen, resulting by-product (such as stones) would be used as inert landfill on site. As noted above, sand would be dug using a loading shovel, taken by dump truck via a ramped haul road to a mobile screening plant, with the mobile screen plant located at the base of the quarry and moved around the site as necessary.

Waste Permit

- 29 On 18 June 2014, the applicant secured an Environmental Permit from the Environment Agency (EA) for the proposed new extraction and infilling development (ref: EPR/AB3802KG), a separate process/regime from this planning application. This Permit excludes the areas of former landfilling (see attached Plan 6 for reference), allowing a maximum of 540,000 tonnes per annum of inert waste to be deposited into or onto the land. The Permit specifies that waste shall only be accepted for disposal if they are inert waste and not liquid waste. The Permit also sets out that if it is unsure whether the waste fulfils the definition of inert waste, or is uncontaminated, then testing of the waste must be undertaken to confirm compliance with the criteria for inert waste as specified in the Landfill (England and Wales) Regulations 2002. Additionally, the Permit sets out that the origin of all waste must be known. The EA would monitor compliance with the Permit.

CONSULTATIONS AND PUBLICITY

District Council

- 30 Waverley Borough Council: *“No objections subject to the County Council satisfying itself on highway, amenity, flooding and biodiversity matters and the imposition of conditions to monitor and review the extraction and infilling of the site to ensure that no further extensions in time are sought and the imposition of the same conditions as appended to the original consent for the site.”*

- 31 Waverley Borough Pollution Control team (Environmental Health): No objection subject to a condition requiring an industry standard up to date gas management plan for the restoration area. Waverley's Pollution Control team also confirmed that on 26 June 2014 one of their Officers, accompanied by the Environment Agency, met with CEMEX (owner of former landfill) and that this meeting had indicated that while some repair of the current landfill gas system is needed and upgrade would be required for the new proposals, no significant issues were identified. Waverley's Pollution Control Officers consider that the site is being adequately managed and they can see no evidence of a significant possibility of significant harm to any receptors. Furthermore, based on the current site management, Waverley's Pollution Control Officers do not consider that the site is likely to be declared '*contaminated land*', as defined under Part II A of the Environmental Protection Act 1990.

Consultees (Statutory and Non-Statutory)

- 32 (adjacent authority) South Downs National Park Authority: No objection, subject to the inclusion of a lighting condition as the National Park intends to apply for International Dark Sky Reserve Status.
- 33 (adjacent authority) Hampshire County Council: No response.
- 34 (adjacent authority) East Hampshire District Council: No response.
- 35 Natural England: No objection.
- 36 Surrey Wildlife Trust: The proposed restoration plans for the site may not fully prevent adverse effect to protected species, particularly before the proposed new habitat has time to establish and mature and the CPA may wish to obtain further advice from the County Ecologist and other expert groups.
- 37 County Ecologist and Biodiversity Manager: (*Following consideration of both Natural England's and Surrey Wildlife Trust's responses*) No objection subject to conditions.
- 38 Environment Agency (EA): No objection. The EA clarify that in regards to the current regulatory responsibilities relating to the sites (former landfill site and proposed extraction and landfill site): "*the continuation and any future expansion of the current extraction and proposed restoration is the planning responsibility of Surrey County Council although the works will require an environmental permit from the Environment Agency. Responsibility for the historic elements, those where restoration has commenced and/or has been completed, fall within the remit of Waverley Borough Council and Surrey County Council.*"

The regulation of historic landfills and landfill gas monitoring is the responsibility of the local planning authority, in this instance Waverley BC. As the determining bodies it therefore falls to Waverley BC and Surrey County Council to be satisfied that appropriate measures are in place to address any concerns that may arise."

- 39 Health & Safety Executive (Quarries Division): No response.

Officers note: The Health and Safety Executive would have been consulted as part of the Environment Agency's permitting process, in advance of the Waste Permit being issued on 18 June 2014 for the new area of extraction and landfill proposed.

- 40 County Landscape Officer: No objection subject to conditions.
- 41 County Principal Environment Enhancement Officer: No objection subject to conditions.

- 42 County Consultant Geologist: No objection subject to conditions.
- 43 County Air Quality Consultant: No objection subject to conditions.
- 44 County Highway Authority: No objection.
- 45 County Noise Consultant: No objections subject to conditions.
- 46 County Environmental Assessment: The Environmental Statement is compliant with the minimum information requirements set out in Part II of Schedule 4 of the EIA Regulations 2011 and provides the information listed under Part I of Schedule 4 of the EIA Regulations 2011.
- 47 County Lighting Consultant: No objection subject to a condition.
- 48 County Rights of Way Officer: No objection subject to a condition.
- 49 County Archaeological Officer: No objection subject to a condition.
- 50 Thames Water: No objection.
- 51 Sutton & East Surrey Water Plc: No response.
- 52 Network Rail: No response.
- 53 National Grid: No response.
- 54 Farnborough Airport Safeguarding: No response.
- 55 RAF Odiham Safeguarding: No response.
- 56 Ramblers Association: No response.
- 57 Campaign to Protect Rural England: Objects to this application and considers that it should be rejected.
- 58 Forestry Commission: No response.

Parish/Town Council and Amenity Groups

- 59 Wrecclesham Village Society / TRASH Campaign objects as set out below.

Email dated 4 December 2013:

- Application is contrary to the Minerals & Waste Plan and the Aggregates Recycling Joint DPD Inspector’s Report which stated that “The importation of unrecycled inert wastes as fill would in any case be inherently unsustainable”
- The CPA does not have the resources to properly police the site
- The following should be avoided: (a) The disturbance caused by depositing around 5 tonnes per square metre of clay on top of partly decomposed unclassified landfill; and (b) The disturbance caused to the exposed groundwater at the base of the existing quarry, as well as to the partly decomposed existing unclassified landfill.
- The applicant’s digger and scrub cutting equipment on site during the early stages of the ecological surveys represented a very risky and unsustainable act that resulted in: the removal of the scrub prior to the reptile survey invalidating the results; and a digger driving up the western face of the quarry and destroying two lapwings nests located on the upper level on the western side of the quarry. (*Officers note: This issue is considered in paragraphs 208-209 below.*)

- Until SCC is in receipt of comprehensive and up to date survey reports that includes great crested newts and bat roosting activity, badger, breeding bird and reptile surveys, the application is invalid because of the high degree of uncertainty associated with the potential impact of the proposals on protected species.
- Adverse impact given the Ancient Semi Natural Woodland designated by Natural England forming an extensive boundary directly adjacent to the site's southern side.
- There is no need or advantage in restoring this site to its original contours and the site should be left undisturbed to minimise risks and to optimise the benefits to the natural environment.

Letter dated 12 February 2014, additional points to December 2013 email:

- The application is invalid and the CPA have erred in validating it; (*Officers note: The CPA's validation of this application has followed Counsel advice, as set out earlier.*)
- The submitted ecological assessment does not follow proper process, guidance or meets with the requirements of the EIA Directive, containing inaccuracies with significant omissions in respect of: Local Statutory Wildlife Sites; Appraisal of habitats and Plant Species; Invertebrates; Reptiles; Birds; Bats; Dormice; and Mammals (excluding Bats & Dormice);
- There are potentially unintended consequences of disturbing the existing millions of tonnes of unclassified partly decayed landfill with around 5 tonnes of clay per square metre causing a significant increase in the horizontal migrations of landfill gas. The applicant's assessment relies heavily upon assumptions and computer modelling but the nature of the landfill far from being homogeneous since historically the site was badly supervised during the landfilling process;
- The submitted Landscape and Visual Impact Assessment is inadequate & the CPA need to update their own assessment to consider the site's status as a potential SNCI;
- Nitrogen Dioxide and Particulate (PM10) levels of pollution are already a serious concern to the local community & the proposal to increase this by adding up to 200 HGV's per day plus vehicle movements on site represents an unsustainable proposal.
- The consequences to the major aquifer, the potable water supply, the River Wey East and the River Wey adjacent to the site caused by the disturbance of the existing 23 years old many millions of tonnes of unclassified landfill by introducing about 5 tonnes per square metre of clay overburden is virtually impossible to predict with any degree of certainty. For this reason the proposal represents an unsustainable prospect.
- The quantity of sand available is over estimated particularly in view of the basal level that would need to be applied to cover potentially increased groundwater levels;
- The proposals are not viable and SCC's own adopted Minerals Site Restoration Supplementary Document (CDSCC7) makes it clear that the availability of sufficient genuinely inert material would be a limiting factor on its own;
- There is doubt whether the applicants are sufficiently competent and the CPA must satisfy itself that an appropriate level of indemnity deposit can be obtained/raised;
- Restoration would not benefit the local community, no consideration has been given option of not re-opening the site to allow habitats to develop, and no consideration has been given to the fact that better alternative sites exist.

Letter dated 18 May 2014, additional points to December 2013 and February 2014:

- There is no evidence to suggest that the gas management system as it stands is actually operating as specified, or has operated as specified over the past ten years, or is even capable of working as specified due to poor system design and maintenance. The only reason that we have not had a major disaster caused by lateral gas migrations is because the surface covering of the existing landfill is so porous that it has fortunately so far provided an escape route by enabled sufficient levels of the generated gas to be released direct to atmosphere;
- As a direct result of the applicant's flawed Impact Assessment they have seriously underestimated the enhanced risks of lateral gas migrations that would be caused by capping the landfill thereby blanking off the vitally important escape routes for the landfill gas. As a consequence, the applicants have failed to recognise the importance of making appropriate provision for significant upgrading to improve the efficiency, reliability and the extension of the Gas Management System in order to cope with the significantly increased demands that capping would cause;
- It is incorrect for the applicant to state that the Environment Agency is not the Regulator for the site currently and this misunderstanding may be due to no evidence of any Environment Agency involvement concerning the dormant site;
- The applicant has underestimated the amount of clay required for capping the 36.2ha site and would be required to import a substantial quantity of additional suitable material at the appropriate times during the development. The CPA would be unwise to agree to an open ended uninformed commitment with the predictable difficulty in obtaining the required quantities of inert arisings and clay material;
- No evidence has been supplied to demonstrate the methodology employed to sample or measure local air quality in the vicinity of the flare stack or elsewhere within the site or in the area surrounding the site;
- Since no gas monitoring data is available & no known enquiries have been carried out in adjacent properties it is not possible to ascertain realistic levels of vegetation stress;
- The owners and occupants of nearby properties are very concerned about the existing and potential risks and impacts associated with the site and the proposals to re-open it after lying dormant for virtually 23 years;
- Untrue that there are no Statutory Wildlife Sites within a 2.0 Km radius of the site;
- No mention of visits by DOE Inspectors during the 1980's, which revealed the seriously sub-standard quality of the on-site management and the Regulator management resulting in the sub-standard quality of the entire landfill procedures;
- Employing the applicant's own estimated data for the gas generation for a typical uncapped landfill this reveals that over the past ten years alone there would have been over 52 million cubic metres of gas unaccounted for;
- The applicants have failed to consider the effect that various combinations of gases may have upon locally sensitive receptors, like pregnant women, new born babies and asthma sufferers for instance;
- The submitted human health risk assessment has failed to consider the actual on-site conditions and the extent to which the risk to human health is totally reliant upon the efficiency and reliability of the Gas Management System;

- The submitted water environment Addendum is inadequate because the level and thickness of the Saturated Zone requires further consideration; the impact upon the local potable water supply borehole has not been assessed; and the additional flood risk to high flood risk areas in North Farnham, caused by the proposed development, needs to be evaluated and appropriate mitigation measures needs to be provided.

60 South Farnham Residents' Association: No response.

61 Farnham Town Council: *"This would generate a lot of traffic around and through Wrecclesham and have a harmful effect on the air quality. Farnham Town Council is also concerned with the loss of habitat for rare species and loss of green space. Concerned there has not been sufficient consultation with local residents."*

62 Farnham Society: No response

Summary of publicity undertaken and key issues raised by public

63 The application was publicised by the posting of 3 site notices and an advert was placed in the local newspaper on 16 January 2014. Additional publicity took place on 24 April 2014, following the receipt of further environmental information received in response to a request under Regulation 22 of the Environmental Impact Regulations 2011. A total of 124 owner/occupiers of neighbouring properties were directly notified by letter and 58 letters of representation have been received at 21 August 2014 (including a letter on behalf of 7 properties on Holt Pound Lane). Points raised by representations as follows:

Waste / Landfill issues

- The developer says they will only infill with inert waste but how can we trust them?
- Applicant should have applied for inert waste only rather than the same description of waste as before and accepting a limitation; previous assessments/conclusions cannot be relied upon
- If permission is granted no further extensions or amendments should be allowed (as was allowed at Runfold) and the Council should ensure the development in completed within the timeframe
- The previous operator ignored rules and the current developer will be no different
- Conditions should restrict to inert waste only, such as that restricted in the land at Holmwood Farm extension permission in the 1980's (ref WA88/75)
- Capping of the existing landfill should be delayed until closer to 2029, in order to reduce levels of landfill gas lateral migration
- The development does not comply with the Surrey Minerals and Waste Plan
- Is there sufficient sand and clay to justify the work?
- Household waste will attract vermin, flies and birds, creating smell and dust/litter
- Every incoming load of waste needs to be leachate tested to ensure it is truly 'inert'
- The extraction of clay is unnecessary as the EA do not require inert landfill to be capped by such material, extraction is not therefore required
- Inert waste is a scarce commodity, which could affect completion by a set deadline
- Restoration of Block 1 Riverdale should be minimal (top soil only) and less trees

Ecology & Landscape

- The site has developed naturally over the last 20 years with many species present and the site should not be ruined nor ecology harmed
- An area of ancient woodland and dormouse habitat would be destroyed
- Secure funding should be in place for habitat management
- Bats will be harmed, contrary to the law
- Lapwing nest have been destroyed
- Rare butterflies have been spotted in recent years

- The site contains Japanese Knotweed, not recognised by the applicant
- Moving spreading bellflower could kill it
- Vehicle movements on site will damage wildlife, ecological reports are not prepared by such drivers
- The creation of suitable habitats in winter 2013/2014 has been missed
- Strengthened commitments on the restoration should be secured by condition
- The ES does not refer to wild mammals, wild bird habitat or Surrey Bird Club records showing breeding ringed plover
- The ecological assessment does not adequately assess loss of foraging habitat
- Presence of badgers should be monitored
- The site could qualify as a SSSI
- A 15m buffer should be between any construction & Ancient Semi Natural Woodland
- The loss of Ancient Woodland is a reason to refuse, as recommended by English Nature (now Natural England) previously; earlier assessments of the Ancient Woodland cannot be relied upon
- What will the visual impact of stockpiles be at various stages?
- Ecology assessments need to be done over a longer period
- The access roadway should be lined with mature trees
- The applicant undertook vegetation clearance in June 2014, during the bird nesting season, including an area of Japanese Knotweed that CEMEX are still clearing (*Officers note: This matter is considered in paragraphs 210-213 below.*)

Dust & Odour

- With the prevailing wind, there will be smells from rotting waste to nearby homes, which will also attract vermin and scavenging birds
- Waste such as plastic bags will be blown towards homes
- Deciduous tree screening will not prevent dust spreading off site all year round
- The surrounding air quality is already poor, and nothing will contain all the dust onsite
- The Dust Management Plan must be strictly enforced
- Impact of toxins/air pollution will damage health
- There should be restrictions on opening times, traffic movements, dust, noise, vibrations and smells, including the use of low emission vehicles/plant
- Waste generated on site could be burnt
- The proposal will adversely affect nearby Air Quality Management Areas

Landfill Gas

- Neighbours were previously evacuated because of gas and this should not be allowed to happen again, including potential danger to a nursery school and Riverdale homes
- The use of a clay cap will force landfill gas sideways thus causing danger to properties surrounding the site
- Disturbance of existing unclassified landfill creates unknown gas risks
- Previously, methane was uncontrollable and caused headaches

Noise

- Properties will be affected by vibration damage
- The noise levels on Wrecclesham Hill will be intolerable / damaging to health owing to strong west to north winds
- Lorries would damage the structure of surrounding properties and be a constant source of noise, including to local play areas
- Extraction/landfilling should be restricted to weekdays only, with light maintenance work on Saturday mornings only
- Noise will adversely affect horses in adjacent fields
- Working hours need to be clarified, site should be closed at weekends

- Noise from reverse beepers will be annoying

Highways & Traffic

- A31 & A325 are busy at peak times and the proposal will make this worse; additional traffic will create a highway safety hazard
- The traffic will be added to traffic from thousands of new homes in Bordon with the inert waste from such development likely to be deposited at the application site
- Traffic density has increased since the previous approval
- HGVs will travel through central Farnham, which cannot cope with such traffic
- All HGVs must be constrained to the A31 only and forbidden to use Farnham centre or local road to northwest
- The application does not take cumulative traffic increase into account
- The access off the A31 is inadequate for large vehicles
- The present 'no right turn' on the A31 may not have been formally adopted by the Highway Authority and is confusing as it is located just after a right turn
- Concern about lorries using Runwick Lane

Geology/Surface Water

- The water meadows serve an essential purpose and surface water flows should not be altered as this will cause flooding; any alteration to the A31 junction will increase flooding in the surrounding area
- There are concerns about impurities in the water supply
- The site's reopening would contaminate the River Wey and Bourne abstraction well
- No assessment of ground or surface water has been undertaken
- Site lies over a major aquifer, high concentrations of toxins are continuously being leached and towards the Bourne Abstraction Well
- Preservation of a lake on the site would create a safety hazard; polluted water would create risk to wildlife and to swimmers
- Application states that Block 1 Riverdale will be capped to 3 metres high but ES states restoration is 4.1m and median difference in 2.5m, as rear gardens are below site's current level this will cause flooding (happened recently over the nearby tennis courts)

Other issues

- If permitted, substantial compensation will be sought from the developers; the applicant's integrity/competence/indemnity is doubtful
- What is the applicant's long term plans for the site? – a housing estate?
- The proposal would devalue homes
- Lighting from the proposal could be a nuisance
- How will the local authority control works? Who would police the site?
- The applicant left a digger on the site which was vandalised by youths
- How will the developer secure the site as it is used by dog walkers and motorbikes
- A permit was never issued for the site, how can permission be granted if the original development never started?
- The developer must be made to stick to deadlines or be fined/stopped from working
- Since the previous application, a number of footpaths have developed
- The development would contravene Article 1 and 8 of the Human Rights Act
- The applicant's public consultation exercise was inadequate, a proper consultation should take place before any committee

PLANNING CONSIDERATIONS

- 64 The County Council as County Planning Authority (CPA) and County Minerals Planning Authority (MPA) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to “have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations”. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” Following the coming into force, on 25 March 2013, of the order for the South East Plan’s partial revocation, the Development Plan now consists of: the Surrey Waste Plan 2008 (SWP 2008), the Surrey Minerals Plan 2011 Core Strategy Development Plan Document (DPD) (SMP 2011) and the saved policies in Waverley Borough Council’s Local Plan 2002 (WBLP 2002). Adopted alongside the SMP 2011 was the Minerals Site Restoration Supplementary Planning Document (Restoration SPD).
- 65 In determining the application the CPA should have regard to any relevant European and National policy, the National Planning Policy Framework 2012 (NPPF), Government Circulars and any other material considerations, which could include emerging development plan policy documents. On the 27 March 2012 Government published the NPPF, which replaces 30 Planning Policy Statements, Planning Policy Guidance Notes, some Circulars and letters to Chief Planning Officers and constitutes guidance for local planning authorities and decision-takers in relation to decision-taking (determining planning applications) and in preparing plans. Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management remains in place. In time Government proposes to replace PPS10 with a national waste planning policy published as part of the National Waste Management Plan (expected later in 2014).
- 66 At the heart of the NPPF is a presumption in favour of sustainable development which the document states “*should be seen as a golden thread running through both plan-making and decision-taking.*” The NPPF makes clear the purpose of the planning system is to contribute to the achievement of sustainable development which has three dimensions: economic, social and environmental. These give rise to the need for the planning system to perform a number of mutually dependent roles: an economic role, a social role and an environmental role. The NPPF sets out 12 core land-use planning principles that should underpin both decision-taking and plan making.
- 67 The NPPF does not affect the statutory requirement that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. The NPPF includes transitional provisions for implementation of the NPPF. For 12 months from the date of publication planning authorities can continue to give full weight to relevant policies in adopted development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 since 2004, even if there is a limited degree of conflict with policy in the NPPF. In other cases and following the 12 month period the weight to be given to policies in the adopted development plan documents should be determined according to their degree of consistency with the NPPF. Officers consider that the SWP 2008 and SMP 2011 are both up-to-date and consistent with the NPPF. The Government launched an on-line version of National Planning Practice Guidance (NPPG) on 6 March 2014 to support the NPPF.
- 68 Waverley Borough Council decided to withdraw its Core Strategy on 15 October 2013 and a revised timetable for a Local Plan was approved on 4 December 2013. The next

stage will be a consultation on issues and options in July/August 2014. Relevant 'saved' policies from the WBLP 2002 are referred to throughout this report.

EXTRACTION AND LANDFILLING ISSUES

Surrey Waste Plan 2008 (SWP 2008)

CW4 Waste Management Capacity

WD7 Disposal by Landfilling, Landraising, Engineering or Other Operations

Surrey Minerals Plan 2011 Core Strategy Development Plan Document (SMP 2011)

Policy MC7 – Aggregates Mineral Supply

Policy MC14 Reducing the adverse impacts of mineral development

Surrey Minerals Plan 2011 Primary Aggregates Development Plan Document

Policy MA1 – Aggregate Supply

Aggregates Recycling Joint Development Plan Document 2013 (DPD 2013)

Policy AR2 – Aggregates recycling facilities

Waverley Borough Local Plan 2002, saved policies (WBLP 2002)

Policy C2 – Countryside Beyond the Green Belt

- 69 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as golden thread running both plan making and decision taking. For decision making this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay. The NPPF contains relevant paragraphs, with paragraph 142 stating that "*Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs.*"
- 70 Paragraph 145 of the NPPF requires mineral planning authorities (MPAs) to plan for a steady and adequate supply of aggregate through what is known as the Managed Aggregate Supply System (MASS). Guidance on this is now provided through the NPPG (Minerals - Para.060). Paragraph 145 of the NPPF sets out a number of bullet points as to how this can be achieved including by preparing an annual Local Aggregate Assessment (LAA), taking account of published National and Sub National Guidelines on future provision, using landbanks of aggregates mineral reserves principally as an indicator of the security of aggregate minerals supply and to indicate the additional provision that needs to be made for new aggregate extraction. The paragraph requires MPAs to make provision for the maintenance of landbanks of at least 7 years for sand and gravel.
- 71 Guidance on aggregate landbanks in the NPPG (Minerals – Para.080) states that landbanks are principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land won aggregates in their area. In taking decisions on planning applications the NPPG (Minerals - Para.082) states that "low landbanks may indicate that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates." NPPG (Minerals – Para.084) states that each application should be considered on its own merits regardless of the length of the landbank and although there is no maximum landbank level, a landbank below the minimum level may be seen as a strong indicator of urgent need.
- 72 SWP 2008 Policy CW4 states that planning permissions will be granted to enable sufficient waste management capacity to be provided to: (i) manage the equivalent of the waste arising in Surrey, together with a contribution to meeting the declining landfill needs of residual wastes arising in and exported from London; and (ii) achieve targets for recycling, composting, recovery and diversion from landfill by ensuring a range of facilities is permitted.

- 73 SWP 2008 Policy WD7 states that planning Permission will only be granted for waste disposal by landfilling, landraising or engineering or other operations provided:
- (i) waste to be disposed of cannot practicably and reasonably be reused, recycled or processed (to recover materials; produce compost, soil conditioner, inert residues or to recover energy) or may otherwise be required for the restoration of mineral workings, and
 - (ii) the proposed development is both essential for and involves the minimum quantity of waste necessary for:
 - a) the purposes of restoring current or former mineral workings sites; or
 - b) facilitating a substantial improvement in the quality of land; or
 - c) facilitating the establishment of an appropriate afteruse; or
 - d) improving land damaged or disturbed as a result of previous or existing uses and where no other satisfactory means exists to secure the necessary improvement; or
 - e) the engineering or other operations.
 - (iii) the proposed development does not prejudice the satisfactory restoration of mineral working sites in the locality, having regard to the supply and availability of appropriate waste materials.
- 74 SWP 2008 Policy WD7 also states that in granting planning permission for landfilling or landraising developments, or engineering or other operations, conditions may be imposed limiting both the types and quantities of waste to be deposited in order to conserve capacity for waste that cannot be reused, recycled or processed (to recover materials; produce compost, soil conditioner, inert residues; or to recover energy). The supporting text to SWP 2008 Policy W7 acknowledges that in the waste hierarchy, landfill is the option of last resort and that the SWP 2008 reflects this so that landfill and landraise development is seen as only acceptable for waste that has been demonstrated as reasonably and practicably unable to be reused, recycled, or processed to recover materials or energy. However, it is recognised that inert waste may be beneficially deposited on landfill sites as part of their restoration. Landfill is commonly used to fill voids left by mineral working and to achieve restoration of the site. Landraise developments are not as common. Policy WD7 requires such landfill and landraise schemes to result in not just small changes but that the disposal activity makes a fully beneficial contribution with substantial improvements to the quality of the land. Proposals will be expected to limit the quantity of deposited waste to the minimum necessary. Surrey County Council is committed to driving the management of waste up the hierarchy and will not normally allow landfill or landraise sites in excess of need.
- 75 The SWP 2008 states that it is important that mineral workings are properly restored within the County and this should not be prejudiced by a lack of suitable material. The recovery of landfill gas provides significant benefit by minimising reliance on fossil fuels. This benefit is expected to be gained wherever possible. However, in the longer term, with a significant reduction in the amount of biodegradable waste disposed of to landfill, there is likely to be less resultant gas to recover. To ensure that the potential benefits of landfill, landraise and engineering works are maximised, such proposals must include consideration of final use of the land, including proposals for a high quality of restoration and long term management plans for the restored site. The finished levels of a restored landfill site may be higher than adjoining land. However, they will still be expected to incorporate high quality standards of restoration of the site that are appropriate to the surrounding landscape.
- 76 The Surrey Minerals Plan 2011 (SMP 2011) applies to all types of mineral development and minerals in Surrey. The SMP 2011 defines 'Mineral extraction' as the quarrying of minerals and ancillary / associated development such as processing plants, site offices and weighbridges. SMP 2011 Policy MC7 states that preferred areas will be identified in the Primary Aggregates DPD for soft sand and concreting aggregates which, with identified reserves, are sufficient to enable the production of around 24 million tonnes of

aggregates between 2009 and 2026 as a contribution towards the sub-regional apportionment for Surrey. The MPA will seek to maintain a landbank of at least seven years for aggregates based on the apportionment set in the regional spatial strategy (now revoked).

- 77 SMP 2011 Policy MC14 states that mineral development will be permitted only where a need has been demonstrated and the applicant has provided information sufficient for the mineral planning authority to be satisfied that there would be no significant adverse impact arising from the development.
- 78 Surrey Minerals Plan Primary Aggregates DPD 2011 Policy MA1 states that provision will be made for the supply of around 24 million tonnes of primary aggregates, comprising 15 million tonnes of concreting aggregate and 9 million tonnes of soft sand between 2009 and 2026. Preferred areas will be identified, which together with permitted reserves will enable production of concreting aggregate at an average rate of 0.90 million tonnes per annum, and production of soft sand at an average rate of 0.50 million tonnes per annum in the period 2009-2026. In determining proposals for mineral working, regard will be paid to the level of permitted reserves, and the need to maintain continuity of supply in terms of an appropriate landbank. The soft sand landbank included the permitted reserve at Alton Road up until the expiry of planning permission at the end of 2013.
- 79 Aggregates Recycling Joint DPD 2013 Policy AR2 states that planning permissions for development involving the recycling of construction, demolition and excavation waste will be granted provided the proposed development is at: Salfords Depot, Redhill and temporary facilities at Alton Road, Farnham and Penton Hook Marina, Chertsey, and that the development proposed meets key development criteria. The DPD assumes an output from Alton Road to be a maximum 50,000 tpa, in line with the production assumption for aggregate recycling at mineral workings and would continue beyond the end of the plan period.
- 80 WBLP 2002 Policy C2 states that in the Countryside Beyond the Green Belt, the countryside will be protected for its own sake and building in the open countryside away from existing settlements will be strictly controlled. Development within the countryside beyond the Green Belt may be acceptable, subject to the relevant policies of the Plan, providing it relates to: (a) the reasonable needs of agriculture or forestry; and (b) mineral extraction and waste disposal, including facilities for waste management and recycling.

Aggregates Monitoring Update: May 2014, Aggregates Monitoring Survey 2013

- 81 An aggregates monitoring survey is undertaken each year to provide data to the minerals industry, mineral planning authorities and government on sales and permitted reserves of primary aggregates and sales of recycled and secondary aggregates at fixed sites. The survey is coordinated by the South East England Aggregates Working Party (SEEAWP) and is undertaken by the mineral planning authorities on an annual basis. The results of the aggregates monitoring survey 2013 for Surrey are set out below:
- Land-Won Primary Aggregates (tonnes) Sales: Soft sand – 429,500; Sharp sand & gravel – 332,302; and Sand & gravel or hoggin for construction fill – 33,817. (Total for aggregate use – 795,619)
 - Permitted Reserves: Soft sand – 4,366,000; Sharp sand & gravel – 1,749,959; and Sand & gravel or hoggin for construction fill – 9,000. (Total for aggregate use – 6,124,959)
 - Recycled Aggregates (tonnes) Sales: Regular size specification – 260,049; Mixed size specification – 76,413; and Construction fill – 158,084. (Total - 494,546)
 - *(There were no recorded sales of secondary aggregates in 2013).*

82 Table 1 of the County Council's Local Aggregate Assessment (October 2013) shows that Surrey had a landbank of 6.7 years at the end of 2012. This was based on a minerals provision rate of 1.4 million tonnes per annum (mtpa) for primary aggregate supply between 2009 and 2026 contained in the Surrey Minerals Plan Primary Aggregates Development Plan Document 2011 (SMP PA DPD). The results of the Aggregates Monitoring Survey 2013 indicate a sharp fall in the county's landbank to 4.4 years at the end of 2013. This is due to a significant reduction in permitted reserves of soft sand. This follows a substantial reserve reassessment at a major soft sand quarry in the east of the County, the expiry of planning permission at the application site where mineral extraction had yet to commence in earnest, and a reserve reclassification resulting from additional quality information at two silica sand quarries where permitted reserves of soft sand had previously been identified.

83 The granting of planning permission for Mercers South on 12 August 2014 increased the amount of permitted primary aggregate reserves in the county by 4,100,000 tonnes (4.1mt), which has increased the landbank by 2.9 years to 7.3 years based on the amount of permitted reserves remaining at the end of 2013. However, Officers acknowledge that this does not take into account 8 months worth (i.e. up to 21 August 2014) of mineral extraction since 1 Jan 2014, which will have reduced the permitted reserve and the landbank recorded at the end of 2013.

Site Restoration Supplementary Planning Document (dated July 2011)

84 The Site Restoration SPD's Chapter 3 on 'void space and inert fill' concludes that the scale of the gap between the amount of landfill void that would be available during the life of the plan significantly exceeds the amount of inert fill that is likely to become available. On this basis that there could be inaccuracies in the reliability of waste data used, it was considered that it would be unlikely to affect the general position that there would be a significant shortage of inert infill to restore all mineral workings to pre existing levels. The SPD compares available void space to total volume of waste infill likely to be available from 2010-2026, with void space of 21.74 million m³ and Inert Fill of 11.64 million m³, thus an undersupply of available inert fill of 10.10 million m³.

Aggregates Recycling Joint DPD Inspector's Report (dated November 2012)

85 The Inspector's Report on the Examination into the Aggregates Recycling Joint DPD (dated 26 November 2012) stated in reference to Alton Road that:

"As a disused sand quarry, SWP Policy WD3 lends support to this site in principle. It was partly filled with non-inert waste some time ago, but has a fairly large void remaining unrestored. There is an extant planning permission for sand extraction which includes a requirement for restoration, but little if any sand has been taken from it recently, and no restoration scheme is in place...Although it is not visually prominent, I agree with SCC that it would be beneficial for restoration to be completed, not least because of its location in an Area of Great Landscape Value.

I also accept that, because it is not well located in terms of Surrey's waste arisings, as things stand there is little likelihood of it attracting sufficient suitable waste to achieve restoration within the foreseeable future. This is particularly so as it is located within a few miles of Homefield Sandpit. Lack of sufficient suitable fill to restore mineral workings to their pre-existing levels is highlighted in SCC's adopted Minerals Site Restoration Supplementary Planning Document [CDSCC7]. Consequently, low level restoration is recommended for some of the sites for which indicative schemes are included in that document. The Alton Road site is not amongst those, but nonetheless is referenced as one of a number of existing workings in the Farnham area whose restoration would

provide considerable benefit for landscape, recreational and biodiversity reasons, as well as increasing certainty for local residents.

The importation of unrecycled inert wastes as fill would in any case be inherently unsustainable. On the other hand, the installation of a temporary aggregates recycling facility as envisaged in the Plan could provide the necessary opportunity for a more sustainable option... The final landform would have to be drawn up taking account of this in order to achieve completion of restoration within a reasonable timescale. However, presently there appears to be no alternative means of securing it... I take the view that there must be uncertainty over the deliverability of this site. The desirability of achieving its restoration is the main factor in its favour."

Applicant's need case

- 86 The applicant submits that soft sand is an important commodity, essential to the construction industry in its role supporting expansion of the economy, and that the MPA is required to plan to enable a soft sand supply of some 500,000 tonnes per annum for the period to 2026. Alton Road is noted to be one of the six sites with planning permission which go to make up the planned sand supply for the County. A further site, Mercers Farm east of Reigate, is identified for future working subject to the grant of planning permission. (*Officers note that Mercers Farm, i.e. 'Mercers South', was granted planning permission on 12 August 2014.*) Four of these permitted and identified sites (Moorhouse Sandpits in Limpsfield, North Park Quarry in Godstone, Reigate Road Quarry in Betchworth, and Mercers Farm in Reigate) are located to the eastern side of Surrey and these sites make up the significantly greater proportion of the future supply. There are at present just two modestly scaled suppliers on the western side of the County (Homefield Sand Pit and Runfold South) both located to the north of Farnham. The applicant argues that Alton Road would make an important contribution to aggregate supply for the construction industry, ideally placed to supply north Hampshire and the western side of Surrey for the period to 2024.
- 87 In respect of inert waste, the applicant submits that the Alton Road site has planning permission for landfill disposal of non-hazardous waste (municipal/household, commercial and industrial waste). The applicant proposes to fill the site only with inert material as there has been a switch in emphasis of need away from non-hazardous landfilling. This is because of landfill tax, the modern household waste collection systems and introduction of waste management facilities together with markets that support and enable re-use and recycling alternatives. Similarly around 50% of inert waste that arises is re-used and recycled in construction projects. There nevertheless remains a significant amount of material such as clay, sub-soils and overburden arising from construction projects that cannot be re-used or recycled. So despite the fact that around half of inert waste arising is re-used/recycled, the applicant argues that there remains a need for landfill void space for this waste.
- 88 The applicant also highlights that the Environment Agency's data indicates that the amount of inert waste landfilled in Surrey increased by 31% from 2010 to 2011 to 1.356 million tonnes. Some 540,000 tonnes of this waste was imported into Surrey from London and elsewhere. Notably, almost half of the inert material was disposed of into non-inert sites, which reflects the demand for inert landfill capacity (the applicant refers to paragraphs 4.19 to 4.26 of Surrey's Annual Monitoring Return 2011/2012). The applicant notes that the County has indicated that it would need some 13.653mt of inert void space for the period of its Local plan to 2026. According to Environment Agency data, there was some 8.87mt of inert void space capacity in Surrey at 2011. This is sufficient only for the equivalent of 6.5 years at 2011 rates of fill. Changing the filling of the Alton Road site from non-hazardous to inert waste would reflect the need for more space to landfill inert waste in Surrey and support early restoration of the quarry. The applicant submits that this need is reflected in their own discussions with potential customers.

89 As such, the applicant argues that it is sensible to exploit the permitted sand reserve, use the void space to meet demand for deposit of inert construction waste, and secure timely restoration of the landscape to a beneficial after-use. Otherwise the sand resource is lost, the void is lost, the waste has to be transported further afield, and the site is not restored.

Regulation 22 submission

90 The applicant undertook an assessment of the stability of the existing landfills (South East Landfill and Riverdale), in order to consider the slope stability of the existing landfill areas following capping and restoration to final approved restoration levels using indigenous overburden Gault Clay and analyse the potential impact of gas pressures generated beneath the clay capping layer. On the basis of the analyses which have been completed using conservatively high gas pressure assumptions, the stability assessment report indicated that adequate Factor of Safety values would obtain and that there is no risk of slope instability involving the proposed final restored slopes of the existing landfill areas. Soils (topsoil and subsoil) stripped from the existing landfill areas prior to placement of indigenous Gault Clay and from the mineral excavation area which remains to be excavated would be retained on site and used for restoration purposes.

91 The applicant submits that the shortfall in the availability of indigenous soils for restoration purposes arises principally from the absence of soils across the site area occupied by the existing quarry void (this area covers approximately 11ha). On the basis that imported soils would be required to establish a maximum restoration soil profile thickness of 1.2m across an equivalent area of the restored site, a volume of circa 132,000m³ of soils would need to be imported. These soils would be derived from the incoming inert waste stream under an Environmental Permit for the inert landfill which would provide for the importation of, inter alia, ECW Waste Codes 17-05-04 (soil and stones) and 20-02-02 (soil and stones), the volume of inert waste to be imported is inclusive of the requirement for imported soils. Officers have recommended a condition in respect of soil processing/screening.

Officer's assessment

92 Officers assess the following issues below: 1) the need for sand; 2) the availability of sufficient inert waste material; 3) whether the proposal is in conflict with the Aggregates Recycling Joint Development Plan Document (ARJDPD); and 4) the impact on non-hazardous landfill capacity.

Need for sand

93 Officers note that the NPPF and NPPG sets out the government's approach on the management and planning's role with regard to minerals, with NPPF paragraph 142 stating that "*minerals are essential to support sustainable economic growth and our quality of life.*" Paragraph 144 requires local planning authorities to "*give great weight to the benefits of the mineral extraction, including to the economy*" when determining planning applications. The applicant has pointed out that soft sand is an important commodity, essential to the construction industry in its role of supporting the expansion of the economy. In this respect, the proposal would help to support the local economy and accords with the NPPF.

94 SMP 2011 Policy MC1 states that mineral extraction for soft sand will be concentrated on land within the Lower Greensand Formation in south west and eastern Surrey with preferred areas for future sand and gravel production being identified in the Primary Aggregates DPD 2011. In view of the location of the application site in south west Surrey, it is therefore considered to be a suitable location for soft sand extraction under this policy. The application site was not considered for allocation in the Primary

Aggregates DPD because it already had planning permission at the time and formed part of the aggregate landbank.

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- 95 The latest information on sales, reserves and the landbank of primary aggregates in Surrey is contained in the Aggregates Monitoring Update: May 2014. This contains the results of the Aggregates Monitoring Survey 2013 (AM2013). This supersedes data contained in the Local Aggregate Assessment (October 2013) and the Annual Monitoring Report (AMR) 2012/13.
- 96 Policy MA1 of the Primary Aggregates DPD states that preferred areas will be identified which together with permitted reserves will enable production of concreting aggregate at an average rate of 0.90 million tonnes per annum (mtpa) and 0.5 mtpa for soft sand. The results of the AM2013 shows that sales of land-won primary aggregates increased by 28% from 0.62 million tonnes (mt) in 2012 to 0.79 mt in 2013. This included 0.33 mt of sharp sand and gravel and 0.43 mt of soft sand. Soft sand sales are therefore 14% below the average annual provision rate of 0.5 mtpa provided for in Policy MA1.
- 97 Primary Aggregates DPD Policy MA1 also states that in determining proposals for mineral working, regard will be paid to the level of permitted reserves, and the need to maintain continuity of supply in terms of an appropriate landbank. The results of the AM2013 indicate that permitted reserves fell by 35% from 9.37 mt in 2012 to 6.12 mt in 2013. This very significant reduction was primarily due to a number of reserve reassessments undertaken by mineral operators, which are outlined in more detail below, as well as no new planning permissions being granted for mineral extraction in 2013 to replenish falling reserves.
- 98 SMP 2011 Policy MC7 states that the mineral planning authority (MPA) will seek to maintain a landbank of at least seven years for aggregates, which complies with NPPF paragraph 145 requiring MPAs to make provision for the maintenance of landbanks of at least seven years for sand and gravel.
- 99 As a result of the significant fall in the level of permitted reserves, the results of the AM2013 indicate that the landbank for primary aggregates in Surrey fell significantly from 6.7 to 4.4 years between the end of 2012 and 2013. This was due to:
- (i) a substantial fall in soft sand reserves resulting from a significant reserve reassessment at Moorhouse Sandpits;
 - (ii) additional quality information resulting in the recalculation of soft sand reserves at two quarries primarily containing reserves of silica sand;
 - (iii) the expiry of planning permission at Alton Road Sandpit on 31 December 2013 where soft sand extraction never commenced in earnest; and
 - (iv) no new permissions being granted for primary aggregate extraction to replenish the extraction of permitted reserves during the year.
- 100 The fall in the landbank to well below 7 years is considered to indicate a pressing need for the granting of new planning permissions for sand and gravel workings in Surrey in order to bolster dwindling reserves. This view is supported by the NPPG minerals section which states that "*low landbanks may indicate that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates.*" However, the recent granting of planning permission for soft sand extraction at Mercers South has increased the landbank to 7.3 years based on the amount of permitted reserves remaining at the end of 2013. Despite this, the NPPG minerals section adds that each application should be considered on its own merits regardless of the length of the landbank and although there is no maximum landbank level, a landbank below the minimum level may be seen as a strong indicator of urgent need. The granting of planning permission would increase the amount of permitted reserves in the County by 770,000 tonnes. This would increase the landbank by 0.5

years to 7.8 years based on the amount of permitted reserves remaining at the end of 2013.

- 101 However, in terms of landbanks, government guidance contained in paragraph 145 of the NPPF advises that longer periods for landbanks than at least seven years for sand and gravel may be appropriate to take account of the need to supply a range of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites. This paragraph also highlights the need for MPAs to ensure that large landbanks bound up in very few sites do not stifle competition. Furthermore, the NPPG also refers to known constraints on the availability of consented reserves that might limit output over the plan period as a reason for bringing forward an application for mineral extraction in an area where there exists an adequate landbank.
- 102 However, Officers note that the total landbank position masks a significant distortion between the landbanks for sharp sand & gravel and soft sand which fell to 1.9 years and 8.7 years respectively at the end of 2013. The granting of planning permission for soft sand extraction at Mercers South (12 August 2014) has increased the landbank for soft sand by 8.2 years to 16.9 years based on the amount of permitted reserves remaining at the end of 2013. The granting of planning permission at Alton Road would increase the landbank for soft sand by a further 1.5 years to 18.4 years.
- 103 In terms of landbanks, government guidance contained in NPPF paragraph 145 advises that longer periods for landbanks than at least seven years for sand and gravel may be appropriate to take account of the need to supply a range of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites. This paragraph also highlights the need for MPAs to ensure that large landbanks bound up in very few sites do not stifle competition. Furthermore, the NPPG also refers to known constraints on the availability of consented reserves that might limit output over the plan period as a reason for bringing forward an application for mineral extraction in an area where there exists an adequate landbank.
- 104 In respect of the need to supply a range of aggregates and the location of permitted reserves relative to markets, Officers note that although the landbank for sand in the County is well in excess of seven years, the applicant states that the significantly greater proportion of the future supply of soft sand would take place at sites in the east of the County. In this respect, the applicant has stated that the application site would make an important contribution to aggregate supply for the construction industry being suitably placed to supply north Hampshire and the western side of Surrey for the period to 2024. This view is accepted by Officers given that nearly all of the County's remaining soft sand reserves are located in the east of the County (taking into account the recent approval at Mercers South).
- 105 Permitted reserves contained in the only two remaining soft sand quarries in the west of the County are significantly lower. The operator of one of these quarries (Homefield Sandpit) provided a letter to the Mercers South applicant confirming that Homefield sandpit *'would not contribute in any meaningful way to the landbank or to the delivery of the annual apportionment for soft sand in the period to 2026'*. As a result, the application site will play an important role in supplying the soft sand market in this area of the County.
- 106 The applicant only proposes to extract limited quantities of sand over the first 4 years (5,000 tpa) to allow time for new bat and dormice habitat to be created. From 2018, the applicant envisages that sand would be dug at a rate of up to 140,000 tpa over a period of 6 years. Therefore, by the time sand extraction commences in earnest in 2018, mineral extraction in south west Surrey will have ceased following the completion of mineral extraction at one soft sand quarry and the suspension of mineral extraction by the operator of the only other remaining soft sand quarry in this area of the county. In terms of the remainder of the County, soft sand extraction at Betchworth is anticipated to

be nearing completion soon after 2018 leaving only two production sites at Moorhouse Sandpits and Mercers South, both of which are situated in the east of the county. The application site is therefore considered to be well located to replenish soft sand reserves in south west Surrey and ensure a continuing supply to markets in the wider catchment area.

- 107 In respect of the need to ensure large landbanks bound up in very few sites do not stifle competition, Officers note that the vast majority of the County's remaining soft sand reserves are found within the Mercers South site in the east of the County (granted planning permission on 12 August 2014). The proposal would therefore help to maintain competition in the county for soft sand and accord with guidance contained in the NPPF.
- 108 In respect of known constraints on the availability of consented reserves that might limit output over the plan period, Officers judge that the only known constraint on soft sand extraction is in relation to one quarry in south west Surrey, the operator of which (Homefield Sandpit) has confirmed to the Mercers South applicant that Homefield sandpit *'would not contribute in any meaningful way to the landbank or to the delivery of the annual apportionment for soft sand in the period to 2026'*. In view of guidance contained in the NPPG, this constraint on soft sand supply further supports the case in favour of the proposed development.
- 109 Therefore, although the landbank for soft sand is well above the minimum threshold of at least seven years, Officers are satisfied that there is sufficient justification for the need for the sand in accordance with guidance contained within the NPPF and the NPPG. For these reasons, despite the length of the landbank for soft sand and the extent of remaining permitted reserves, the proposal is considered acceptable under Primary Aggregates DPD Policy MA1.
- 110 SMP 2011 Policy MC11 states that applications for mineral working outside the preferred areas identified in the plan will only be permitted where it can be demonstrated that it is necessary to maintain an adequate landbank where land in preferred areas has not come forward for mineral working; or where the proposal is for an extension to an existing site where the mineral would be sterilised if planning permission were not granted.
- 111 The proposal is seeking an extension of time to complete mineral extraction and subsequent restoration of a previously allocated site in the Surrey Minerals Local Plan 1993 following the recent acquisition of the application site by a new mineral company. Although the refusal of planning permission would not result in the sterilisation of the resource, there remains a risk that the site may not come forward in future should planning permission be refused. Such an eventuality would result in large parts of the site remaining in an unsatisfactory condition and an unattractive state with little value for any purpose following poor quality restoration. For these reasons, the proposal is not considered to be contrary to Policy MC11.
- 112 SMP 2011 Policy MC17 promotes the restoration of mineral workings at the earliest opportunity and restored sites should be sympathetic to the character and setting of the wider area and capable of sustaining an appropriate after-use. SMP 2011 Policy MC18 promotes restoration and enhancement which enhances biodiversity interests and improves public access.
- 113 The applicant states that the site has lain derelict for a number of years and that the reworking of the site provides an opportunity to improve, restore and manage it, and to return the whole site to beneficial use in the longer term. The applicant proposes restoring the site to a mixture of grassland with tree and shrub planting and provision for informal recreation, grassland with permissive rights of way and managed woodland. Officers therefore consider that the proposal would result in a substantial improvement in

the quality of the land, support increased biodiversity and provide an asset for the local community.

- 114 This view is reflected in paragraph 137 of the Inspector's Report which states, in relation to Alton Road, that, "It is not attractive and in its present state has little value for any purpose. Although it is not visually prominent, I agree with SCC that it would be beneficial for restoration to be completed, not least because of its location in an Area of Great Landscape Value." For these reasons, the proposal meets the requirements of SMP 2011 Policy MC17 and MC18.

Availability of sufficient inert waste material

- 115 Officers note that the concerns raised by representations are largely based on the contents of the Inspector's Report on the Examination into the Aggregates Recycling Joint DPD published in November 2012. In his report, the Inspector states at paragraph 33 that, "*The Minerals Site Restoration Supplementary Planning Document (SPD) shows that there is at present insufficient C, D and E waste available in Surrey to ensure restoration of mineral voids to former levels*".
- 116 The market for the landfill space would be developed slowly as the applicant only proposes to import 50,000 tpa of inert waste up until 2018 and up to 275,000 tpa in the period 2019-2028. With the SPD being written during a severe economic downturn when the availability of inert waste was affected by the significant reduction in construction activity, this would allow time for the economy to recover, the construction sector to grow, and inert waste arisings to increase. This view is generally reflected in paragraph 34 of the Inspector's Report which says that, "*I recognise that in recent years the national economy has suffered a severe and prolonged downturn and that recovery is slow. This is reflected in a reduction in development activity which it is reasonable to suppose may in turn limit demand for aggregate and the quantities of material available for recycling as aggregate.....However, the Plan covers the period up to 2026, during which time it is not unreasonable to expect the economy to make a recovery and for there to be a resurgence in development activity, not least in the South East of England.*"
- 117 In relation to the Minerals Site Restoration SPD, excluding reservoirs, this only proposed restoration at a lower level at two allocated sites in the SMP 2011, Manor Farm (Laleham) and Pendell Farm (Bletchingley). Two restoration options were also proposed for Mercers Farm, Nutfield comprising both a complete fill and a no fill solution. It should be noted that the calculations contained in the SPD on the amount of inert fill material that would be available to restore the allocated sites already factored in both the need to infill the existing inert landfill capacity remaining in the County as well as the new inert landfill capacity that would be created as remaining permitted reserves of aggregates are worked out.
- 118 Given the proximity of the application site to the County boundary with Hampshire, it is acknowledged by Officers that a significant proportion of the catchment area from which inert waste is likely to be imported for restoration purposes is likely to include north east Hampshire. At the end of 2012, the Environment Agency's Waste Data Tables 2012 indicate that Hampshire had less than half as much inert landfill capacity (2.88 million m³) as Surrey (5.89 million m³). This would reduce the need for the applicant to rely on inert waste arising in Surrey to restore the application site.
- 119 This also addresses a concern expressed in paragraph 138 of the Inspector's Report that as things stand, there is little likelihood of the application site attracting sufficient suitable waste to achieve restoration within the foreseeable future particularly as it is located within a few miles of Homefield. The large volume of inert waste that would need to be imported appears to have been acknowledged by the applicant who, in comparison with the previous operator, is seeking a longer period of fifteen years in which to complete soft sand extraction and restoration which would finish in 2029. Furthermore,

the applicant points out that with good access on to the A31 and the wider main road network, the application site is suitably placed to take waste from the local area and to meet some of the need for Surrey to take waste from London.

- 120 The applicant states that there has been a switch in emphasis away from non-hazardous landfill due to the landfill tax, modern household waste collection systems, the development of new waste management facilities, and markets that support and enable re-use and recycling as alternatives to landfill. The applicant argues that changing the filling of the application site from non-hazardous to inert waste would have less impact and be less intrusive and would support early restoration of the quarry to a beneficial after-use.
- 121 It is acknowledged by Officers that non-inert landfills have a greater environmental impact than inert landfills and that, for this reason, modern non-inert landfills are subject to strict regulatory control. The technical operations and requirements necessary for the control of non-inert landfills are therefore more onerous and extensive in order to make them environmentally acceptable.
- 122 The proposed change from non-inert to inert landfill is considered beneficial in policy terms. The SWP 2008 seeks to drive the management of waste up the waste hierarchy, address waste as a resource and look to disposal as the last option. The SWP 2008 also recognises that inert waste may be beneficially deposited in landfill sites as part of their restoration. This approach is consistent with national policy contained in the Waste Management Plan for England (December 2013) which states that landfill or incineration without energy recovery should usually be the last resort for waste, particularly biodegradable waste.

Whether the proposal is in conflict with the ARJDPD

- 123 Officers note that the application site is allocated under Policy AR2 of the Aggregates Recycling Joint DPD (ARJDPD) for the development of an aggregates recycling facility. This was on the basis that the remaining void at the disused sand quarry was more likely to be filled with inert waste, some of which would be capable of being screened and crushed to produce recycled aggregates. This view was informed in the knowledge that the previous operator of the site was unsuccessful in seeking to enter into contractual arrangements with a waste management company to fill the site with primarily non-inert waste. This was because the waste management company considered that the remaining void space was too small to be commercially viable as a non-inert landfill.
- 124 The applicant has acknowledged that the present proposal does not include provision of a recycling facility seeking as it does, to extend the life of the existing planning consent (which has since expired). The applicant has also stated that if in due course an application for recycling was brought forward, that proposal would comply with ARJDPD Policy AR2 and be consistent with and complement the site's operation as a landfill site.
- 125 Although the proposal does not propose aggregates recycling, the applicant's intention to only import and landfill the application site with inert waste is a necessary step in order to make the site suitable for aggregates recycling in future. For this reason, the proposal is not considered by Officers to conflict with the targets to increase the amount of recycled and secondary aggregates produced in Surrey contained in SMP 2011 Policy MC5. Neither does the proposal prejudice the allocation of the site for aggregates recycling under ARJDPD Policy AR2.

Impact on non-hazardous landfill capacity

- 126 Officers note that the AMR 2012/13 explains on page 27 that Surrey had 6.54 million m³ of non-inert landfill capacity remaining at the end of 2012. This is equivalent to around 6.54 million tonnes. Nearly all of this was located at Patteson Court landfill, Redhill which

has planning permission until 2030. The Environment Agency's Waste Data Tables 2012 for the South East show that remaining non-inert landfill capacity in Surrey was significantly more than all of its neighbouring counties apart from Buckinghamshire.

- 127 Analysis of the Environment Agency's Waste Data Interrogator 2012 indicates that 615,000 tonnes of waste materials were landfilled at Patteson Court in 2012 including 300,000 tonnes arising in Surrey, 200,000 tonnes arising in London and 112,000 tonnes arising in the rest of the South East. Given the significant reduction in the landfill of Surrey's residual municipal waste arisings, which has fallen from 286,346 to 52,375 tonnes between 2008/09 and 2012/13, and the Waste Disposal Authority's target to send zero household waste to landfill, this suggests that sufficient capacity exists at Patteson Court to meet Surrey's requirements for sending non-inert waste to landfill, the majority of which now comprises residual commercial and industry waste.
- 128 Following the revocation of the South East Plan, there is no longer any regional policy requirement for Surrey to make landfill provision for London's residual municipal and commercial and industrial waste. However, Surrey Waste Plan 2008 (SWP 2008) Policy CW4 still promotes such provision to be made as the SWP 2008 pre-dates the revocation of the South East Plan. Despite this, it is still reasonable to expect some imports to continue from London (and elsewhere) given that some quantities of waste will continue to travel across local authority boundaries in order to utilise the nearest appropriate waste management facility. This is accepted under the concept of Surrey moving towards net-self sufficiency in the management of waste which is promoted under SWP 2008 Policy CW4.
- 129 The proposal to change the type of waste permitted to be landfilled to inert waste only is therefore not considered by Officers to prejudice the availability of sufficient waste management infrastructure in Surrey to manage its residual non-inert waste arisings. This is in view of the large volume of existing non-inert landfill capacity in Surrey compared to most neighbouring authorities, and policy drivers to divert waste from landfill and move the management of waste up the waste hierarchy in order to manage waste more sustainably, in accordance with the strategic objectives contained in the SWP 2008.

Conclusion

- 130 This application is to extend the lifetime of the sandpit with inert infill and ultimate comprehensive restoration. The applicant has applied to vary Condition 1 of planning permission ref WA99/0223 via Section 73 of the Town and Country Planning Act 1990. Given the timing of the application (November 2013), the applicant is able to apply via Section 73 in respect of the extant planning permission at the site given the timing of the application (November 2013). The CPA should consider whether such an extension of time or the switch to infilling with inert waste only would be contrary to the development plan. It is a material consideration of significant weight that the site has the benefit of planning permission, which was still extant at the time this application was submitted as valid.
- 131 Officers consider that there remains a need for soft sand in south west Surrey and that the site therefore performs an important role in the County's landbank. The fact that the operator of the site did not complete the work required to completely restore the site by 31 December 2013, does not, in Officers view, diminish the continued need for sand extraction at the site. Since the previous determination in 2002, the site has been allocated in the Aggregates Recycling DPD in 2013. However, Officers do not consider that the lack of aggregates recycling proposed through this Section 73 application would be a grounds for refusal and this proposal is not, as suggested by several representations, contrary to the Aggregates Recycling DPD. The CPA should consider each application on its individual merits and in light of national policy and the development plan. The fact that the development plan has evolved in Surrey since 2002

has not created a situation where sand extraction at Alton Road is now contrary to either national or County policies. Additionally, Officers note that national guidance states that an adequate or excess landbank is not a reason for withholding planning permission unless there are other planning objections which are not outweighed by planning benefits.

- 132 In terms of the use of inert waste only, Officers consider that the applicant has submitted an adequate justification for why they now propose to infill with inert waste only. In light of the waste hierarchy, Officers consider that the continued provision of a large landfill site for household waste could potentially undermine aims at moving waste up the hierarchy and that infilling with inert waste only is supported in light of the development plan. Officers also acknowledge that the use of inert material over household waste does create less potential for environmental impacts. Representations have cited a large number of issues with the previous deposit of household waste at the site and the fact that the applicants have omitted that waste stream from their proposed infilling is clearly a beneficial development in the site's future operation. Officers consider that the proposal to infill with inert material only complies with the SWP 2008 and that appropriate conditions could be attached to any approval to restrict such waste; a point of concern raised by representations.
- 133 Representations have also referred to their access and enjoyment of the site over the years of inactivity, although Officers note that the site has remained private land. Given the proposed final restoration includes existing and proposed permissive footpaths, Officers note that residents would continue to access to the restored site beyond the 2029 date when the site is fully restored.
- 134 Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF establishes a presumption in favour of sustainable economic development unless development proposal would not accord with the development plan or material considerations indicate otherwise. Officers consider that in terms of extraction and landfilling issues, the application complies with the NPPF, SWP 2008 Policy CW4 and Policy WD7, SMP 2011 Policy MC7 and Policy MC14 and the Primary Aggregates DPD Policy MA1, and WBLP 2002 Policy C2.

RESTORATION ISSUES

Surrey Waste Plan 2008 (SWP 2008)

WD7 - Disposal by Landfilling, Landraising, Engineering or Other Operations

Surrey Minerals Plan 2011 Core Strategy DPD (SMP 2011)

Policy MC17 - Restoring mineral workings

Policy MC18 - Restoration and enhancement

Surrey Minerals Plan 2011 Site Restoration Supplementary Planning Document (Restoration SPD)

Waverley Borough Local Plan 2002 (WBLP 2002)

Policy C3 – Areas of Great Landscape Value

Policy C6 – Landscape Enhancement

Policy D1 – Environmental Implications of Development

- 135 The NPPF and NPPG expect mineral planning authorities to ensure that mineral proposals do not have an unacceptable adverse effect on the natural environment or human health. The NPPG provides more detailed guidance, which looks for restoration conditions and aftercare as appropriate to be secured through provision of a landscape strategy. Restoration schemes should indicate how restoration and aftercare is to be integrated with the working scheme and demonstrate the suitability of the proposals to the proposed afteruse.
- 136 SMP 2011 Policy MC17 states that mineral working will only be permitted where the County Council is satisfied that the site can be restored and managed to a high standard,

and for sites to be restored progressively where appropriate and restoration completed at the earliest opportunity. Applicants are expected to agree a scheme for restoration detailing how the land will be restored and managed before, during and after working. Restoration should be sympathetic to the character and setting of the wider area and capable of sustaining an appropriate after-use.

137 Policy MC18 states that the mineral planning authority will encourage and work with mineral operators and landowners to deliver benefits such as enhancement of biodiversity interests, improved public access and provision of climate change mitigation such as greater flood storage capacity. Where appropriate, a wider area enhancement approach should be developed, linking restoration proposals for mineral sites or linking site restoration to other green infrastructure initiatives.

138 The Restoration SPD states that in paragraph 1.9 that in addition to restoration, there are opportunities to secure a whole range of environmental enhancements on land before or during working, or on non-operational land. This could meet biodiversity, landscape, recreational, flooding or other objectives. The County Council will seek the positive enhancement of areas affected by mineral working and will work with district/borough councils and relevant agencies to identify measures which would enhance affected areas.

139 Paragraph 2.27 of the Restoration SPD notes that a strategic view of restoration and enhancement is required to take a wider view beyond a single site, as required by SMP 2011 Policy MC18. Such an approach looks for opportunities to develop synergies between the restoration of individual mineral workings and enhancements of land in their wider area. Areas in Surrey where the restoration and enhancement of land can contribute to wider strategic projects including the application site and its surroundings at Farnham. The SPD states that at paragraph 2.35 that:

“A number of existing workings are concentrated around the West Surrey town of Farnham, these include the sandpits to the east at Runfold, the lower Blackwater Valley and towards the Hogs Back, together with the Alton Road pit at Wrecclesham to the west. A more coordinated approach would provide considerable benefits for landscape, recreational and diversity reasons, as well as increasing certainty for local residents.”

140 WBLP 2002 Policy C3 states that the Borough Council will protect and conserve the distinctiveness of the landscape character areas within the Borough, and management and enhancement of landscape features to conserve landscape character and retain diversity will be promoted. Development appropriate to the countryside will be expected to respect or enhance existing landscape character by appropriate design. Additionally, the Policy states that landscapes designated as Areas of Great Landscape Value make a valuable contribution to the quality of Waverley’s countryside and the setting of the towns and strong protection will be given to ensure the conservation and enhancement of the landscape character.

141 WBLP 2002 Policy C6 (Areas for Landscape Enhancement) states that the Borough Council will seek to secure improvements to the landscape within the Borough, with particular emphasis being given to areas which are already showing signs of landscape deterioration, achieved through the control of development and, subject to finance, the preparation of improvement schemes to be implemented. The Policy’s supporting text sets out that: *“There are a number of locations, mainly associated with areas of mineral workings and old tipping sites, where the landscape has deteriorated and where steps will be taken to improve the sites should the opportunity arise - normally through proposals coming forward for development.”*

142 WBLP 2002 Policy D1 states that development should incorporate landscape design suitable to the site and character of the area, of a high standard and with adequate space and safeguards for long term management.

Officer's assessment

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- 143 The County Principal Environment Enhancement Officer (CPEEO) advises that the phasing and timescales for restoration are acceptable, though questions the ultimate land uses of the grassland areas as it appears unclear whether they would be agricultural, for amenity, or for nature conservation. The CPEEO considers that the final restoration scheme is essentially a nature conservation scheme with woodland (commercial) and amenity aspects. He suggests that some minor points of detail on the restoration plan should be addressed to avoid confusion/problems at a later date, such as species mix for planting. With reference to the land under the applicant's control in the river corridor (blue-edged land on site location plan), the County Restoration Officer would welcome to work with the applicant to discuss further enhancement to secure a wider and comprehensive restoration package.
- 144 Officers note that the site has naturally matured over the years of inactivity and the applicant needed to undertake ecology surveys before submitting an application at this site. Officers met the applicant on site twice, including with the County Ecologist, and Officers do not agree with representations that the ecology surveys are invalid or incomplete. If the applicant had not properly considered the ecology of the site before preparing the current application, this could be a reason to refuse the application on grounds of insufficient information. The applicant was also required to submit an Environmental Statement with this application, in order that the CPA could undertake an Environmental Impact Assessment. In this case, Officers consider that the applicant has provided sufficient information on ecological issues and that the phasing of extraction and final restoration scheme takes the site's natural features into account. Additionally, Officers recommend that a condition be attached to any planning permission to ensure that ecological surveys are kept up to date.
- 145 However, the County Landscape Officer (CLO) notes that whilst restoration details have been submitted, no associated landscape scheme or landscape management plan has been provided. In view of the biodiversity elements in the restoration plan, such as new heathland and replacement native woodland, the CLO advises that a landscape scheme would be required to demonstrate choice and implementation of planting. This should include a Soil Strategy to ensure suitability of soil type to be imported to make up the identified shortfall of indigenous soils on site. A management plan would also be required, beyond the initial 5 year aftercare period, for a period of a further 20 years to oversee and heathland and woodland restoration. In terms of the restoration proposals, the CLO judges that the character of the restoration would be in keeping with local landscape character. Officers consider that the restoration proposals are acceptable, subject to appropriate conditions and securing of a Section 106 Legal Agreement, noting the draft Heads of Terms received on 15 August 2014 included as Appendix 1 to this report. The application therefore complies with relevant development plan policy and guidance in respect of restoration issues, specifically the NPPF, SWP 2008 Policy WD7, SMP 2011 Policy MC17 and Policy MC18 and the Restoration SPD, and WBLP Policy C3, Policy C6 and Policy D4.

HIGHWAYS, TRAFFIC AND ACCESS

Surrey Waste Plan 2008 (SWP 2008)

DC3 General Considerations

Surrey Minerals Plan 2011 Core Strategy (DPD) (SMP 2011)

Policy MC14 Reducing the adverse impacts of mineral development

Policy MC15 Transport for minerals

Waverley Borough Local Plan 2002 (WBLP 2002)

Policy M2 – Movement Implications of Development

146 Government policy on transport is set out in part 4 ‘Promoting sustainable transport’ of the NPPF (paragraphs 29 to 41). The NPPF recognises the important role transport policies have in facilitating sustainable development and in contributing to wider sustainability and health objectives. In relation to mineral development, plans should set environmental criteria for assessing the traffic impacts of proposals. The NPPF indicates (paragraph 32) that all developments which generate significant amounts of transport movement should be supported by a Transport Assessment and in making decisions development should take account of whether:

- opportunities for sustainable travel modes have been taken up, depending upon the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access can be achieved for all people; and
- improvements can be undertaken within the transport network that limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

147 SWP 2008 Policy DC3, states that the information expected to accompany planning applications includes: an assessment of the level and type of traffic that would be generated; and an assessment of the impact of that traffic, the suitability of the access to the site and the highway network in the vicinity of the site (including access to and from the motorway and the primary route network). Policy DC3 also requires adverse effects on neighbouring amenity including transport impacts to be assessed.

148 SMP 2011 paragraph 7.7 states that the nature of traffic generated by mineral working can require road improvements to be carried out in order to maintain the safety of the network. Paragraph 7.10 states that movement of minerals by road should as far as possible be confined to the motorway and primary route network and potential impacts on these roads assessed.

149 SMP 2011 Policy MC14 states that proposals for mineral development will only be permitted where sufficient information has been submitted to enable the authority to be satisfied that there would be no significant adverse impacts arising from the traffic generated by development. SMP 2011 Policy MC15 states that applications for mineral development should include a transport assessment of potential impacts on highway safety, congestion and demand management and explore how movement of minerals within and outside the site will address issues of emissions control, energy efficiency and amenity. The policy requires applicants to consider alternatives to road transport, though the supporting text at paragraph 7.9 acknowledges that as the majority of mineral produced in Surrey is transported over relatively short distances, transport by lorry is often the only practicable, cost effective option.

150 WBLP 2002 Policy M2 states that all development proposals should provide safe access for pedestrians and road users and be of a standard appropriate to the highway network in the vicinity and the level of traffic generated by the development.

Applicant’s assessment

151 The applicant highlights that this site has an extant approval for the extraction of sand and the subsequent infilling with inert waste. Work commenced in 2002 to upgrade the access onto the A31 and these works were completed to the satisfaction of the highway authority. The applicant argues that the highway conditions along the A31 have changed little (if anything there has been a reduction in traffic flow) and that the improved access still complies with the current guidance on the layout of accesses to trunk roads (and to high standard dual carriageways). The historic accident record was noted to be unexceptional.

- 152 The applicant notes that the proposed quarry operation is similar to that previously approved and as a result of the inactivity on site over the last ten years the application merely seeks to extend the permitted lifetime of the quarry. The applicant argues that the highway impact of the overall operation would be similar to that approved in 2002 and all necessary improvements were made and/or Conditions imposed at that time, so no new mitigation, contributions or restrictions are considered necessary. The applicant therefore argues that the current proposal would only introduce a marginal highway impact.

Officer's assessment

- 153 The County Highway Authority (CHA) notes that following planning permission being granted in September 2002 and development commencing in July 2004, highway improvement works at the access with the A31 were implemented through a S278 Agreement. The CHA note that Condition 25 of the original planning permission limits the number of daily HGV movements to and from the site and that there is no proposal to amend this condition. It therefore remains as: 'There shall be no more than 170 HGV movements to and from the site per day.'
- 154 With reference to the representations received, the CHA highlight that daily traffic on this stretch of the A31 has reduced since the application was granted in 2002 and implemented in 2004. Specifically, the Department for Transport Annual Average Daily Flow (AADF) figures show that in 2002 there was a daily average of 23,818 vehicles, in 2004 it was 22,419 and the latest available data for 2012 was 19,191. The corresponding daily average HGV flows were 843 in 2002, 746 in 2004 and 797 in 2012. The proposal was previously considered acceptable with higher traffic levels on the A31 and therefore the proposal remains acceptable in highway capacity terms.
- 155 The CHA confirms that the access works that were previously agreed were considered necessary to make the access safe and that these have been implemented. The CHA note that there is no record of any personal injury accidents at the access, although given that the site has lain dormant for some 8 or 9 years, that is unremarkable. Nevertheless, the access was constructed to the satisfaction of the CHA and therefore the proposal is considered acceptable in highway safety terms. The CHA therefore has no objection to this application. Officers therefore consider that there would be no reason to refuse this application on highway, traffic and access grounds subject to appropriate conditions limiting vehicle numbers and hours of operation. The application therefore complies with the NPPF, SWP 2008 Policy DC3, SMP 2011 Policy MC14 and Policy MC15, and WBLP 2002 Policy M2 in respect of traffic, access and highways.

ENVIRONMENTAL AND AMENITY ISSUES

Surrey Waste Plan 2008 (SWP 2008)

Policy WD7 - Disposal by Landfilling, Landraising, Engineering or Other Operations

Policy DC2 - Planning Designations

Policy DC3 - General Considerations

Surrey Minerals Plan 2011 Core Strategy DPD (SMP 2011)

Policy MC14 - Reducing the adverse impacts of mineral development

Waverley Borough Local Plan 2002 (WBLP 2002)

Policy C2 – Countryside Beyond the Green Belt

Policy C3 - Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value

Policy C6 – Landscape Enhancement

Policy C7 - Trees, Woodlands and Hedgerows

Policy C11 - Undesignated Wildlife Sites

Policy D1 – Environmental Implications of Development

Policy D5 - Nature Conservation

Policy D7 - Trees, Hedgerows and Development

Policy HE10 – Heritage Features

Policy HE15 – Unidentified Archaeological Sites

Environment Impact Assessment (EIA)

- 156 The planning application is accompanied by an Environmental Statement (ES), which the County Environmental Assessment Officer has considered and confirms that the ES satisfies the requirements of Part II of Schedule 4 of the EIA Regulations (2011), and provides as much of the information listed under Part I of the EIA Regulations 2011 as may be reasonably required. The County Environmental Assessment Officer confirms that the ES is therefore of sufficient quality to inform the determination of the planning application, alongside all other relevant environmental information that has been brought to the CPAs attention during the consultation process.

Policy Context

- 157 Paragraph 122 of the NPPF states that planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes; and that planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities. The applicant has twin-tracked (i.e. submitted at the same time) this planning application and an Environmental Permit application to the Environment Agency (Waste Permit issued on 18 June 2014). NPPF paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.
- 158 SWP 2008 Policy DC2 states that planning permission will not be granted for waste related development where this would endanger, or have a significant adverse impact, on the character, quality, interest or setting of designated sites/features, such as: Scheduled Ancient Monuments or Sites of Archaeological Importance; Ancient semi-natural woodlands; Areas of Great Landscape Value; Groundwater Source Protection Zones; Land, as defined by the Environment Agency, as liable to flood; and Biodiversity Action Plan habitat and species. Policy DC2 sets out that in assessing each development proposal, due regard will be paid to prevailing national policy and guidance appropriate both to the areas and features of acknowledged importance and to the proposed means of dealing with waste. The assessment will also take into account whether any significant adverse impact identified could be controlled to acceptable levels.
- 159 SWP 2008 Policy DC3 states that planning permissions for waste related development will be granted provided it can be demonstrated by the provision of appropriate information to support a planning application that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. The information supporting the planning application must include, where relevant to a development proposal, assessment of the following matters and where necessary, appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss:
- (i) the release of polluting substances to the atmosphere or land arising from facilities and transport;
 - (ii) the amount of greenhouse gases produced;
 - (iii) the contamination of ground and surface water;
 - (iv) the drainage of the site and adjoining land and the risk of flooding;
 - (v) water consumption requirements and consideration of water management within operational plant;
 - (vi) groundwater conditions and the hydrogeology of the locality;

- (vii) the visual and landscape impact of the development on the site and surrounding land including townscape;
- (viii) in the case of buildings, demonstration of high quality of design;
- (ix) adverse effects on neighbouring amenity including noise, fumes, vibration, glare, dust, litter, odour, vermin and transport impacts;
- (x) traffic generation, access and the suitability of the highway network in the vicinity, including access to and from the motorway and the primary route network;
- (xi) adverse effects on open spaces, settlements, agriculture and other rural economic activity, woodland, or existing or potential outdoor recreation uses, including Public Rights of Way;
- (xii) the loss or damage to flora and fauna and their respective habitats at the site or on adjoining land including linear or other features which facilitate the dispersal of species;
- (xiii) the loss or damage to archaeological resources or historic landscapes;
- (xiv) potential danger to aircraft from birdstrike and structures;
- (xv) scope for limiting the duration of use;
- (xvi) any health impacts; and
- (xvii) the management arrangements for residues arising from any waste management facility.

160 SMP 2011 Policy MC14 states that mineral development will be permitted only where a need has been demonstrated and the applicant has provided information sufficient for the mineral planning authority to be satisfied that there would be no significant adverse impacts arising from the development. In determining planning applications for mineral development, potential impacts related to the following issues, where relevant, will be considered, giving particular attention to those highlighted in any screening opinion made for the site:

- i) noise, dust, fumes, vibration, illumination, including that related to traffic, generated by the development;
- ii) flood risk, including opportunities to enhance flood storage, dewatering and its potential impacts, water quality, and land drainage
- iii) the appearance, quality and character of the landscape and any features that contribute to its distinctiveness;
- iv) the natural environment, biodiversity and geological conservation interests;
- v) the historic landscape, sites or structures of architectural and historic interest and their settings, and sites of existing or potential archaeological interest or their settings;
- vi) public open space, the rights of way network, and outdoor recreation facilities;
- vii) the use, quality and integrity of land and soil resources, land stability and the integrity of adjoining transport infrastructure;
- viii) the need to manage the risk of birds striking aircraft;
- ix) cumulative impacts arising from the interactions between mineral developments, and between mineral and other forms of development; and
- x) any other matter relevant to the planning application.

161 WBLP 2002 Policy D1 states that the Borough Council will have regard to the environmental implications of development and will promote and encourage enhancement of the environment. Development will not be permitted where it would result in material detriment to the environment by virtue of:

- (a) loss or damage to important environmental assets, such as buildings of historical or architectural interest, local watercourses, important archaeological sites and monuments and areas of conservation, ecological or landscape value;
- (b) harm to the visual character and distinctiveness of a locality, particularly in respect of the design and scale of the development and its relationship to its surroundings;
- (c) loss of general amenity, including material loss of natural light and privacy enjoyed by neighbours and disturbance resulting from the emission of noise, light or vibration;

- (d) levels of traffic which are incompatible with the local highway network or cause significant environmental harm by virtue of noise and disturbance;
- (e) potential pollution of air, land or water, including that arising from light pollution and from the storage and use of hazardous substances;

162 Policy D1 also states that the Borough Council will seek, as part of a development proposal, to resolve or limit environmental impacts. This may include the submission of a flood-risk/run-off assessment to determine the potential flood risk to the development, the likely effects of the development on flood risk to others, whether mitigation is necessary, and if so, whether it is likely to be effective and acceptable. The Borough Council will also seek remedial measures to deal with existing problems such as land contamination.

AIR QUALITY (LANDFILL GAS, DUST, ODOUR)

163 The NPPF and NPPG expect mineral planning authorities to ensure that mineral proposals do not have an unacceptable adverse effect on the natural environment or human health by “*preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land stability*” (paragraph 109). NPPF paragraph 120 states that to prevent unacceptable risks from pollution, planning decisions should ensure new development is appropriate for its location and that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account. NPPF paragraph 144 states that unavoidable dust and particle emissions should be controlled, mitigated or removed at source.

Landfill Gas Monitoring Responsibilities

164 As noted above, Wrecclesham Village Society / TRASH Campaign has raised several matters concerning the monitoring of gas from the former landfill site owned by CEMEX. However, the Environment Agency (EA) has raised no objection and Waverley Borough Council’s Pollution Control team have raised no objection subject to adequate gas monitoring being in place. In order to be clear on landfill gas monitoring responsibilities, the EA have confirmed that the regulation of historic landfills and landfill gas monitoring is the responsibility of the local planning authority, in this instance Waverley Borough Council. Waverley Borough Council have advised that in the last ten years they have contacted CEMEX three times, with CEMEX confirming that they take monthly readings of gas from the former landfill site and have done so for the past 20 years.

165 Additionally, Waverley Borough Council confirmed to the CPA that on 26 June 2014 one of their Environmental Health Officers, accompanied by the Environment Agency, met with CEMEX and that this meeting had indicated that while some repair of the system is needed and upgrade would be required for the new proposals, no significant issues were identified. Overall, Waverley Borough Council’s Pollution Control Officers consider that the site is being adequately managed and they can see no evidence of a significant possibility of significant harm to any receptors. Furthermore, based on the current site management, Waverley Borough Council’s Pollution Control Officers do not considered that the site is likely to be declared ‘*contaminated land*’, as defined under Part II A of the Environmental Protection Act 1990.

166 Officers have discussed the points raised by TRASH Campaign and others, in addition to the response of Waverley Borough Council’s Pollution Control team and the Environment Agency, with the County Geotechnical Consultant (CGC) prior to the CGC suggesting appropriate conditions.

Applicant's assessment

Landfill Gas

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- 167 The applicant sets out that within a landfill, migration pathways would be determined by various factors such as the moisture content, type of waste, degree of compaction, presence of infrastructure such as monitoring wells and any landfill gas pumping that might be occurring. At Alton Road, waste was previously placed into the void created by the extraction of clay, sand and gravel and the waste has yet to be formally capped, although parts of Riverdale have been backfilled with soils following settlement and underground fires. Additionally, as referred to in representations, landfill gas has previously migrated from the waste into the surrounding strata and then migrated laterally to the southeast and accumulated in basements of residential properties. As the occurrence of such gases in confined spaces can lead to asphyxiation and explosion, the properties were temporarily evacuated.
- 168 In response to the previous gas migration, a gas management system was developed in 1987, which initially included a series of gas abstraction wells installed along the edge of the landfill in natural ground. The applicant sets out that pumping from the gas abstraction wells quickly halted the migration of landfill gas and, following further monitoring of the basements, the residents were allowed to return to their properties. As pumping from the newly installed gas wells in 1987 halted the off-site migration of landfill gas within a few days, this suggests to the applicant that the effective gas phase permeability of the strata through which the gas was migrating was intersected by the wells and was sufficiently high to firstly allow the migration of landfill gas in the first instance and secondly to allow the active extraction of the migrating gas. For gas to migrate from the waste into the permeable horizon and then migrate towards the residential properties also suggests to the applicant that there was a limitation for the gas to naturally escape to the atmosphere i.e. there is a soil cover layer above the permeable horizon somewhat limiting upwards migration and atmospheric loss.
- 169 The applicant undertook a review of the drilling logs and geological plans, and this was noted to indicate that the permeable horizon through which the gas migrated was likely to have been the Folkestone Beds, which comprise partially cemented sands and that this was overlain by lower permeability Hoggin deposits. Since the detection of off-site migration, a large number of abstraction and monitoring wells have been installed and pumping continues to this day with the vapour passively vented at night. The pathway that connected the landfill gas to the residential receptors in 1987 still exists but is now actively managed in accordance with a gas management plan (Officers have referred to current responsibilities/monitoring earlier). As the landfill has no formal capping, the gases are also free to vent to the atmosphere and the applicant submits that construction of the new landfill would not alter the existing pathways.
- 170 Specifically, the applicant argues that placement of the proposed capping system would not lead to the generation of additional landfill gas and that the placement of capping soils would instead load the wastes, which in response would compress with volume loss within the waste and the expulsion of landfill gas. As this is a transient effect, the applicant argues that such a process stops when capping is complete. The applicant estimates that the total volume of gas to be displaced as a consequence of capping is circa 346,133m³. The rate at which gas would be displaced from the waste mass would be proportional to the rate of capping and the applicant has assumed that the proportion of the site capped in each of the 5 years to complete the cap would be in direct proportion to the quantity of placed capping material.
- 171 The applicant has quantified the proportion of capping clay that would be placed in each of the years 2017 to 2021 and submits that as the placement of this directly and immediately causes settlement, and therefore gas displacement, the displacement would follow the same pattern as capping. In response to the detection of lateral landfill gas

migration from the existing landfill, the proposed gas management system has been expanded by the applicant to include:

- An internal network of gas abstraction wells;
- Secondary series of external gas abstraction wells installed in virgin ground designed to effect control over a localised area;
- Inter-connecting pipelines to transmit the gases from the wellheads to the gas pumping station; and
- Computer controlled and monitored gas control station consisting of gas abstraction pumps and a ground flaring system.

- 172 The applicant argues that the existing gas management plan has operated successfully for over two decades during which time gas production significantly exceeded that predicted to occur in response to capping. Under the new proposals, lateral emissions have been calculated by the applicant to be lower in the past than would be experienced with the cap (without gas drainage layers) and they note that the system has proved to be effective at these rates of emission. The applicant suggests that the changes that are predicted to occur as a result of the capping system installation should be addressed by a thorough review of the existing Gas Management Plan and site infrastructure ahead of any capping works, and that no capping works should be undertaken until the CPA and EA are satisfied that the existing system would continue to provide the environmental protection required and that any additional infrastructure considered necessary, including additional monitoring wells, is installed.
- 173 The applicant sets out that review of the existing gas management plan would ensure it takes account of the new proposals and is aligned with current good practice. The effectiveness and location of the gas management and monitoring infrastructure would also need to be inspected and the infrastructure maintained, modified and improved where necessary to take account of the capping works and the gas management scheme. Additional infrastructure may be required and the existing infrastructure in the landfill footprint would need to be raised to take account of the increased topographic levels.
- 174 Nevertheless, the applicant submits that there is a robust monitoring scheme in place at Alton Road landfill and an extensive network of monitoring points, with monthly measurements of several key parameters being made and a large dataset available. To ensure the system is effectively controlled and monitored under the current proposals, the applicant suggest that the existing monitoring infrastructure should be examined to ensure it is fit for purpose and relevant maintenance undertaken where necessary. The range of measurements and the protocols followed during sampling should also be reviewed to ensure they reflect current Environment Agency Guidance and other relevant guidance.
- 175 Specifically, the applicant suggests that the routine monitoring measurements should be expanded to include carbon monoxide, hydrogen sulphide and gas flow. The inclusion of routine gas flow measurements would allow gas emissions to be quantified as the emission rate could be calculated by multiplying by total gas flow from a monitoring borehole measured in volume per unit time (typically litres per hour) by the concentration of a specific gas measured as a percentage (e.g. CO₂ or CH₄). An emission rate value provides a much better understanding of the hazard associated with the presence of the gas in the ground when compared to the historical practice of assessing ground gas concentration data only. Particularly during the capping phase, this approach could also enable action levels and contingency action plans to be developed which would bring the monitoring programme into closer alignment with current industry practice. Such plans would help ensure appropriate actions are initiated in a response to changes in gas concentrations within a transparent framework.

176 As such, the applicant identifies that whilst the placement of capping materials would not cause problematic quantities of landfill gas to be displaced from the waste mass, in response to the presence of the proposed cap lateral emissions would increase. This increase is noted to be a response to a thick low permeability cap being placed over the waste mass resulting in less gas moving to surface emission and more to lateral emission. The applicant argues that this increase in lateral emission could be avoided by utilising the existing site infrastructure or an alternate gas management system involving the placement of geocomposites below the clay capping layer. However, the applicant notes that the scheme adopted and approved to avoid lateral emissions would need to satisfy the parties responsible for the landfill and the appropriate regulatory bodies, and that the existing Management and Monitoring Plan would need to be revised according to the selected option. Although the proposed new inert landfill would not be expected to generate landfill gas, the Environment Agency would still expect the Permit holder to monitor the waste; this monitoring would be required to demonstrate that the waste does not contain significant biodegradable components and that waste acceptance measures are effective. Officers recommend a condition to ensure that only inert waste material is imported to the site and also note that the EA's 2014 Waste Permit also restricts this.

Dust

177 In respect of potential dust receptors, the applicant submits that the site is located in a predominantly rural setting but it adjoins residential and commercial areas and that there are 3 schools in the locality, with many residential and business properties near the permitted site boundary. Although there are many potential receptors in the locality of the proposed operations, the applicant submits that there are few within 250m of either the quarry or landfill operations and that the site is generally well screened by vegetation. Much of the site, especially to the north and east, is noted to be well-screened by existing vegetation, including by mature, dense hedgerow species. The applicant also notes that there is particularly dense woodland to the south of the site that provides a very high level of screening and there is an existing screening bund (with vegetation in places) to the west of the site. In terms of potential sources or site activities likely to give rise to dust, the applicant highlights that these include soil handling, clay and overburden handling, mineral extraction and processing, inert waste handling, wind scouring of exposed surfaces and stockpiles, and vehicle movements.

178 The applicant completed a dust review to consider impacts in terms of NO₂, PM₁₀ and 'nuisance' dust. In respect of NO₂, the applicant argues that this did not require assessment on the basis that emissions would be at levels below those likely to have a significant impact on local air quality. For PM₁₀, the applicant argues that the quarrying, landfill or land restoration stages of the operation would individually have a negligible effect on either the annual or 24-hour objectives for PM₁₀. By combining all potential air quality impacts, several locations could theoretically be affected by slight adverse air quality impacts. However, the applicant argues that because the site is in an area of good air quality, and because it would be technically impracticable for quarrying, landfill and restoration to take place in any one location simultaneously, cumulative PM₁₀ concentrations are unlikely to reach levels at any off-site receptor that might lead to a significant deterioration of air quality.

179 For nuisance dust, the applicant submits that adverse impacts are unlikely from either the quarrying or landfill stages of the operation, though without mitigation, adverse impacts might occur at times during land restoration in the north-eastern area of the site. The applicant therefore proposes dust mitigation measures via a Dust Management Plan (DMP) to assist site management in controlling potential dust emissions.

Odour

180 Officers considered landfill gas earlier in this report. In respect of odour, the applicant submits that there is no evidence of odour complaints regarding the site over the last

decade, and a sniff test undertaken as part of their assessment found little evidence of odour from the site. Therefore, it appears to the applicant that the current gas extraction and venting system is operating effectively. Dispersion modelling of odorous emissions within the proposed landfill site also suggests to the applicant that the Environment Agency’s current benchmarks for odour would be achieved at the site boundary. However, as the applicant intends to landfill inert waste only, which is not odorous, and would not decompose into odorous compounds, the applicant submits that it would not result in odour emissions.

Human Health Assessment

181 The applicant’s outline conceptual site model indicates that most of the planned operations over the application site would give rise to either low or very low risk to the human health of both the public and site operatives. No additional measures are therefore required or proposed to protect human health in those areas and/or for those operations to be carried out, where the risk is low or very low. The Outline Conceptual model indicates that without mitigation, there is a high risk for quarry and landfill operatives of skin contact with soils and dust, and inhalation of outdoor dust and vapours that may be generated from the landfill for the period of soil stripping and clay placement over the Riverdale and South East landfill areas. The following measures are therefore proposed to mitigate against risk to human health from these activities:

- Site operations would be undertaken consistent with principles of best practice in order to minimise any potential risks to human health;
- Oil stripping and clay placement would be carried out on a campaign basis
- Soils would be stripped with care so as to avoid disturbance of existing landfill materials;
- If soil movement needs to take place during dry/dusty periods, a water bowser or other suitable means of suppression would be used to control any adverse dust generated along haul roads and other site operational areas;
- In the event that there are any adverse physical reactions by site operatives, soils can be replaced immediately whilst the cause of symptoms is established
- Operatives would if necessary wear additional protective clothing to prevent contact with waste materials and members of the public would not be permitted onto the site during earth moving operations

182 The applicant submits that upon completion of clay and soil placement and restoration, the landfill content would have been capped and human exposure to any emissions would consequentially have been reduced/improved compared to the position now. The development as proposed provides an overall increase in the level of protection for the public from any landfill emissions, apart from the time limited periods during which waste is exposed because of soil stripping. Procedures can be put in place to minimise the potential for adverse impacts during soil stripping and clay placement. Potential pollutant linkages for the proposed activities were identified and presented by the applicant. The applicant’s submission provided a qualitative human health risk assessment for each potential linkage, noting that implementation of proposed mitigation measures would result in a residual level or risk to on-site and off-site receptors. In this respect, the applicant argues that the resultant risk to operatives, neighbouring residents and amenity uses would be minimal.

Officer’s assessment

Landfill gas

183 In respect of landfill gas, the County Geotechnical Consultant (CGC) advises that no capping or restoration works of the historical landfill areas known as Riverdale and South East Landfill should take place until appropriate monitoring to determine the nature and extent of landfill gas emissions across the two areas has been carried out for a minimum

period of 12 months, and in accordance with a methodology which has previously been submitted to and approved in writing by the CPA.

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- 184 The CGC advises that no capping or restoration works of the historical landfill areas known as Riverdale and South East Landfill should take place until the landfill gas impact assessment (LGIA) has been reviewed and re-assessed following completion of the aforementioned 12 month baseline monitoring. The LGIA should be updated as necessary and re-submitted for approval in writing by the CPA prior to any capping or restoration works in the specified areas.
- 185 The CGC advises that no capping or restoration works of the historical landfill areas known as Riverdale and South East Landfill should take place until a detailed ground gas management plan including a mitigation strategy to deal with any predicted negative impacts (as described in the aforementioned LGIA) has been submitted to and approved in writing by the CPA. The gas management plan should also include a review of the existing gas management system and the proposals for ongoing use of the gas management system, together with a ground gas monitoring scheme.
- 186 The CGC's recommended conditions follow their consideration of the concerns raised during the course of the application regarding the landfill gas risk and the impact assessment. The CGC considers that the assumptions made in the Landfill Gas Impact Assessment have not been fully justified, noting that there is no current gas monitoring data in accordance with best practice in place, and that therefore there may be a plausible risk to nearby properties and their occupants. The CGC notes that the applicant's submitted Landfill Gas Impact Assessment concludes that there would be an increase in lateral emissions during the capping process. The CGC therefore recommended that the application was not determined until clarification regarding the ongoing responsibility for monitoring, management and implementation of gas measures in respect of the existing landfill was received. The CGC also stated that in the event that the CPA is responsible for regulating the former landfill via the planning process (as suggested by Waverly Borough Council's Pollution Control team), they would suggest conditions to deal with this. The details of those suggested conditions are given above. As set out at the end of this report, Officers have recommended a single detailed condition to require all the necessary landfill gas management information prior to any capping or restoration works of the historic landfill areas known as Riverdale and South East Landfill.

Human health impacts

- 187 In respect of human health impacts, the CGC advises that prior to commencement of development, a detailed working plan should be submitted to and approved in writing by the CPA. The plan should include details of the mitigation measures proposed for the protection of human health and the environment in relation to standard operating procedures and working practices, which should include reference to dust, noise and air quality.

Dust / Odour

- 188 In respect of air quality impact from traffic, guidance in the Environmental Protection UK (EPUK) document '*Development Control: Planning for Air Quality (2010 Update)*' suggests a change in traffic movements of 200 Heavy Goods Vehicle (HGV) movements per day as an indicative trigger level for when the operational traffic of a development could have a significant effect on air quality. The applicant predicts that typical average HGV movements would be around 170 per day and the CAQC agrees with the applicant's assessment that the air quality effects associated with traffic generated by the development are not likely to be significant and an assessment is not necessary in this case.

189 The CAQC considers that many of the good practice control measures are proposed to be implemented for the site and that a high level of control would be required to protect the amenity of surrounding sensitive land users. However, the CAQC advises that no matter how clear the description of the mitigation measures and unambiguous any statements of commitment made by the applicant in terms of their execution, their inclusion in an ES or standalone assessment report does not oblige the applicant to implement them when the project is constructed/operated. To ensure that mitigation forms part of the development, the CAQC recommends a condition requiring the formalisation of the proposed Dust Management Action Plan and a programme of ongoing dust monitoring to validate the outcome of the assessment and to check on the continuing effectiveness of control/mitigation measures.

Conclusion

190 Officers recommend that any approval at this site should be subject to a detailed condition requiring that no capping or restoration of the historic landfill areas until further landfill gas emission monitoring takes place for a minimum of 12 months, with an updated landfill gas impact assessment following this, and then a final detailed ground gas management plan agreed with the CPA in consultation with the EA and WBC’s EHO. On this basis, and following discussions with both the EA, WBC’s EHO and the CGC during the course of the application following concerns raised, Officers consider that there would be no reason to refuse this application on landfill gas grounds and that the application complies with the NPPF, SWP 2008 Policy DC3, SMP 2011 Policy MC14 and WBLP 2002 Policy D1.

191 On the basis that any approval at this site would also be subject to a condition to require a Dust Management Plan and on-going dust monitoring, in addition to a condition requiring a detailed working plan for the protection of human health, Officers consider that there would be no reason to refuse this application on dust/air quality grounds and that the application complies with the NPPF, SWP 2008 Policy DC3, SMP 2011 Policy MC14 and WBLP 2002 Policy D1.

BIODIVERSITY AND ECOLOGY

192 The requirement for planning to contribute to “*conserving and enhancing the natural environment*” is included in the 12 core planning principles set out in the NPPF, with specific paragraphs with regard to the protection of protected species and habitats set out within part 11 ‘Conserving and enhancing the natural environment’ (paragraphs 109 to 125). The NPPF looks to the planning system to “*minimise impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure.*” NPPF paragraph 165 states that planning policies and decisions should be based on up-to-date information about the natural environment.

193 NPPF paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of

the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

- 194 WBLP 2002 Policy C11 states that in considering proposals for development on other sites with a wildlife interest, the Borough Council will seek to preserve and enhance the ecological features of these sites. WBLP 2002 Policy D5 states that development in rural areas should take account of nature conservation issues and the Borough Council will: (a) seek to retain within a site any significant features of nature conservation value; (b) not permit development that would materially harm a protected species of animal or plant, or its habitat; and (c) encourage the enhancement of existing areas or features of nature conservation value and the creation and management of new wildlife habitats.

Applicant's assessment

- 195 The applicant sets out that as the site has been inactive for some years, they commissioned specialists in 2012 to determine its current biodiversity value, assess the effects of the recommencement of working and make recommendations to ensure compliance with wildlife law and planning policy objectives. The applicant highlights that the biodiversity value of the affected area was evaluated applying established principles, taking into account relevant current legislation, planning policy and Natural England Standing Guidance. An initial habitat and botanical survey of the site was undertaken and this was followed by surveys for great crested newts, reptiles, bats, dormice and badgers.
- 196 The applicant's assessment notes that the site holds 17 habitat types including four Priority Habitat types, none of which is uncommon, and a diverse flora including two Priority Species one of which, spreading bellflower, is a UK rarity. Based on habitat types and quality, the applicant concludes that the site probably supports a diverse assemblage of common invertebrate species. The site was not considered to hold great crested newts though they note a small breeding population of common toads, which are a Priority Species. Grass snakes, common lizards and slow-worms, all of which have legal protection and are Priority Species, are also present. Breeding birds may also include several Priority Species. In respect of the site's woodland, this was noted to contain a roost used by a single Natterer's bat and several species visit the site to feed, and although none are rare species, all bat species and their roosts have full legal protection. Dormice are also present in woodland and scrub within the site; they and their habitat are legally protected. Badgers were not noted to be present.

Predicted effects

- 197 The applicant notes that an extant S106 agreement requires submission of a management plan for the creation, aftercare and management of habitats within the approved restoration to grassland with hedges, native woodland and heathland. The existing approved scheme of working has no off-site effects on biodiversity but would

remove most habitats within the site. In order to minimise effects on Priority Habitats and Species and comply fully with all legal protection, a number of measures are proposed. They include the retention of relevant existing Planning Conditions, the addition of new Conditions to comply with current best practice standards, substantial advance habitat creation and a postponement of re-commencement of working until these habitats have developed. The applicant highlights the existing conditions attached to planning permission ref WA99/0223, namely:

- protection for trees which are to be retained on the site;
- a scheme detailing the method of stripping, storage and restoration of soils within areas defined by English Nature (now Natural England) as ancient semi-natural woodland, to be used in new woodland creation;
- advance tree and shrub planting;
- submission of a scheme detailing measures for securing and protecting invertebrate interest within an area designated to be restored as heathland; and
- no potential bird breeding habitat to be removed during the bird nesting season except with the approval of the planning authority.

- 198 Given the existing ecological features assessed on the site, the applicant now proposes new conditions be added to any planning permission issued by the CPA, namely:
- submission of a scheme for stripping, storage and replacement of soils with their wild-flower seedbank as part of the approved restoration for two areas with a diverse flora;
 - submission of a scheme for the retention and safeguarding or the translocation and management of spreading bellflower within the site;
 - submission of a scheme of capture of all reptiles and their translocation to prepared receptor sites (potentially the blue-edged land shown on attached Plan 1);
 - resurvey of all trees for evidence of bat roosts prior to felling. If a roost is present, compensatory roost provision would be required; and
 - survey for badger setts prior to entering each phase of sand extraction.
- 199 In order to compensate for the loss of habitat used by dormice and bats and also provide receptor sites for reptiles, the applicant proposes to commence the creation of suitable new habitat by planting approximately 4.4 ha of native scrub and tree species, and to delay the re-commencement of working the site so as to give sufficient time for the new habitat to develop before any significant habitat losses are incurred. For example, restoration of the Riverdale (eastern) area to a mix of tree and shrub species and grassland was anticipated to take place in winter 2018/19 (at the time this application and ES was submitted in November 2013), bringing the habitat creation total to 6.86 ha to compensate for the loss of 4.45 ha of existing bat and dormouse habitat. The final restoration would include in excess of 2.27 km of new hedges with trees adding further to the total of habitat for these species, while the heathland restoration area would provide additional reptile habitat. Translocation of dormice would take place under a Natural England licence as would the removal of the existing bat roost and its replacement with bat boxes in retained woodland.

Officer's assessment

- 200 The County Ecology and Biodiversity Manager (CEBM) confirms that previous surveys were carried out prior to 2003 for the original application and that resurveys were carried out from 2012, to accord with Natural England's Standing Advice on protected surveys. The CEBM notes that bats are using the site and dormice have been found in adjoining woodland, though that no great-crested newts or other European Protected Species (EPS) were found. The Biodiversity Assessment also includes survey information and mitigation schemes for bats and dormice. The Habitats Regulations Regulation 9 (3) requires '*a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats and Directive so far as they may be affected by the exercise of those functions.*' The impacts are the proposed removal of a tree with a Natterer's bat roost and habitat suitable for dormice. The provision of a replacement

Natterer's bat roost site and of foraging habitat appropriate to maintain roosts and the populations in the locality are considered in the submitted information.

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- 201 For dormice, the CEBM notes that the ES (dated November 2013) sets out that it is proposed to create receptor habitat in three areas that have connectivity to the occupied sites, and that the displacement method would be used, commencing with clearance of the required north slope of the void, Area D planned for winter 2016 at the time this application was submitted in November 2013. At this stage, the compensatory habitat would be some three years old and of limited value but its total extent is significant greater than the area to be removed. Further, while estimates of dormice numbers vary depending on habitat quality they are typically in the range of 1.75 to 2.5 adults per ha. This suggest that the total number of dormice present in first area would be no more than 2 individuals and that the population of the three areas combined probably amounts to less than 12 individuals, capable of being absorbed in the short term by the extensive and connected surrounding habitat areas.
- 202 The above measures would be implemented through a management plan secured by a S106 agreement. The CEBM advises that temporary impacts have been identified that would affect dormice and bats which are European Protected Species (EPS), and that these species require a Mitigation Strategy which would need to be acceptable to the CPA and be legally compliant. The implementation of the Mitigation Strategy/Method Statement would subsequently be subject to the granting of a Natural England development licence.
- 203 As a planning authority, the CPA should consider the three tests in Regulation 53 of the Conservation of Habitats and Species Regulations 2010 before determining this application (ODPM Circular 06/2005, paragraphs 99, 112 & 116). Regulation 53(2) defines the circumstances where derogation is allowed for an affected EPS and a licence could be issued by Natural England in three tests. The first test is that there is the justification of public health, public safety and an imperative reason of overriding public interest, 53(2)(e), which includes beneficial consequences of primary importance for the environment. The second test set out in 53(9)(a) deems that there should be 'no satisfactory alternative'. In this case, the CEPM's observations are that there are no other viable options for the site (including doing nothing) or that the activity proposed can be done differently and/or at another more suitable location.
- 204 The third test set out in 53(9)(b) deems that the development should have no detrimental effect on the favourable conservation status of an EPS. The CEBM's view as an ecologist is limited to offering advice on the third test which he considers is met in this instance. The CEBM notes that the applicant has provided mitigation strategies for bats and dormice which are considered adequate. In respect of judgement on the first and second tests, regulation 53(2)(e), must be made by the planning officer under delegated powers or the planning committee and to pass this test there must be a high degree of need for the development which would result in beneficial results to the local area that are likely to be in accordance with local planning policy requirement(s). If the first test can be met then, the CEBM judges that a licence application for a European Protected Species licence would be successful. Therefore, the CEBM advises that it is possible to consent the application in accordance with the CPA's obligations of Regulation 53 of the Conservation of Habitats and Species Regulations 2010.
- 205 In respect of Natura 2000 sites, SAP, SAC, Ramsar (Bourley and Long Valley SSSI and part Thames Basin Heaths, 4km to north east and Thursley, Ash, Pirbright & Chobham SAC and Thursley, Hankley & Frensham Commons SPA 4km to south), the CEBM does not consider that the proposal would have a significant effect on these sites. These sites are also SSSI, and the CEBM considers that no adverse impacts are likely due to the distance and that no objection was raised by Natural England. In respect of SNCI (River Wey North, to the north of the site and beyond the railway), the CEBM considers that no

adverse impacts are likely as the river is crossed by an existing bridge to form access to the site.

Mitigation and compensation

- 206 The CEBM recommends that condition 20, 37 & 38 from planning permission ref WA99/0223 should be retained, though Condition 39 should be amended to permit sequential stripping of soils and clear felling rather than in one operation. New conditions are proposed to require a scheme for safeguarding spreading bellflower including translocation, if necessary; resurvey of trees of bat roosting potential prior to felling; checking for new badger setts prior to each phase of sand working and for a scheme for capture and translocation of reptiles to a prepared receptor site. Additionally, the CEBM notes that the Ecology section of the submitted ES refers to the agreement and the draft management plan submitted in 2003 and that it is proposed that the approved scheme is amended to reflect changes in best practice, the use of existing soils with a seed-bank in grassland as well as wooded areas and to better meet the requirements of invertebrates, bats and dormice. The CEBM also suggests the addition of a condition that if no development has taken place by 1st March 2017, further resurveys would be required to ensure that the results of the surveys are up to date and that the mitigation schemes remain valid. This is because current advice from Natural England is that data for European Protected species, in this case bats and dormice, is valid for a maximum of three years.
- 207 With reference to the representations citing the fact that the site has naturally matured over the years of inactivity, Officers confirm that they advised the applicant to undertake robust ecology surveys before submitting an application at this site. Officers also met the applicant on site twice, including with the CEBM, and Officers do not agree with representations that the ecology surveys are invalid or incomplete. If the applicant had not properly considered the ecology of the site before preparing the current application, this could be a reason to refuse the application on grounds of insufficient information. The applicant was also required to submit an Environmental Statement with this application, in order that the CPA completes an Environmental Impact Assessment. Officers consider that the applicant has provided sufficient information on ecological issues and that the phasing of extraction and final restoration scheme takes the site's natural features into account.

Claimed lapwing nest disturbance in advance of the planning submission

- 208 On 22 May 2013, SCC received an email on behalf of TRASH Campaign stating: "*I have been advised that the Earthline track vehicle, that has been parked on site now for several weeks, was seen to be driven up the west face of the excavated area of the site onto the top where it caused lapwings to be circling the vehicle in distress.... I have not yet had the opportunity to visit site or discuss the matter with the local residents that actually witnessed this event.*" On 23 May 2013, a County Planning Enforcement Officer visited the site as part of their monitoring activities and reported that the site was closed with no one on site. The 'Earthline' digger was reported to remain on site near the entrance but there was no sign of any other new equipment. Since their last visit in April 2013, a track had been created by a vehicle moving across the site towards the western part (up towards the higher 'plateau') but no work had taken place.
- 209 TRASH Campaign subsequently stated in an email on 4 December 2013 that: "*On 22 May a local resident witnessed the Applicant's digger drive up the western face of the quarry and destroy two lapwings nests located on the upper level on the western side of the quarry.*" The detail of the account of events appears to vary between May and December, from lapwings being disturbed to two nests being destroyed. Matters of criminal Law are dealt with by the Police, however SCC visited the site the day after the alerted incident and could find no signs of ground disturbance on the upper level of the

quarry. At the time of writing this report, no evidence of destroyed lapwing nests has been provided to SCC to pass on to Surrey Police.

Vegetation clearance in June 2014

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- 210 On 9 June 2014, SCC was contacted by Waverley Borough Council regarding an incident on Saturday 7 June 2014 when contractors were seen cutting down trees and shrubs. Waverley Borough Council were advised that a local resident had spoken to an employee of the contractor and was told that Earthline Ltd had given permission for the work. SCC then contacted the applicant's planning agent on 9 June 2014 about this incident and were informed on 11 June 2014 that the vegetation clearance was on behalf of the land owner and carried out with the knowledge of Earthline. The land owner had apparently let out the fields for sheep grazing as this was good land management practice, and the applicant's agent understood that the vegetation clearance is being carried out by the sheppard to allow safe grazing. The applicant advised his agent that the site is being cleared of brambles, which would otherwise be harmful to the sheep, and that no trees should be removed though some maybe trimmed to allow the existing perimeter fence to be repaired to keep the sheep secure.
- 211 SCC replied on 12 June 2014 that as it was then bird nesting season "*All further works should cease with immediate effect and Earthline Ltd must confirm that no further vegetation removal works will take place unless an appropriate survey for the presence of nesting birds, is undertaken and provided to the CPA prior to any works taking place.*" The applicant's planning agent then visited the site on 17 June 2014 and informed SCC on 19 June 2014 that:
- "Clearance activity is confined to the Riverdale old landfill area. Brambles have been removed I would say from no more than 10% of the land in that area and otherwise the naturally generated undergrowth remains intact. I found no evidence of tree removal or limbs of trees. I have been told that the contractor will first have carried out a walk over survey of the land and would not have knowingly or willingly destroyed nests. I appreciate that this may not be the best time of year for this work to have been carried out and I have passed on your request that no further works of this nature be carried out during the bird nesting season. I am sorry if this action has created any uncertainty in the minds of local people but I understand that it was considered necessary to enable sheep grazing which is common land management practice for this kind of site."*
- 212 In respect of representations that areas of Japanese Knotweed were cleared in June 2014, the submitted ES acknowledges that towards the eastern end of the application site there are several patches of Japanese knotweed (*Fallopia japonica*). However, at the time of writing this report, Officers are not at aware of any evidence of Japanese Knotweed being removed in June 2014. Nevertheless, soil and waste containing Japanese knotweed is likely to be deemed "Controlled Waste" under the Environmental Protection Act 1990, and this places a duty of care on any person who imports, produces, carries, keeps, treats or disposes of controlled waste. Additionally, under section 14(2) of the Wildlife and Countryside Act 1981, it is a criminal offence to plant or otherwise cause to grow wild any plant which is included in Schedule 9 of the Act including Japanese knotweed.
- 213 Officers therefore recommend that an informative is attached to any planning permission reminding the applicant of their legal duties regarding Japanese knotweed. Officers also recommend that an informative is attached to any planning permission reminding the applicant that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Such legal matters / regulatory regimes are a separate process from obtaining planning permission.

Ancient Woodland

Previous determination

- 214 Representations on this application have cited the presence of semi-natural ancient woodland on the site, which would be lost as part of the proposal, and that such loss would be a reason to refuse. Officers note that this issue was considered previously when planning permission ref WA99/0223 was determined. As discussed and presented to elected members the previous time this application was determined, the CPA considered that the semi-natural ancient woodland has deteriorated to such an extent that its retention was not judged to be vital and that replacement planting would be an acceptable alternative depending on appropriate native species. Previously, English Nature (now Natural England) had visited the site to assess the condition of the ancient woodland, describing three blocks of woodland included in the proposed working area as: (Block A) "*Trees and shrubs have largely been cleared although some small islands of birch and oak have been left. Ground disturbance has occurred and a dense grass sward has developed, Block A is more disturbed than C but still considered as semi-natural woodland*"; (Block B) "*Completely lacks tree cover, there are mounds of earth and rubble, Block B has lost most of its woodland characteristics*"; and (Block C) "*Retains more or less complete tree cover, but the shrub layer appears to have completely cleared out and the ground has apparently been partly ploughed, Block C is clearly still semi-natural woodland*".
- 215 The CPA's own specialists previously reported that the narrow strip (Block A) and the area adjoining it (Block B) had some characteristics of semi-natural woodland but that it had clearly suffered significant disturbance. Furthermore, they noted that whilst there were a reasonable number of ancient indicator species they tended to be restricted in distribution, with much of the area having a relatively impoverished ground flora. They also argued that if the area was managed in a more appropriate way then its diversity and ancient woodland character could eventually be restored, though this would take a long time to achieve and require significant input from the landowner.
- 216 The previous applicant accordingly amended the scheme of working to exclude the ancient woodland area (Block C), other than a narrow strip area and the area adjoining it (Block A and Block B). Nevertheless, the loss of an area of semi-natural ancient woodland was previously a 'Departure' from the development plan and thus required referral to the Secretary of State, though was not 'called-in' by the Secretary of State and planning permission was granted by the CPA. The Town and Country Planning (Consultation) (England) Direction 2009 (Circular 02/2009 dated 30 March 2009) has now removed the requirement for referral to the Secretary of State.

Officer's current assessment

- 217 A review of the revision of the Ancient Woodland Inventory in the South East was published by Natural England on 4 August 2011. In respect of the application site, this 2011 revised Ancient Woodland Inventory excludes the above-mentioned 'Block B' but retains the narrow strip of 'Block A' (some 1.19 ha) and all of 'Block C' (that area of tree cover previously excluded from the proposed scheme of working). National Ancient Woodland and Veteran Tree Standing Advice covering England, issued by Natural England and the Forestry Commission in April 2014, states that mitigation and compensation measures may be offered by a developer to offset the damage to, or loss of environmental resources, though that the irreplaceable nature of ancient woodland and veteran trees means that loss or damage cannot simply be rectified by mitigation and compensation measures. However, the Standing Advice is clear that where measures seek to address issues of loss or deterioration of ancient woodland or veteran trees, through for instance, attempting to minimise the area of ancient woodland affected (mitigation), or through the provision of replacement habitat (compensation), these should be issues for consideration only after it has been judged that the wider benefits of

a proposed development clearly outweigh the loss or damage of ancient woodland. In accordance with this Standing Advice procedure, the need for sand, need for inert landfill capacity and need to restore the site and secure appropriate aftercare and long term management, are wider benefits which are judged by Officers, on balance, to clearly outweigh the loss of semi-natural ancient woodland.

- 218 NPPF paragraph 118 states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. NPPF paragraph 142 states that *“minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource and can only be worked where they are found, it is important to make best use of them to secure their long term conservation”*. On balance, and taking into account the extraction, landfilling and restoration issues assessed earlier in this report, Officers judge that the need for, and benefits of, the proposed development at this location clearly outweigh the loss of semi-natural ancient woodland.
- 219 In accordance with the above-mentioned Standing Advice procedure, Officers now consider whether this application includes measures seeking to address issues of loss or deterioration of ancient woodland or veteran trees, such as attempts to minimise the area of ancient woodland affected (mitigation) and through the provision of replacement habitat (compensation). As noted above, the restoration package offers new planting of trees, but ancient woodland is a diminishing natural resource important to the retention of biodiversity and is irreplaceable and cannot be recreated by new planting. Officers consider it is reasonable to view the presumption in favour of the retention of ancient woodland in the context of the present condition of the land and the future beneficial management and improvement proposed. An important factor in determining this proposal is therefore the securing of a legal agreement with the applicant to ensure the long term (an additional 20 years to the 5 year aftercare scheme) of the remaining semi-natural ancient woodland, to help prevent further deterioration. The restoration proposals for the wider site also take account of the site’s ecological features, which have matured since the site has lain dormant.
- 220 Representations have argued that earlier assessments of the ancient woodland cannot be relied upon, however Officers note that no objections have been raised by Natural England or the County Ecology and Biodiversity Manager in terms of the information submitted with this application. Officers have followed National Ancient Woodland and Veteran Tree Standing Advice in the determination of this application and consider that the application complies with the NPPF. Officers do not consider that the circumstances of this planning application have changed to such an extent, since planning permission ref WA99/0223 was approved, that the loss of semi-natural ancient woodland now warrants a refusal of planning permission.

Conclusion

- 221 Overall, the CEBM is satisfied that the data collection has followed the appropriate guidance and considers that there should not be any significant harm to ecological receptors from the changes proposed through this application. Natural England also raises no objection to this application. As such, Officers consider that this application complies with the NPPF, SWP 2008 Policy DC2 and Policy DC3, SMP 2011 Policy MC14, in addition to WBLP 2002 Policy C11 and Policy D5, subject to appropriate conditions and the securing of a Section 106 Legal Agreement for long term (25 years) management of the site.

FLOOD RISK, WATER QUALITY, GROUNDWATER, CONTAMINATION

- 222 Government policy on flooding is contained in part 10 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF (paragraphs 93 to 108). The aims of the planning policy on flood risk, as set out in the NPPF and the NPPG are to ensure flood risk is taken into account in planning decisions; to avoid inappropriate development in areas at risk of flooding by directing development away from high flood risk areas; and where development is necessary making it safe without increasing flood risk elsewhere. Guidance on how the policy should be implemented is set out in the accompanying NPPG.
- 223 NPPF paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 224 NPPF paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Additionally, Paragraph 121 states that planning decisions should also ensure that:
- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
 - after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - adequate site investigation information, prepared by a competent person, is presented.

Applicant's assessment

Hydrogeology

- 225 The applicant's submitted risk assessment indicated that the proposed inert waste landfill would present no risk to the hydrogeological regime and would therefore have no environmental impact on groundwater. The applicant's study argues that the capping of the historic landfill would offer long term hydrogeological benefits resulting from the reduction of rainwater infiltration through the waste mass. The applicant submits that, based on the findings of a worst case analyses, concentrations of leachate in groundwater derived from the historic landfill could marginally increase in the short term, though after approximately 3 years, leachate concentrations are predicated to fall to levels significantly below current baseline levels and to remain at reduced levels in the long term. Additionally, the applicant argues that by providing flood attenuation and clarification of surface runoff, there would be no flooding impact resulting from the development or deterioration of the hydrological environment.

Regulation 22 submission

- 226 Officers noted that the applicant's separate permit application submitted to the Environment Agency suggests a reduction in the unsaturated zone required under Condition 15 of planning permission ref WA99/0223 and requested an explanation for this difference. The applicant replied by explaining that groundwater levels at the site have been recorded between 1991 and 2013 at monthly intervals (for the most part) in 19 No. monitoring boreholes. These monitoring boreholes are screened within the Folkestone Formation enabling annual and seasonal groundwater level trends and groundwater flow to be determined for the local Folkestone Formation Aquifer. Peak groundwater levels at the site over this 22 year period were observed in May 2001 and March 2003. Groundwater level contours produced using peak groundwater levels in March 2003 indicate peak groundwater levels immediately under the proposed landfill have not exceeded 62.38m above datum ordnance (AOD) between 1991 and 2013. Average groundwater levels in W12B are 61.15m AOD and as this borehole is immediately up hydraulic gradient of the pit, average groundwater levels under the site would be lower. Therefore by constructing the base of the engineered liner at 62.50m AOD, the liner would always be above peak groundwater levels, whilst leaving an average unsaturated zone thickness in excess of 1.35m.
- 227 The applicant noted that the original planning permission was for the landfilling of domestic waste for which an unsaturated zone was modelled to offer additional groundwater protection. However, as it is now proposed to only landfill using inert waste, the applicant considers it acceptable to reduce the thickness of the unsaturated zone as inert waste presents a limited hazard to groundwater. Additionally, the applicant submits that their analysis undertaken as part of their supplementary work to the permit application (issued on 18 June 2014) to the EA has demonstrated that there would be no unacceptable impact to the groundwater from the inert landfill. The applicant's analysis assumed the worst case scenario of no unsaturated zone and therefore they argue that the proposed average unsaturated zone thickness in excess of 1.35m would be acceptable. The applicant therefore suggests a planning condition to impose a consistent requirement on any new planning permission for this development.

Water Quality during operational phase

- 228 In order to prevent rainfall permeating through the inert waste mass during the operational phase of the development, each landfill cell would be underlain with an inert liner extending beyond the waste mass. In addition, a toe bund (approximately 1 metre high) would be constructed around the perimeter of the waste mass, preventing rainfall-runoff both entering and leaving the landfill cells. Direct rainfall-runoff would therefore accumulate within the engineered inert liner, compliant with landfill and groundwater legislation. If excess ponding of runoff occurs inside the toe bund on the liner after an extreme rainfall event, this water would be pumped and recirculated over the landfill waste for absorption, to ensure there is no overflow of surface runoff from the landfill waste cells into the quarry void.
- 229 Within the quarry void itself (i.e. beyond the liner and its toe bund), direct rainfall and runoff would infiltrate into the exposed Folkestone Formation. In order to mitigate the risks of excessive ponding associated with an extreme storm event flooding the operational areas of the site, a sand berm would be constructed within the lowest part of the quarry void, utilising the on-site excavated material. This structure would form a permeable barrier through which runoff water would permeate into a small sump. This uncontaminated but clarified rainwater would subsequently be pumped into the perimeter drainage ditch, at below the "Greenfield Runoff" rate, discharging to the River Wey.
- 230 As such, the applicant argues that there would be negligible residual impacts from the operational phase and that the residual impact of the loss of groundwater recharge to the aquifer was considered minimal given the lack of groundwater use down gradient of the

site and an immeasurably small change to River Wey baseflow. Overall, the applicant argues that there would be a substantial improvement in groundwater quality down gradient of the site and potentially to the River Wey water quality, namely a reduction in 1.6 Million m³ of leachate discharge over the next 50 years. The applicant argues that a failure to cap the historic landfill would actually be contrary to the Water Framework Directive, the local river basin management plan and national groundwater protection policies, as the development would provides an opportunity for groundwater (and subsequently River Wey surface water) betterment.

Officer's assessment

- 231 Overall, the County Geotechnical Consultant (CGC) raises no objection to this application subject to appropriate detailed conditions. Officers note that the EA and WBC's Pollution Control Team also raise no objection.

Groundwater quality and surface water

- 232 In respect of groundwater quality and surface water, the CGC recommends that any approval be subject to a condition to secure an Environmental Monitoring and Management Plan prior to commencement of development. This should include a detailed monitoring scheme for groundwater level and quality and surface water flow, level and quality. The CGC advises that the following hierarchical approach should be required as part of the monitoring scheme:
1. The groundwater monitoring scheme should include a sufficient number of boreholes to take into consideration the size of the site, the geology and the direction of groundwater flow;
 2. Upon the approval of the monitoring scheme, any new monitoring boreholes required as part of the monitoring scheme should be installed prior to the commencement of any mineral extraction, waste filling or restoration activities approved by this planning permission;
 3. Following installation of any monitoring boreholes required in accordance with part 2 above, and prior to the commencement of any mineral extraction, waste filling or restoration activities, the baseline groundwater and surface water situation should be established and verified against the hydrogeological and hydrological model contained in the submitted ES information, to confirm the baseline situation;
 4. Upon approval of the baseline situation adequately reflecting the groundwater and surface water model contained in submitted ES information, or the revised hydrogeological and hydrological impact assessment submitted pursuant to part 3, the approved mitigation measures should be implemented on site prior to the commencement of any mineral extraction, waste filling or restoration activities approved by this planning permission;
 5. Upon completion of the mitigation measures implemented in accordance with part 4, monitoring of the groundwater and surface water should be undertaken in accordance with the monitoring scheme established under part 1, and any further monitoring measures that may be recommended by additional hydrogeological and hydrological impact assessment under part 3;
 6. If the predicted impact on groundwater and surface water pursuant to the submitted ES information, or part 3, is not as anticipated, then mineral extraction and/or waste filling and/or restoration activities should cease until a revised hydrogeological and hydrological impact assessment detailing how any adverse impact to groundwater and surface water will be dealt with, has been submitted to and approved in writing by the CPA, and any mitigation measures identified in the

revised hydrogeological and hydrological impact assessment implemented on site prior to recommencement of activities; and

7. Monitoring of groundwater and surface water in accordance with the approved monitoring scheme should continue for the period of restoration and aftercare.

233 The CGC also recommends other conditions, as set out at the end of this report. In respect of the suggested condition regarding the average unsaturated zone, the CGC explains that this relates to the information provided by the Environmental Impact Assessment in which the case is made for a reduction in the unsaturated zone thickness (to 1.35m) based on a review of the groundwater levels at the site over a 22 year period. The CGC recommends that this is acceptable, particularly given that there is no regulatory requirement for any unsaturated zone beneath an inert landfill, and that the EA has not recommended otherwise.

Contamination risk

234 In respect of the access land north-west of the railway, the CGC separately advises that prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, should be completed in accordance with a scheme to assess the nature and extent of any contamination on the land. The contents of the scheme should be subject to the approval in writing of the CPA. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, the CGC advises that it should be reported in writing immediately to the CPA. The CGC therefore recommends that a condition should be attached to any planning permission to ensure that a written scheme of investigation, risk assessment, remediation and verification is undertaken and approved in writing by the CPA prior to implementation.

235 The applicant has argued that such a condition relating to the land north-west of the railway is not required and that it is not Earthline's intention to disturb the access land so examination of the waste beneath is not necessary. However, the CGC recommends that this requirement for work remains as government policy, in NPPF paragraph 121 and other national guidance, encourages investigation and assessment of potentially contaminated land through redevelopment under the planning system, and that the applicant had included the areas of concern in the planning application boundary. The land in question is believed to be former landfill, and the opportunity, under the planning process, to investigate and assess the contamination risk associated with these land parcels would be lost. The clear advice from the CGC is that the CPA has the option to relax these requirements only if these areas are not included in the application red-line. However, given this is a Section 73 application relying on the red-line boundary of planning permission ref WA99/0223, such boundaries are fixed.

236 The applicant's agent emailed the CPA highlighting that they met a representative of CEMEX on 13 August 2014 who had explained that the only reason the 'access land' was included in the 2002 application was because they had considered providing a balancing pond in that area, though CEMEX stated there was no landfilling proposed in that particular area of land. In response, the CGC notes that it is identified within the applicant's own human health risk assessment that the area to the north-west of the railway line is a former landfill site, and that without evidence to the contrary, the CGC recommends that the condition remains in accordance with NPPF paragraph 206.

Conclusion

237 On the basis that any approval at this site would be subject to several detailed pre-commencement conditions to require the submission of further information to be submitted and agreed by the CPA in consultation with the EA, CGC and WBC's EHO, Officers consider that there would be no reason to refuse this application on flood risk,

water quality, groundwater, land drainage or land contamination grounds. As such, the application complies with the NPPF, SWP 2008 Policy DC2 and Policy DC3, SMP 2011 Policy MC14 and WBLP 2002 Policy D1.

LANDSCAPE AND VISUAL AMENITY

- 238 Included in the core planning principles of the NPPF is the requirement for planning to take account of the different roles and character of different areas “*recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it*”. The impact on the natural environment including from visual intrusion and on the landscape are matters to be considered in determining planning applications to ensure permitted mineral workings do not have unacceptable adverse impacts. NPPF Policy 109 states that the planning system should contribute to and enhance the natural and local environment. NPPF paragraph 144 states that local authorities should ensure that there are no unacceptable adverse impacts on the natural environment or aviation safety.
- 239 WBLP 2002 Policy C6 states that the Borough Council will seek to secure improvements to the landscape within the Borough, with particular emphasis being given to areas which are already showing signs of landscape deterioration, and that this will be achieved through the control of development and, subject to finance, the preparation of improvement schemes to be implemented. WBLP 2002 Policy C7 states that the Borough Council will seek to ensure that the extent of tree cover in the Borough is maintained and in particular will resist the loss or seek the replacement of trees woodlands and hedgerows in areas which: (a) contain features that are characteristic or make a significant contribution to the appearance of the landscape or of the streetscape landscape or of the streetscape; (b) are of wildlife interest; (c) are of historic significance; and (d) are of significance for recreation. Where there are hedgerows on a development site, opportunities for improving the hedgerows through landscape management will be sought.
- 240 WBLP 2002 Policy D7 states that development proposals on sites which contain, or are close to, important trees, groups of trees or hedgerows should provide for their long-term retention, and that the Borough Council will: (a) not permit development which would result in the loss of important trees or groups of hedgerows; (b) require that trees or hedgerows which are to be retained are adequately protected during construction to avoid damage including activities causing soil compaction or severance of roots; (c) require adequate separation between important trees or hedgerows and the proposed development so as to secure their long-term retention and allow for their development; and (d) require the planting of new trees and other vegetation where appropriate.

Applicant's assessment

Landscape Effects

- 241 The applicant notes that the site falls within the County's 'Valleys of the Upper Wey', a sub character area of 'Wealden Greensand' regional countryside character area. Land to the west of the site falls within East Hampshire District Council and the South Downs National Park Authority, under their assessment the land to the west falls within the 'Alice Holt' landscape character area. A field survey carried out during August 2013 confirmed that elements of the County, District and National Park landscape character assessments are applicable to the sites rural environs. However, due to the outdated and broad nature of the Surrey Assessment, the applicant argues that there is no reference within the 'Valley of the Upper Wey' character type of the existing quarry or of the urban fringe character southwest of Farnham. The existing site comprises the current landfill gas processing plant, haulage road and quarry void, with well established screen bunds and the existing void is set amongst woodland and mature hedgerows. As a result

the existing development is noted to be well absorbed and contained within the wider landscape.

- 242 An area of Ancient Woodland and semi-natural Woodland is within the southern boundary of the site. Further aspects of landscape value in the locality potentially affected by proposed development include: the South Downs National Park, an Area of Great Landscape Value, the amenity of Wrecclesham Recreation Ground, public rights of way and moderate levels of tranquillity. The proposed development within the existing operational area represents a continuation of established development within the existing quarry which is largely screened by combinations of existing perimeter vegetation and screen bunds. Therefore the applicant notes that potential visual effects beyond those that already exist relate to the progressive working of future phases beyond the permitted timescale. Visual receptors are associated with occupiers of a residential property, users of local roads, users of recreational facilities and public rights of way.
- 243 The applicant's mitigation measures would include existing bunding and mature screening planting, with a number of temporary measures also undertaken during the working of the site in line with the existing permission (ref WA99/0223).
- 244 The applicant submits that the proposal to extend the time for the approved scheme of working would result in temporary effects to the surrounding landscape character. This would arise from changes to the existing site which includes a derelict location coming back into use. Following restoration, however, the applicant argues that the proposals would result in beneficial long term effects of substantial moderate significance. This would result from the planting of field hedgerows, grassland and areas of woodland contributing to the positive landscape characteristics of the area.
- 245 In line with the approved scheme of working, an area of Ancient and semi-natural Woodland would be removed to facilitate extraction. However, the applicant submits that the loss would be offset by the addition of habitat features characteristic to the area during restoration and by effective aftercare of the whole site including its remaining areas of ancient and semi-natural woodland. The applicant also submits that the Grade II listed building Wouldey Mill would experience effects due to the haul road coming back into use, although in the long-term Wouldey Mill would experience no effect as a result of the proposals. The Area of Great Landscape Value (AGLV) which the site falls within would experience no significant change in landscape character or diversity during the working of the site. Following restoration, the proposals would result in no significant impact on either the natural, cultural or heritage values of the South Downs National Park. Officers note that the South Downs National Park raises no objection to this application.

Visual Amenity effects

- 246 In the majority of the 13 viewpoints assessed, the applicant predicts that the existing bunding and mitigation planting would screen proposed extraction operations. Glimpsed views through intervening vegetation would be possible from the hill side north of the site, however due to progressive working and restoration, the whole site would not be visible at any one time. Additionally, the applicant predicts that the removal of a section of woodland would be visible from views north of the site, however due to distance and areas of retained woodland which would be exposed as a result of the removal the level of change would be imperceptible. Of the two viewpoints assessed from within the South Downs National Park, neither would experience any change of significance as a result of the proposals, due to intervening landform and established vegetation. The screening effects of landform plus extensive existing woodlands and hedgerow in the vicinity of the site are such that the effects experienced by local sensitive receptors are limited and comparable to those experienced by the existing quarry.

247 As a consequence of the presence of the existing quarry in a derelict state, the reintroduction of working on site is assessed by the applicant as having a moderate visual impact because of the introduction of elements that may be prominent but may not necessarily be considered to be substantially uncharacteristic when set within the attributes of the receiving landscape. In the longer term following restoration, the visual effects of the proposed extension are assessed as being beneficial in nature when compared with a do nothing scenario. Save for the period of working, the applicant notes that the proposals are consistent with those consented in 2002 and that mitigation measures implemented under the 2002 permission would offer significant levels of screening for the proposed works due to their 11 years of maturity. In the long term, the applicant notes that the proposals offer an opportunity to restore a derelict site to an area of countryside, which would be representative in character to its rural surroundings.

Officer’s assessment

248 The County Landscape Officer (CLO) agrees with the findings of the submitted Landscape and Visual Impact Assessment (LVIA), in that the existing development is quite well absorbed and contained in the landscape, and the scope of landscape and visual impacts of the proposals for an extension of time would be no greater to that which is currently consented.

249 However, since the permission in 2002, the CLO notes that the designated status and extent of the South Downs National Park (SDNP) has been confirmed and the CLO considers that whilst the LVIA makes reference to the presence of the SDNP, the significance of this material change has not been sufficiently considered. The position of the site is contiguous with the wooded ridge around Alice Holt that forms the edge of the SDNP. From a key representative viewpoint, a panoramic view of the site is possible in the context of the SDNP, and the site forms part of the setting of the National Park. The LVIA correctly identifies this as one of the most sensitive views.

250 The CLO notes that within the LVIA and elsewhere within the ES, various methods of mitigation are proposed in the phasing, retention of screening bunds and restoration operations to generally reduce the visual impact by minimising the extent of area left open and unrestored at any time. This includes the progressive restoration of the Riverdale and South East Landfill area to approved restoration levels as a first priority which is currently the most visible area of the site.

Impact on South Downs National Park

251 The CLO is concerned that there is insufficient consideration of the proposed measures in the context of the National Park. Specifically, the current void is noted to be well screened by existing topography and vegetation, with Phases 1 and 2 being at a similar level to the existing void, and therefore also well contained. Nevertheless, the CLO notes that at their highest point Phases 3 to 5 would extend between the 90m to 100m contour and that this is higher than the level of the existing landfill site, which is already apparent above the tree line. These phases were also noted to be the closest to the SDNP, with Phase 6 extending to just below the 90m contour.

252 The CLO comments that Phases 3 to 5 are part covered by areas of woodland (Ancient Woodland), which is due to be removed and that both the removal of this area of woodland and the introduction of an extraction/working area would in introduce a visual detractor in an elevated part of the site, closest to the SDNP. The impact of various working phases is likely to be visible in the setting of the National Park in panoramic views from footpath 11 and the CLO considers that the combination of removal of woodland and creating a working face would exacerbate the effect. As such, the CLO judges that the potential of this impact in close proximity of the SDNP has not been sufficiently addressed within the LVIA, although within the LVIA a number of temporary measures are proposed to reduce the visual effects of the proposals. Such temporary

measures include screen mounds to be erected around operational areas once levels are close to height of peripheral mounds and grassing areas at intermediate levels of fill, though as no detail appears to have been provided for these measures the practicality or effectiveness of them in reducing the impact on the SDNP is unclear. More detail would therefore be required to demonstrate effectiveness, though Officers do not judge that the need for further information would constitute a reason to refuse this application.

- 253 The CLO highlights the applicant's suggestion to strip the Ancient Woodland in small sections, in order to reduce the impact on protected species, which they note would also help reduce cumulative visual impact of extraction and filling in phases 3 to 6 and therefore is supported for the purpose of landscape mitigation. However, the CLO comments that the site phasing plans indicate the presence of working areas above the 90m contour from 2018 to 2028 in close proximity to the SDNP and argues that a better solution would be to reduce the height of Phases 3 to 5 to below 90m in line with Phase 6 to reduce the visual impact, and allow greater retention of the existing woodland area.
- 254 Officers note that no objection has been raised by the SDNP in response to a consultation on this application and do not consider that grounds for refusal on the basis of impact on the SDNP could be justified. Officers note that the potential exists for the provision of further information from the applicant, via a condition, in order to provide the detail of temporary (screen mound) mitigation measures. As such, Officers recommend that a condition be attached that prior to commencement of sand extraction in 'Phase 3', a scheme of temporary screen bunding shall be submitted to an agreed in writing by the CPA, and that this temporary measure shall be designed to screen views of the South Downs National Park from viewpoints north of the application site (such as Footpath 11) for the duration of 'Phase 3' sand extraction.
- 255 Subject to appropriate conditions as advised by the County Landscape Officer, County Ecology and Biodiversity Manager and County Restoration Officer, Officers therefore consider that this application complies with relevant development plan policies in respect of landscape and visual impact issues. Specifically, Officers consider the application complies with the NPPF, SWP 2008 Policy DC2 and Policy DC3, SMP 2011 Policy MC14 and WBLP 2002 Policies C2, C3, C6, C7, C11, D1, D5 & D7.

NOISE AND VIBRATION

- 256 In relation to noise, the NPPF states that decisions should aim to avoid noise from new development having a significant adverse impact on health and quality of life; ensure that any unavoidable noise emissions are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in close proximity to noise sensitive properties. Surrey County Council (Surrey Noise Guidelines) has produced its own 'Guidelines for Noise Control Minerals and Waste Disposal 1994'. This Guidance states that new noise produced from development must be no more than 5 decibels expressed as a LAeq value above existing working day background noise levels (LA90).

Applicant's assessment

- 257 The applicant calculates that overall "reasonable worst case" site noise levels for the proposed working areas of the site, with barrier attenuation, are at or below the suggested site noise limits (i.e. those set out in the previous planning permission's relevant conditions) at all the dwellings considered in the applicant's study. At a distance, noise from machinery used at mineral workings does not usually contain a distinguishable tone nor does it tend to be impulsive. However, the use of reversing beepers on site plant is a separate matter; where reversing sirens or beepers are used on mobile site plant and give rise to noise problems, the use of quieter or silent types of alarm or warning devices that are more environmentally acceptable would be explored by the applicant.

258 A residual noise impact would arise from the temporary operations of bund construction and removal and initial preparation and final restoration of the proposed extension areas. However, the applicant argues that for all dwellings the noise levels associated with this work would comply with the suggested noise limits for temporary operations. Mitigation was tested by the applicant in their calculations based on the recommendations for acoustic barriers that were incorporated in the previous planning application. The calculated “with mitigation” site noise levels for routine operations at the proposed extraction and infill area were predicted to comply with the suggested site noise limits at all six assessment locations. It was therefore considered by that applicant that the site can be worked while keeping noise emissions to within environmentally acceptable limits.

Officer’s assessment

259 The County Noise Consultant (CNC) dealt with this site for the last application although the noise model used then is not available now, so has re-modelled the site to check the predicted noise levels. The CNC calculates very similar levels to those quoted in the report and does not have any issues with the noise predictions presented by the applicant.

260 The CNC notes that existing noise levels have been re-measured and the result shows noise levels are now very slightly less by 2 dBA, which is a small margin and quite possible to be due to using different samples. From the noise viewpoint, this demonstrates to the CNC that little has changed over the last decade or so. The result of these lower measurements is that the suggested noise limit is also less, 52 LAeq rather than the previously conditioned 54 LAeq. The CNC agrees with the revised limit, except at Willey Mill where the limit should be 55 LAeq, and that work can be undertaken as described within these limits. For much of the duration of the work, noise levels would be considerably below this and often hardly audible.

261 The CNC advises that for the temporary operations of bund formation and final restoration the appropriate limit is 70 LAeq, which can be achieved for most of the work. The CNC notes that the clay re-deposit in the Riverdale area might create a noise level at some residential properties, for a very limited time, close to the 70 LAeq limit. However, the CNC advises that the duration of work at such high noise levels would be very short and does not consider this to be a problem. The CNC highlights the previous condition 11 on noise and remains of the view that such a level is appropriate. Lastly, the CNC notes that the appropriate start time on a Saturday is 0800, rather than 0700 as stated on some of the submission documents.

262 Officers note that the CNC raises no objection to this proposal and therefore consider that there would be no reason to refuse this application on noise and vibration grounds, subject to appropriate conditions. The application therefore complies with the NPPF, SWP 2008 Policy DC3, SMP 2011 Policy MC14 and WBLP 2002 Policy D1, in respect of noise and vibration.

LIGHTING

263 NPPF 2012 paragraph 125 states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. WBLP 2002 Policy D1 states that development will not be permitted where it results in material detriment to the environment by virtue of loss of general amenity. No fixed lighting is proposed, though the applicant proposes that portable lighting rigs would be used.

264 With reference to the comments of the South Downs National Park, Officers note that as the site would only operate between 0730 and 1730 Monday to Fridays (except in Riverdale: 0830 – 1730), plus between 0800 and 1300 Saturdays (no working in

Riverdale), any future 'International Dark Sky Reserve' status would be unaffected as portable lighting rigs would not be in operation at night. Officers therefore consider that the application complies with the NPPF, SWP 2008 Policy DC3, SMP 2011 Policy MC14 and WBLP Policy D1, in respect of lighting subject to a condition ensure no lighting (i.e. fixed / permanent) is installed at the site.

CULTURAL HERITAGE

- 265 NPPF 2012 paragraph 131 states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. NPPF paragraph 144 states that planning authorities should ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the historic environment.
- 266 WBLP 2002 Policy HE10 states that the Borough Council will seek to protect and conserve heritage features by ensuring that: (a) new development will be located and designed so as to preserve the features. Where this is not possible, careful attention needs to be given to minimise damage or disturbance to a feature; and (b) where disturbance is unavoidable or where the feature is to be lost, ensuring that it is properly recorded and where appropriate relocated and restored. WBLP 2002 Policy HE15 states that where proposals are made for large scale developments (over 0.4 hectares) not in an area already defined as of High Archaeological Potential, the Borough Council will require that an archaeological assessment is provided as part of the planning application.

Applicant's assessment

- 267 The applicant submits that those areas of the application site that have been quarried no longer have any palaeo-environmental or archaeological potential, though notes that Palaeolithic implements of low academic importance are likely to occur across the application site. However, the applicant argues that any significant Terrace D Pleistocene palaeo-environmental deposits would be confined to the north-western corner of the Phase 1 and the northern margins of Phase 2 of the sand phase areas to be extracted. The field investigations already carried out in the western parts of Phases 2 and 3 have demonstrated the absence of significant Bronze Age and Roman sites, such as settlements and kilns and confirmed that the Saxon territorial boundary is extremely unlikely to be present on the application site. It is possible that isolated archaeological features and artefacts may exist between the trial trenches, although the lack of any finds from the evaluation suggests that the risk is low.
- 268 The applicant submits that there is a slightly increased risk of the existence of Bronze Age and Roman artefacts, chance finds of other periods and small discrete features (including Roman pottery kilns) in those parts of the application site which have not been the subject of archaeological field evaluation. Similarly the potential occurrence of significant buried remains of Bronze Age or later date within these zones cannot be ruled out. If sites of this type are present the previous ground disturbance across the central and eastern part of the proposed sand extraction area is likely to have had a notable negative impact on their survival.

Officer's assessment

- 269 The County Archaeological Officer (CAO) advises that the area of the proposed extraction has been subject to a comprehensive suite of archaeological works including desk based research for a Cultural Heritage Chapter carried out in 1998 and included in

the original Environmental Statement, an archaeological evaluation undertaken on the site in 1999 and a watching brief during the soil stripping of phases 1-3 in 2004. The Environmental Statement included with the application also contains a cultural heritage statement prepared by Berkshire Archaeological Services that summarises the previous work and identifies that there is some potential for archaeological remains from the Bronze Age and Roman periods within the area that is proposed for extraction but that past ground disturbance will have had a destructive impact on their survival. There is also a general potential for artefacts from the Palaeolithic period to be present within the gravels across the site but it is probable that these will be reworked and not in situ.

- 270 The submitted assessment suggests that a watching brief would be appropriate mitigation to ensure that any archaeological deposits that have survived are properly identified and recorded. The CAO agreed that this would be an appropriate response and advises that a programme of archaeological monitoring should be carried out during soil stripping works in advance of extraction. A method statement for the work should be set out in a Written Scheme of Investigation that includes contingencies to allow for detailed recorded and excavation should well preserved and extensive archaeological deposits be found to be present. Contingency should also be included for field advice by an appropriately qualified specialist in Palaeolithic Archaeology and the palaeoenvironment.
- 271 The CAO advises that provision for the archaeological works, up to and including publication of the results if appropriate, should be secured by attaching the following condition to any planning consent that may be granted: *“No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.”* As such, Officers consider the application complies with the NPPF, SWP 2008 Policy DC3, SMP 2011 Policy MC14 and WBLP 2002 Policy HE10 and Policy HE15 in respect of cultural heritage subject to a condition.

BIRD HAZARD

- 272 Civil Aviation Authority publication CAP 278: Safeguarding of Aerodromes (December 2006) states that if a reply is not forthcoming within 21 days of receipt of a consultation, the planning authority is entitled to assume that the consultee (i.e. the airport/aerodrome) has no comment to make and that the planning authority can decide on the application without further delay. In this case, neither Farnborough Airport Safeguarding nor RAF Odiham Safeguarding have replied to a consultation sent by the CPA on 9 January 2014 and Officers note that planning permission ref WA99/0223 did not contain any bird hazard management plan conditions attached. As such, Officers consider that there are no safeguarding issues with granting planning permission at this site.

CUMULATIVE IMPACTS

- 273 Paragraph 144 of the NPPF states that in granting planning permission for mineral development mineral planning authorities should ‘take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality’. Paragraph 6.35 of the SMP 2011 Core Strategy DPD identifies the cumulative effects of working quarries and the way they relate to existing developments as important issues, particularly so in areas which are already under significant development pressure, or have concentrations of several existing and potential mineral workings. The paragraph goes on to state that cumulative impacts may, for example, arise where mineral sites that are in close proximity to each other would be worked at the same time, or where working has taken place over a long period of time. Measures to avoid or mitigate cumulative impacts include phasing of working and restoration, imposing planning conditions and controlling the number and timing of permissions.

- 274 During the course of the application, the County Air Quality Consultant (CAQC) recommended that the applicant should review the assessment of cumulative effects to consider both existing and proposed dust-generating developments in the vicinity of the proposed development. The CAQC also recommended that a review of proposed dust-generating developments within 700 m of the application be undertaken to determine the potential for cumulative effects, though did not identify any requirements for further work in relation to air quality or odour. In response to a Regulation 22 request made by the CPA in March 2014, the applicant submitted an addendum to consider cumulative effects, which identified that there are no proposed dust-generating developments within 700 m of the proposed development.
- 275 The applicant's addendum also identified three permitted/consented developments at: Weydon Secondary School, Grovebell Trading Estate and the Coxbridge Business Park. The dust generating activities at Weydon Secondary School and the Grovebell Trading Estate relating to construction works which would be finished prior to the commencement of operations at the Alton Road Sandpit. The timescales for the construction works at Coxbridge Business Park are not fixed and could coincide with the proposed development. The applicant identified that the Coxbridge Business Park is located approximately 625 m to the north-east of the Alton Road Sandpit. The applicant referred to the nearest residential receptors to the Alton Road Sandpit and has stated that *from this* there are no residential receptors within 350 m of both the Alton Road Sandpit and the development at Coxbridge Business Park.
- 276 The CAQC highlights that the term 'dust-sensitive receptors' includes a range of land uses, of which a residential property is just one example. Furthermore, the CAQC considers that it is more likely that any receptors within 350 m of the Coxbridge Business Park are not the nearest receptors to the Alton Road Sandpit. The CAQC has reviewed the location of the Coxbridge Business Park and agrees that it is approximately 625 m to the north-east of the Alton Road Sandpit and they have also undertaken an independent review of the area within 350 m of both the Coxbridge Business Park and the Alton Road Sandpit and have not identified any receptors potentially sensitive to dust. On that basis, the CAQC has no recommendations for further work.

OTHER ISSUES

Health concerns

- 277 Representations have raised the issue of impact on human health from the development, in particular potential migration of landfill gas, dust and odour from the sand extraction and subsequent landfilling (though concerns appear to be focussed on non-inert infilling, which is not proposed in this case), and impact of emissions from HGV traffic. The issue of landfill gas and management during further work at the site is considered in detail above. For sand particles to be respirable they have to be small and fine enough to be inhaled. Particles small enough to be inhaled into the lungs are known as PM10. This issue has been already been addressed above under air quality and there is no evidence that ambient levels pose an unacceptable risk to health.
- 278 Public concern about the potential health impacts of a development, as opposed to actual risk to health, can in principle be a material consideration; but it is for the CPA to determine what, if any, weight should attach to it in the context of any particular application. People's perception of the level of risk for an activity can differ markedly from the real risk. Decision-makers need to be aware of the prospect that perceptions of risk may be misinformed, and they should in Officers' view not be lightly dissuaded from making a sound evidence-based judgment informed by evidence of the actual risks. Officers have, nonetheless, duly noted the concerns raised by residents throughout the consultation process regarding perceived risk to human health but taking into account the responses technical consultees do not consider that substantial weight should be attach to them.

Enforcement /Regulatory issues

- 279 In respect of the concerns raised about regulatory controls during the operation of the site, the applicant's compliance with the recommended conditions at the end of this report would be monitored by the County Planning Enforcement team. Officers note that Government Guidance is that local planning authorities should act in a proportionate way and that enforcement powers are discretionary and should be applied expediently having regard to the development plan and any other material considerations. The CPA has not considered there was a reason to take enforcement action on the basis of a breach of planning control, either as a result of unauthorised development or as a breach of planning condition. In accordance with Government advice, the CPA must assume that other regulatory regimes will carry out their responsibilities and it would be unreasonable for the CPA to take a contrary view.
- 280 In addition, the details of the monitoring will be available to Waverley Borough Council's Pollution Control team to monitor/check should complaints arise during the operation of the site. As already referred to, the applicant has secured a Waste Permit from the Environment Agency on 18 June 2014, which is required in addition to planning permission to operate the site, and preventing harm to health and the environment is the main purpose of the permitting process. The Waste Permit specifies that waste shall only be accepted for disposal if they are inert waste and not liquid waste. The Waste Permit also sets out that if it is unsure whether the waste fulfils the definition of inert waste, or is uncontaminated, then testing of the waste must be undertaken to confirm compliance with the criteria for inert waste as specified in the Landfill (England and Wales) Regulations 2002, and that the origin of all waste must be known. As part of the EA's Permitting Regime, the Health & Safety Executive would have been consulted. The future operation of the site would also need to comply with Health and Safety Legislation.
- 281 Several representations have raised doubt concerning whether the applicants are sufficiently competent to undertake the proposed operations, arguing that the CPA must satisfy itself that an appropriate level of indemnity deposit can be obtained/raised. However, Officers note that issues of competence are correctly dealt with through the Environmental Permitting regime and the EA's role is to adequately monitor and regulate the site's operation to ensure that the managers and operators are adequately competent regarding aspects that impact upon the public and the environment. NPPF paragraph 122 makes clear that regimes should not replicate each other and authorities should assume other regimes (such as those governing health and safety at the workplace and at quarries) would operate effectively.
- 282 Residents have also argued that horses in the vicinity would be adversely affected by noise from the development. The County's Environmental Noise Consultant has advised that there is little evidence to show that reasonable noise levels cause any adverse effect on animals, however, any impact noise could initially affect some animals but the likely instances should be low. The impact on wildlife (e.g. birds and bats) is considered earlier in the Ecology section of this report. In respect of concerns that the proposed restoration levels would cause flooding to nearby properties, Officers recommend several detailed ground/surface water drainage conditions at the end of this report, which would need to be agreed in writing (in consultation with the County Geotechnical Consultant, Environment Agency and Waverley Borough Council) prior to commencement of development.
- 283 In respect to the other points raised in representations, Officers judge that adequate mitigation measures to deal with potential environmental impacts have been considered in the determination of this application, with conditions recommended to secure appropriate controls for the operational phase of the proposed development. Likewise, the visual impact of the proposed development, scale of traffic generation and capacity of the surrounding road network, and the potential for dust / odour / noise has been

considered in the relevant sections of this report. Technical consultees have raised no objections to this development subject to appropriate conditions and informatives. Lastly, with reference to concerns that the proposed development would devalue property, this is not considered to be a material planning consideration.

Trespass on the site

- 284 On 14 April 2014, SCC was contacted by the Police who were following up a resident's complaint that motorbikes had been taken on to the site the week before. Surrey Police described the area in question and SCC assumed it was the application site. SCC requested that the applicant's planning agent speak to their client and to contact the Police, as the Police wanted to ascertain whether the motorbikes have permission to be on the land. On 30 April 2014, SCC again chased the applicant's agent to contact Surrey Police about this matter given trespass is a matter of criminal law and thus a matter for the Police and the sites' owners.

HUMAN RIGHTS IMPLICATIONS

- 285 The Human Rights Act Guidance for Interpretation is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 286 The proposal involves the extraction of sand and clay, and filling of the existing and resultant void with inert waste. It is recognised that such proposals have the potential to impact on amenities in terms of noise, dust, impact in the local landscape and visual amenity, and from the traffic generated, and in terms of flood risk, groundwater, water quality, landfill gas and biodiversity interests. The issues are acknowledged and have been assessed in the body of the report and mitigation provided; however the scale of such impacts is not considered sufficient to engage Article 8 or Article 1 of Protocol 1 and, if planning permission were to be granted, any impact is capable of being mitigated by the measures incorporated into the application proposal and by planning condition and the mitigation measures and controls available through the Environmental Permitting regime. As such, this proposal is not considered to interfere with any Convention right.

CONCLUSION

- 287 Planning permission has already been granted for this development in 2002 and this application is essentially the same as the approved development, save only to extend the time period for carrying it out, restrict the type of waste to be tipped, and to refine and improve the final restoration scheme. The site forms part of Surrey's landbank for sand, and void space identified for waste through the MPA's development plans, both of which are needed to support and sustain the economy. At present the quarry lies partially worked out and derelict. The impacts on people and the environment of reopening the site have been fully assessed in the accompanying Environmental Assessment and found to be acceptable.
- 288 The applicant undertook an environmental assessment and has provided further information where necessary. Some of the concerns raised by objectors relate to issues controlled under other regulatory regimes. Technical consultees have carefully considered the application and information provided and have not objected to the development. The views of technical consultees have been reported under individual issues earlier in the report. There is no reason to believe that high environmental standards cannot be maintained during the extraction, landfilling and restoration of the site.
- 289 The proposed infilling with inert waste material would have less impact and be less intrusive than the presently permitted household, commercial and industrial waste

development. The site would be restored to a range of after-uses which would provide benefit to local people, the ecology and environment of the immediate area. The development can be controlled through conditions to minimise adverse impacts during working on people and the environment. The proposals are therefore consistent with the NPPF and the development plan.

RECOMMENDATION

Subject to the prior completion of a Legal Agreement with the applicant and landowners to secure the long term (20 years in addition to the 5 year aftercare scheme) management, maintenance and aftercare of the application site, edged red and blue, as denoted on the application site plan (Drawing ref: ALTONRD1309/Drawing No 2/ Revision B), through the preparation of a ecological enhancement and woodland management plan in accordance with the draft Heads of Agreement set out in Appendix 1 to the report, **the application is PERMIT subject to the following conditions:**

Approved Drawings

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Drawing Ref	Title	Dated
ALTONRD1309/ Drawing No1/ Version B	Site location	7 November 2013
ALTONRD1309/ Drawing No 2/ Version B	Application site plan	7 November 2013
ALTONRD1309/ Drawing No 3/ Version B	Application boundary – aerial photo (1:10,000 scale)	7 November 2013
ALTONRD1309/ Drawing No 4/ Version B	Application boundary – aerial photo (1:5,000 scale)	7 November 2013
ALTONRD1309/ Drawing No 5/ Version B	Existing site land use plan	7 November 2013
ALTONRD1309/ Drawing No 6/ Version B	Sand extraction phasing plan – approximate timing of completion	7 November 2013
ALTONRD1309/ Drawing No 7/ Version B	Landfill development phasing plan – approximate timing of completion	7 November 2013
ALTONRD1309/ Drawing No 8/ Version B	Restoration details	7 November 2013
ALTONRD1309/ Drawing No 9c/REVISION B	Site phasing plan - 2021	7 November 2013
ALTONRD1309/ Drawing No 9d/ Version B	Site phasing plan - 2023	7 November 2013
ALTONRD1309/ Drawing No 9e/ Version B	Site phasing plan - 2025	7 November 2013
ALTONRD1309/ Drawing No 9f/ Version B	Site phasing plan - 2027	7 November 2013
ALTONRD1309/ Drawing No 9g/ Version B	Site phasing plan - 2029	7 November 2013
ALTONEIA1403/ Drawing No 1/ Version B	Proposed drainage scheme within restored site	28 May 2014
ALTONEIA1403/ Drawing No 2/ Version B	Upstream catchment areas	28 May 2014
ALTONEIA1403/ Drawing No 3/ Version B	Detailed design of central attenuation pond	28 May 2014
ALTONEIA1403/ Drawing No 4/ Version B	Detailed design of eastern attenuation pond	28 May 2014
ALTONEIA1403/ Drawing No 5a/ Version B	Site phasing plan – 2017 and proposed drainage scheme	10 April 2014
ALTONEIA1403/ Drawing No 5b/ Version B	Site phasing plan – 2019 and proposed drainage scheme	10 April 2014
ALTONEIA1403/ Drawing No 5c/ Version B	Site phasing plan – 2021 and proposed drainage scheme	10 April 2014
ALTONEIA1403/ Drawing No 5d/ Version B	Site phasing plan – 2027 and proposed drainage scheme	10 April 2014

Duration

- 2 The development to which this permission relates shall be commenced not later than the expiration of 2 years beginning with the date on which this permission was granted, and shall be completed in all respects not later than 31 December 2029. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of development.
- 3 The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plans contained in the application (as listed in Condition 1 above) and no variations or omissions shall take place.

Extraction & Infilling

- 4 Only inert waste material shall be imported to the site. Only natural clay shall be used to bring the site up to permitted levels. Annual records shall be kept for the extraction of sand and clay and be made available on request to the County Planning Authority.

Soil Screening

- 5 Resulting by-products from soil screening, such as stones, shall be used to fill the void resulting from permitted sand and clay extraction and shall not be removed from the site. Soil screening equipment shall be removed from the site on cessation of inert waste material importation.

Restriction of Permitted Development Rights

- 6 Notwithstanding any provision to the contrary under Parts 19 or 22 of the Town and Country Planning (General Permitted Development Order) 1995 or any subsequent Order,
 - (a) no plant, building or machinery whether fixed or moveable other than those permitted by this application (such as the single site office with weighbridge and mobile sand screening plant, to be removed on cessation of permitted operations), shall be located on the site of the development hereby permitted;
 - (b) no fencing other than that hereby permitted shall be erected; and
 - (c) no external lighting shall be installed at the site.

Archaeology

- 7 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the County Planning Authority.

Noise & Disturbance

- 8 The level of noise arising from any permitted operation shall not exceed 52LAeq when measured at, or re-calculated as at, a height of 1.2m above ground level and 3.6m from the facade of any noise-sensitive property.
- 9 Notwithstanding, the requirements of Condition 8 above, the level of noise arising from any permitted operation connected with soil stripping, handling or placement shall not exceed 70LAeq when measured at, or re-calculated as at, a height of 1.2m above ground level and 3.6m from the facade of any noise sensitive property. Such activities shall not take place for a total period greater than eight weeks in any twelve month period.
- 10 All vehicles, plant and machinery operated within the site shall at all times be maintained in accordance with the manufacturer's specification.
- 11 A mobile water bowser shall be retained on site and used when directed by the County Planning Authority to suppress dust arising as a result of the permitted operations.
- 12 With the exception of that part of the site lying within 100m of the eastern boundary with the Riverdale area no operations authorised or required within the site under this permission, other than the servicing, maintenance and testing of plant and other similar

work of an essential nature, shall be carried out on the site except between the following times:

0730 and 1730 Monday to Fridays.
0800 and 1300 Saturdays.

The formation of screen mounds around the site and their subsequent removal when required for restoration shall only be carried out between the following times:

0800 and 1700 Monday to Fridays.
0800 and 1300 Saturdays.

There shall be no working on Sundays, Bank Holidays or National Holidays.

- 13 No operations authorised or required within the Riverdale area lying 100 metres from the eastern boundary shall be carried out except between 0830 and 1730 Monday to Fridays only. There shall be no working on this part of the site on weekends, Bank Holidays or National Holidays.
- 14 At any one time there shall be only one excavating machine in operation within that part of the site lying within 100 metres from the eastern boundary within the Riverdale area.
- 15 Prior to commencement of development, a detailed working plan shall be submitted to and approved in writing by the County Planning Authority. The plan shall include details of the mitigation measures proposed for the protection of human health and the environment in relation to standard operating procedures and working practices. These shall include reference to dust, noise and air quality. The development shall be carried out in accordance with the approved working plan.

Landfill gas

- 16 (a) Prior to commencement of development, a methodology for ground gas monitoring of the historical landfill areas known as Riverdale and South East Landfill (as shown on Drawing ref: ALTONRD1309/ Drawing No 5/ Version B) shall be submitted to the County Planning Authority for approval;

(b) Appropriate baseline monitoring to determine the nature and extent of landfill gas emissions across the two areas shall be carried out for a minimum period of 12 months, and in accordance with the methodology approved pursuant to (a) above;

(c) The applicant's Landfill Gas Impact Assessment (Geotechnology Limited's Report Number ref 1349r1v1d0414, dated April 2014) shall be reviewed and re-assessed following completion of the baseline monitoring required by (b) above. The Landfill Gas Impact Assessment shall be updated as necessary and re-submitted to the County Planning Authority for approval;

(d) A detailed ground gas management plan including a mitigation strategy to deal with any predicted negative impacts, as described in the amended Landfill Gas Impact Assessment required by (c) above, shall be submitted to the County Planning Authority for approval. The gas management plan shall also include a review of the existing gas management system and the proposals for ongoing use of the gas management system, together with a ground gas monitoring scheme.

No capping or restoration works of the historical landfill areas known as Riverdale and South East Landfill (as shown on Drawing ref: ALTONRD1309/ Drawing No 5/ Version B), shall take place until a detailed ground gas management plan in accordance with (d) above has been submitted to and approved in writing by the County Planning Authority.

Ground / Surface Water and Land Contamination

- 17 A horizontal access strip 8 metres wide adjacent to the River Wey shall be left free from any permanent development, including fences and other obstructions.
- 18 Sand working shall take place no deeper than 62.5m above Ordnance Datum (Newlyn). Where sand is removed below this level it shall be replaced with indigenous sands as soon as the error is discovered.
- 19 A minimum average unsaturated zone of 1.35 metres shall be maintained between the average maximum groundwater level (recorded at 61.15 metres above Ordnance Datum) and the underside of the containment system.
- 20 The inert landfilling shall take place within an engineered basal and side slope artificial geological barrier containment system having a minimum thickness of engineered clay of 1m and a maximum permeability of 1×10^{-7} m/s or the equivalent.
- 21 No development shall take place until details of the detailed design, implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- design calculations and detailed drawings;
 - a timetable for its implementation, and
 - a management and maintenance plan for the lifetime of the development
- 22 Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the 'Access Land North-west of the Railway'. The area of land subject of this Condition is shown outlined in red on Drawing Ref: ALTONEIA1403 in 'Addendum to the Environmental Impact Assessment at Alton Road Sandpit, v.02, May 2014. The contents of the scheme are subject to the approval in writing by the County Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The following components shall be included, as necessary, with the scheme:
- (i) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and any potentially unacceptable risks arising from contamination at the site.
 - (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (iii) The site investigation results and the detailed risk assessment (ii) and, based on these, if applicable, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (iv) A verification plan providing details of the data that will be collected and a verification report that will be prepared in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 23 The remediation strategy identified under Condition 22 part (i) above shall be implemented and the verification report submitted to and approved in writing by the County Planning Authority prior to any development of the Access Land North-west of the Railway.
- 24 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within seven days to the County Planning Authority and works shall stop in the affected areas. Within two months a written scheme of investigation, risk assessment, remediation and verification shall be undertaken in accordance with the scheme requirements of Condition 22 above, and submitted to the County Planning Authority for written approval. Works may only continue in the affected area where provided for by the approved scheme. The scheme shall be implemented as approved.
- 25 Prior to commencement of development, a detailed monitoring scheme for groundwater level and quality and surface water flow, level and quality shall be submitted to and approved in writing by the County Planning Authority and implemented as approved. The following hierarchical approach shall be required as part of the monitoring scheme:
- a) The groundwater monitoring scheme shall include a sufficient number of boreholes to take into consideration the size of the site, the geology and the direction of groundwater flow. Groundwater levels shall be measured monthly and samples taken quarterly (or as required by the Environment Agency under the Permit) for quality testing, and monitoring reports submitted at annual intervals to the County Planning Authority.
- The surface water monitoring scheme shall include the major surface water receptors in the area, to be agreed in writing with the County Planning Authority. The frequency of monitoring may be reduced or need to be increased in accordance with the requirements below and any change to the frequency of monitoring and submission of monitoring reports shall be agreed in writing with the County Planning Authority.
- b) Upon the approval of the monitoring scheme, any new monitoring boreholes required as part of the monitoring scheme shall be installed prior to the commencement of any mineral extraction, waste filling or restoration activities approved by this planning permission.
- c) Following installation of any monitoring boreholes required in accordance with part b) above, and prior to the commencement of any mineral extraction, waste filling or restoration activities approved by this planning permission, the baseline groundwater and surface water situation shall be established and verified against the hydrogeological and hydrological model contained in the GWP Consultants 'Environmental Impact Assessment' Report 'of the Effect on the Hydrogeological and Hydrological Regime as a Result of Inert Waste Landfill and Historical Landfill Capping at Alton Road Sand Pit, November 2013 and Addendums (v.01, dated April 2014 and v.02, dated May 2014), to confirm the baseline situation. If the baseline situation is not as anticipated, a revised hydrogeological and hydrological impact assessment shall be submitted to and approved in writing by the County Planning Authority. The revised hydrogeological and hydrological impact assessment shall include any mitigation measures required to mitigate any adverse impacts not previously envisaged.
- d) Upon approval of the baseline situation adequately reflecting the groundwater and surface water model contained in the GWP Consultants 'Environmental Impact Assessment' Report 'of the Effect on the Hydrogeological and Hydrological Regime as a Result of Inert Waste Landfill and Historical Landfill Capping at Alton Road Sand Pit, November 2013 and Addendums (v.01, dated

April 2014 and v.02, dated May 2014), or the revised hydrogeological and hydrological impact assessment submitted pursuant to part c) above, the approved mitigation measures shall be implemented on site prior to the commencement of any mineral extraction, waste filling or restoration activities approved by this planning permission.

- e) Upon completion of the mitigation measures implemented in accordance with part d) above, monitoring of the groundwater and surface water shall be undertaken in accordance with the monitoring scheme established under part 1, and any further monitoring measures that may be recommended by additional hydrogeological and hydrological impact assessment under part c) above.
- f) If the predicted impact on groundwater and surface water pursuant to the GWP Consultants 'Environmental Impact Assessment' Report 'of the Effect on the Hydrogeological and Hydrological Regime as a Result of Inert Waste Landfill and Historical Landfill Capping at Alton Road Sand Pit, November 2013 and Addendums (v.01, dated April 2014 and v.02, dated May 2014), or part c), is not as anticipated, then mineral extraction and/or waste filling and/or restoration activities shall cease until a revised hydrogeological and hydrological impact assessment detailing how any adverse impact to groundwater and surface water shall be dealt with, has been submitted to and approved in writing by the County Planning Authority, and any mitigation measures identified in the revised hydrogeological and hydrological impact assessment implemented on site prior to recommencement of activities.
- g) Monitoring of groundwater and surface water in accordance with the approved monitoring scheme shall continue for the period of restoration and aftercare.

Highways

- 26 Vehicular access shall be via the improved access to/from the A31 only.
- 27 There shall be no more than 170 HGV movements to and from the site per day.
- 28 Space to accommodate parking, loading, unloading, and turning of vehicles clear of the highway shall be provided at all times during the works hereby permitted, and such space shall be retained free of any impediment to its designated use for the duration of the works.
- 29 Before any of the operations hereby approved are commenced which involve the movement of materials in bulk to or from the site, facilities shall be provided as may be agreed with the County Planning Authority after consultation with the Highway Authority to prevent the deposition of extraneous matter on the public highway and shall thereafter be retained and used whenever the said operations are carried out.

Rights of Way

- 30 Prior to commencement of development, a detailed scheme for improving the condition of Footpath 16 and Footpath 17 shall be submitted to and agreed in writing by the County Planning Authority. The detailed scheme shall include:
 - Drainage ditch cleansing and surface repair in respect of Footpath 16 as it enters the site from the east;
 - Drainage improvements in respect of the section of Footpath 17 crossing under the railway that coexists with the haulage road;
 - Hazard signs (conforming as close as possible to those in 'Traffic Signs and General Direction Regulations 2002) erected on the haul road approach on the section of

Footpath 17 crossing under the railway to warn that pedestrians can be found on the route; and

- Timing of improvements to the footpaths.

The scheme of footpath improvement shall be carried out in strict accordance with the details agreed in writing by the County Planning Authority.

Landscaping, Aftercare and Restoration

- 31 Prior to commencement of sand extraction in 'Phase 3' (as shown on submitted drawing ref: ALTONRD1309/ Drawing No 6/ Version B), a scheme of temporary screen bunding shall be submitted to and agreed in writing by the County Planning Authority. Such temporary screen bunding shall remain in place for the duration of 'Phase 3' sand extraction and be designed to screen views of the South Downs National Park from viewpoints north of the application site (such as Footpath 11).
- 32 A detailed scheme of aftercare covering a period of 5 years from the completion of restoration shall be submitted to the County Planning Authority within two years of the commencement of the development hereby permitted. The aftercare of the site shall be carried out strictly in accordance with the scheme approved by the County Planning Authority.
- 33 The site shall be restored strictly in accordance with the details set out on submitted drawing ref: ALTONRD1309/ Drawing No 8/ Version B dated 7 November 2013.

Railway Safety

- 34 All cranes and jibbed machines, machinery and constructional plant must be so positioned that the jib of any suspended loads does not swing over railway property or within 3 metres of the nearest rail.
- 35 Storm or surface water must not be discharged onto or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway.
- 36 Soakaways or lagoons constructed as a means of storm/surface water disposal or storage must not be constructed within 20 metres of the railway boundary or any point which could adversely affect the stability of Network Rail property.
- 37 No extractive operations shall take place within a lateral distance of 20 metres from the railway boundary and outside that distance no excavation shall take place such as will encroach upon the plant created by a line drawn at:-
- (a) 1 vertical to 3 horizontal downwards from the 20 metre bund through soils and Terrace Gravels,
 - (b) 1 vertical to 2.5 horizontal through the Gault Clay,
 - (c) 1 vertical to 1.2 horizontal through the Folkestone Beds,
 - (d) additionally, intermediate 5 metre and 3 metre benches shall be provided at the interfaces between the Terrace Deposits/Gault Clay and Gault Clay/Folkestone Beds, respectively.
- 38 No overburden must be tipped or any buildings erected on the 20 metre bund between the edge of the excavation and the railway boundary. This bund should not be used as a haul road.

- 39 The exposed face of the working, adjacent to the railway boundary, must be maintained in a stable condition until backfilling takes place.

Ecological

- 40 Where no development has taken place by 1st March 2017, no permitted operations shall take place until a scheme of mitigation with further ecological survey information has been submitted to and approved in writing by the County Planning Authority.
- 41 (a) Prior to the commencement of development welding mesh panels protective fencing of a height not less than 1.25m shall be erected around each tree or tree group to be retained on the site, at a radius from the trunk of not less than 4.5m. Such fencing shall be maintained during the life of the development to the satisfaction of the County Planning Authority.
- (b) There shall be no burning of materials or fires lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained on the site or on land adjoining.
- (c) No trenches, pipe runs for services and drains shall be sited within 4.5m of the trunk of any trees retained on the site.
- (d) Prior to the commencement of operations, a three bar wooden fence with at least 75mm x 75mm posts to a height of 1.5 metres above ground level shall be erected around the semi-natural ancient woodland within the application site that is not to be worked. A plan showing the detailed location and specification of this fence shall be submitted to and approved in writing by the County Planning Authority. The fence shall be maintained in good condition during the working period of the site.
- 42 Prior to the commencement of development hereby approved, a scheme for safeguarding *Campanula patula* (spreading bellflower), including translocation if necessary to a prepared receptor site, shall be submitted to the County Planning Authority for approval. No development shall be carried out until a scheme for safeguarding *Campanula patula* (spreading bellflower) has been submitted to and approved in writing by the County Planning Authority. The scheme shall be carried out in strict accordance with the approved details.
- 43 Prior to the commencement of development hereby approved, a scheme of reptile capture and translocation to a prepared receptor site shall be submitted to the County Planning Authority for approval. No development shall be carried out until a scheme of reptile capture and translocation has been submitted to and approved in writing by the County Planning Authority. Within 12 months of undertaking the mitigation works a report shall be submitted to the County Planning Authority describing details of the translocation, the number of species moved and the details of the management of the receptor site and details of the mitigation plan to include:
- The location of exclusion fencing;
 - Trapping areas; and
 - Staged habitat manipulation (i.e. strimming or herbicide treatment) of less suitable areas and where destructive searches will be required.
- Capture should generally be undertaken during the Spring and early Autumn, avoiding periods of frost and the hotter months of July and August. Capture and translocation effort should be restricted to periods of appropriate weather conditions with animals released the same day.
- 44 Prior to the felling of any tree, a qualified ecologist shall inspect and assess the tree for bat roosting potential. The results of this inspection and assessment shall then be submitted to the County Planning Authority. If bats are found to be roosting in the tree to

be felled, the tree shall be protected and retained until a strategy has been submitted to and approved in writing by the County Planning Authority. Any further work shall be implemented strictly in accordance with the approved details therein.

- 45 Prior to each phase of sand extraction (as shown on submitted drawing ref: ALTONRD1309/ Drawing No 6/ Version B), the presence of any new badger setts shall be checked by a qualified ecologist. The results of these checks shall then be submitted to the County Planning Authority. If badger setts are found, work shall not recommence until a mitigation strategy has been submitted to and approved in writing by the County Planning Authority. Any further work shall be implemented strictly in accordance with the approved details therein.
- 46 Prior to the commencement of infilling for restoration of cells 1 and 2 (as shown on submitted drawing ref: ALTONRD1309/ Drawing No 7/ Version B), a scheme detailing measures for securing and protecting invertebrate interest within the area designated to be restored as heathland (as shown on submitted drawing ref: ALTONRD1309/ Drawing No 8/ Version B) shall be submitted to the County Planning Authority for approval. No development shall be carried out until a scheme for securing and protecting invertebrate interest within the area designated to be restored as heathland has been submitted to and approved in writing by the County Planning Authority. Any further work shall be implemented strictly in accordance with the approved details therein.
- 47 No vegetation shall be cleared or soils stripped in association with the development hereby permitted prior to the submission and approval in writing by the County Planning Authority of a scheme detailing the sequential stripping of soils and clear felling within the areas of the application site that are to be worked and are defined by Natural England as semi-natural ancient woodland. Any such a statement must include the means of stripping, storage, storage location, replacement and restoration of soils and timing of works. Any further work shall be implemented strictly in accordance with the approved details therein.

REASONS FOR IMPOSING CONDITIONS:

- 1 To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development so as to minimise its impact on the amenities of the local area and local environment in accordance with the National Planning Policy Framework 2012, Surrey Waste Plan 2008 Policy DC3 – General Considerations, and Surrey Minerals Plan 2011 Policy MC14 - Reducing the adverse impacts of mineral development.
- 2, 3 To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and to enable the County Planning Authority to exercise planning control over the operation so as to ensure an orderly method of working, to minimise the impact on local amenity and that the site is restored to a satisfactory condition.
- 4 To enable the County Planning Authority to exercise control over the development hereby permitted and comply with Section 91 of the Town and Country Planning Act 1990 (as amended), the National Planning Policy Framework 2012 and Surrey Waste Plan 2008 Policy WD7 - Policy WD7 - Disposal by Landfilling, Landraising, Engineering or Other Operations and Policy DC3 – General Considerations, and Surrey Minerals Plan 2011 Policy MC14 - Reducing the adverse impacts of mineral development.
- 5 To enable the County Planning Authority to exercise control over the development hereby permitted and to comply with the National Planning Policy Framework 2012, Surrey Waste Plan 2008 Policy DC3 – General Considerations, and Surrey

Minerals Plan 2011 Policy MC14 - Reducing the adverse impacts of mineral development.

- 6 To enable the County Planning Authority to exercise control over the development hereby permitted and comply with Section 91 of the Town and Country Planning Act 1990 (as amended), the National Planning Policy Framework 2012, Surrey Waste Plan 2008 Policy DC3 – General Considerations, and Surrey Minerals Plan 2011 Policy MC14 - Reducing the adverse impacts of mineral development.
- 7 To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide on any action required for the preservation or recording of such remains in accordance with the National Planning Policy Framework 2012, the National Planning Practice Guidance 2014, Surrey Waste Plan 2008 Policy DC3 – General Considerations, Surrey Minerals Plan 2011 Policy MC14 - Reducing the adverse impacts of mineral development, and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development and Policy HE15 – Unidentified Archaeological Sites.
- 8, 9, 10
11, 12, 13
14, 15 To enable the County Planning Authority to exercise control over the development hereby permitted and protect the amenities of local residents in accordance with the National Planning Policy Framework 2012, the National Planning Practice Guidance 2014, Surrey Waste Plan 2008 Policy DC3 – General Considerations, Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development, and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development.
- 16 To ensure that no capping or restoration works of the historic landfill areas takes place without an appropriate landfill gas monitoring methodology, landfill gas impact assessment and ground gas management plan being agreed, and to accord with the National Planning Policy Framework 2012, the National Planning Practice Guidance 2014, Surrey Waste Plan 2008 Policy DC3 – General Considerations, Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development, and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development.
- 17, 18, 19
20, 21, 22
23, 24, 25 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to accord with the National Planning Policy Framework 2012, the National Planning Practice Guidance 2014, Surrey Waste Plan 2008 Policy DC3 – General Considerations, Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development, and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development.
- 26, 27, 28
29 To enable the County Planning Authority to adequately control traffic associated with the development and to ensure that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users and to comply with the National Planning Policy Framework 2012 and Surrey Waste Plan 2008 Policy DC3 – General Considerations, Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development, and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development and Policy M2 – Movement Implications of Development.
- 30 In order to resolve issues of flooding and provide safe access for footpath users and to accord with Surrey Waste Plan 2008 Policy DC3 – General Considerations, Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of

mineral development, and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development.

- 7
- 31, 32, 33 To enable the County Planning Authority to exercise planning over the operation so as to secure restoration to the required standard, to ensure that the site is absorbed back into the local landscape and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development, Policy MC17 - Restoring mineral workings and Policy MC18 - Restoration and enhancement; Surrey Minerals Plan 2011 Site Restoration Supplementary Planning Document; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development and Policy C6 – Landscape Enhancement.
- 34, 35, 36 In the interests of safety near the railway line running along the north western
37, 38, 39 boundary of the site.
- 40 In order that the ecological surveys are up to date and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development, Policy D5 - Nature Conservation and Policy C11 - Undesignated Wildlife Sites.
- 41 In order to protect the remaining ancient semi-natural woodland and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC2 - Planning Designations and Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development and Policy C6 – Landscape Enhancement.
- 42 In order to safeguard *Campanula patula* (spreading bellflower) and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development and Policy D5 - Nature Conservation.
- 43, 46 In order to secure a successful habitat for invertebrates and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development, Policy D5 - Nature Conservation and Policy C11 - Undesignated Wildlife Sites.
- 44 In order to protect bat roosts and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development, Policy D5 - Nature Conservation and Policy C11 - Undesignated Wildlife Sites.
- 45 In order protect any badger setts and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste

Plan 2008 Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development, Policy D5 - Nature Conservation and Policy C11 - Undesignated Wildlife Sites.

- 47 In order to protect the quality of the ancient semi-natural woodland soils and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC2 - Planning Designations and Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development and Policy D5 - Nature Conservation.

INFORMATIVES:

- 1 The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
- 2 The applicant's attention is drawn to the fact that part of Footpath 16 and Footpath 17 have been temporarily diverted under Section 257 & Section 261 of the Town and Country Planning Act 1990. The 2005 legal order requires the routes to be restored to their definitive routes '*...within 3 months of the development being completed.*' A copy of the legal order is enclosed for reference.
- 3 The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- 4 An environmental permit will be required when the quarry is to be infilled with inert waste. Inert waste is defined by Landfill Directive, article 2(e): 'Inert waste' means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health.
- 5 Additionally the Landfill Directive requires the operator to submit construction proposals to cover the construction and quality assurance of the geological barrier across the base and sides of the landfill. The geological barrier will be provided by suitable selected in situ or imported materials. The operator's CQA plan must set out how he will ensure that suitable materials are used in construction of the geological barrier.
- 6 The applicant is advised to contact Network Rail (Network Rail, Wessex Asset Protection Team, 4th Floor, Waterloo General Offices, Waterloo Station, London, SE1 8SW, Tel: 0207 9023318, Email: AssetProtectionWessex@networkrail.co.uk) before carrying out any work near the railway line running along the north western boundary of the site.
- 7 The applicant will require written consent from the Environment Agency in order to discharge effluent resulting from dewatering activities.
- 8 Under the terms of the Water Resources Act 1991 and the Land Drainage Bylaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structure, over or within 8 metres of the brink of the main river.
- 9 Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into

controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant onto ground or into waters which are not controlled waters. Such consent may be withheld.

- 10 Culverting of a watercourse requires the prior written approval of the Local Authority under the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Acts 1991 and 1994/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its consent for such works will normally be withheld.
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present.
- 12 The applicant is reminded that under section 14(2) of the Wildlife and Countryside Act 1981, it is a criminal offence to plant or otherwise cause to grow in the wild any plant which is included in Schedule 9 of the Act including Japanese knotweed. Soil and waste containing Japanese knotweed is likely to be deemed to be "Controlled Waste" under the Environmental Protection Act 1990 and it is an offence to: i) deposit, treat, keep or dispose of controlled waste without an environmental permit; or ii) to keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment or human health.
- 13 The applicant's attention is drawn to the Protection of Badgers Act 1992.
- 14 Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

The proposal has been considered against the following development plan policies/provisions:

Surrey Waste Plan 2008

Policy CW4 - Waste Management Capacity

Policy WD7 - Disposal by Landfilling, Landraising, Engineering or Other Operations

Policy DC2 - Planning Designations

Policy DC3 - General Considerations

Surrey Minerals Plan 2011 Core Strategy

Policy MC7 – Aggregates Mineral Supply

Policy MC14 - Reducing the adverse impacts of mineral development

Policy MC15 Transport for minerals

Policy MC17 - Restoring mineral workings

Policy MC18 - Restoration and enhancement

Surrey Minerals Plan 2011 Primary Aggregates Development Plan Document

Policy MA1 – Aggregate Supply

Surrey Minerals Plan 2011 Site Restoration Supplementary Planning Document

Aggregates Recycling Joint Development Plan Document 2013

Policy AR2 – Aggregates recycling facilities

Waverley Borough Local Plan 2002

Policy M2 – Movement Implications of Development

Policy C2 – Countryside Beyond the Green Belt

Policy C3 - Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value

Policy C6 – Landscape Enhancement

Policy C7 - Trees, Woodlands and Hedgerows

Policy C11 - Undesignated Wildlife Sites

Policy D1 – Environmental Implications of Development

Policy D4 – Design and Layout

Policy D5 - Nature Conservation

Policy D7 - Trees, Hedgerows and Development

Policy HE10 – Heritage Features

Policy HE15 – Unidentified Archaeological Sites

HUMAN RIGHTS ACT 1998

GUIDANCE FOR INTERPRETATION

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one’s personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

CONTACT

Mark O'Hare

TEL. NO.

020 8541 7534

BACKGROUND PAPERS

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

Government Guidance

National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Planning Policy Statement 10 - Planning for Sustainable Waste

The Development Plan

Surrey Waste Plan 2008

Surrey Minerals Plan 2011 Core Strategy

Surrey Minerals Plan 2011 Primary Aggregates Development Plan

Surrey Minerals Plan 2011 Restoration Supplementary Planning Document

Surrey Aggregates Recycling Joint Development Plan Document 2013

Waverley Borough Local Plan 2002 (saved policies)

Other documents

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004 (as amended)

The Town and Country Planning (Consultation) (England) Direction 2009

Planning permission ref WA99/0223 (13 September 2002) & Section 278 Highways Agreement

Waste Permit ref: EPR/AB3802KG, dated 18/06/2014

Landfill Regulations 2002

Environmental Impact Regulations 2011

Minerals and Waste Plan and the Aggregates Recycling Joint DPD Inspector's Report 2012

Bright et al 2006

Surrey Aggregates Monitoring Update: May 2014

('Mercers South') planning permission ref: TA/2013/1799 dated 12 August 2014.

Environmental Protection Act 1990 Development Control: Planning for Air Quality (EPUK, 2010)

Natural England Standing Advice for protected species, ancient woodland and veteran trees

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

A review of the revision of the Ancient Woodland Inventory in the South East (Natural England, 2011)

Water Framework Directive (European Union 2000)

Guidelines for Noise Control Minerals and Waste Disposal (Surrey County Council 1994)

CAP 278: Safeguarding of Aerodromes (Civil Aviation Authority December 2006)

Model Procedures for the Management of Land Contamination, CLR 11 (EA, June 2014)

Highways Act 1980

Landfill Directive 1999

Public Health Act 1936

Land Drainage Acts 1991 and 1994

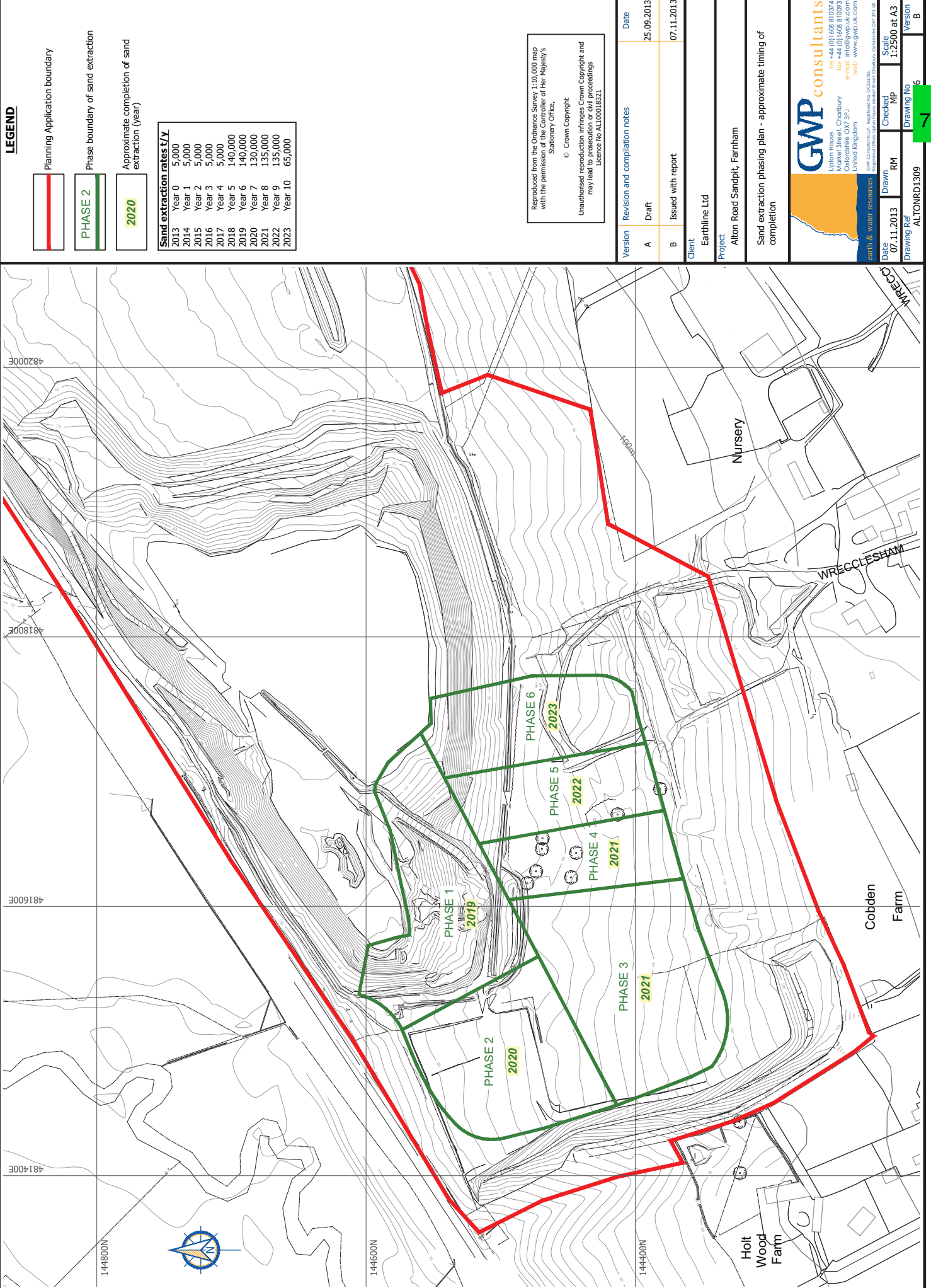
Water Resources Act 1991

Wildlife and Countryside Act 1981

Protection of Badgers Act 1992

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LEGEND

- Planning Application boundary
- Phase boundary of landfill development
- Approximate completion of landfilling (year)

Landfilling rates m ² /Y	
2013	Year 0 5,000
2014	Year 1 50,000
2015	Year 2 50,000
2016	Year 3 50,000
2017	Year 4 50,000
2018	Year 5 50,000
2019	Year 6 200,000
2020	Year 7 200,000
2021	Year 8 200,000
2022	Year 9 230,000
2023	Year 10 230,000
2024	Year 11 275,000
2025	Year 12 275,000
2026	Year 13 275,000
2027	Year 14 275,000
2028	Year 15 265,000

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Version	Revision and compilation notes	Date
A	Draft	25.09.2013
B	Issued with report	07.11.2013

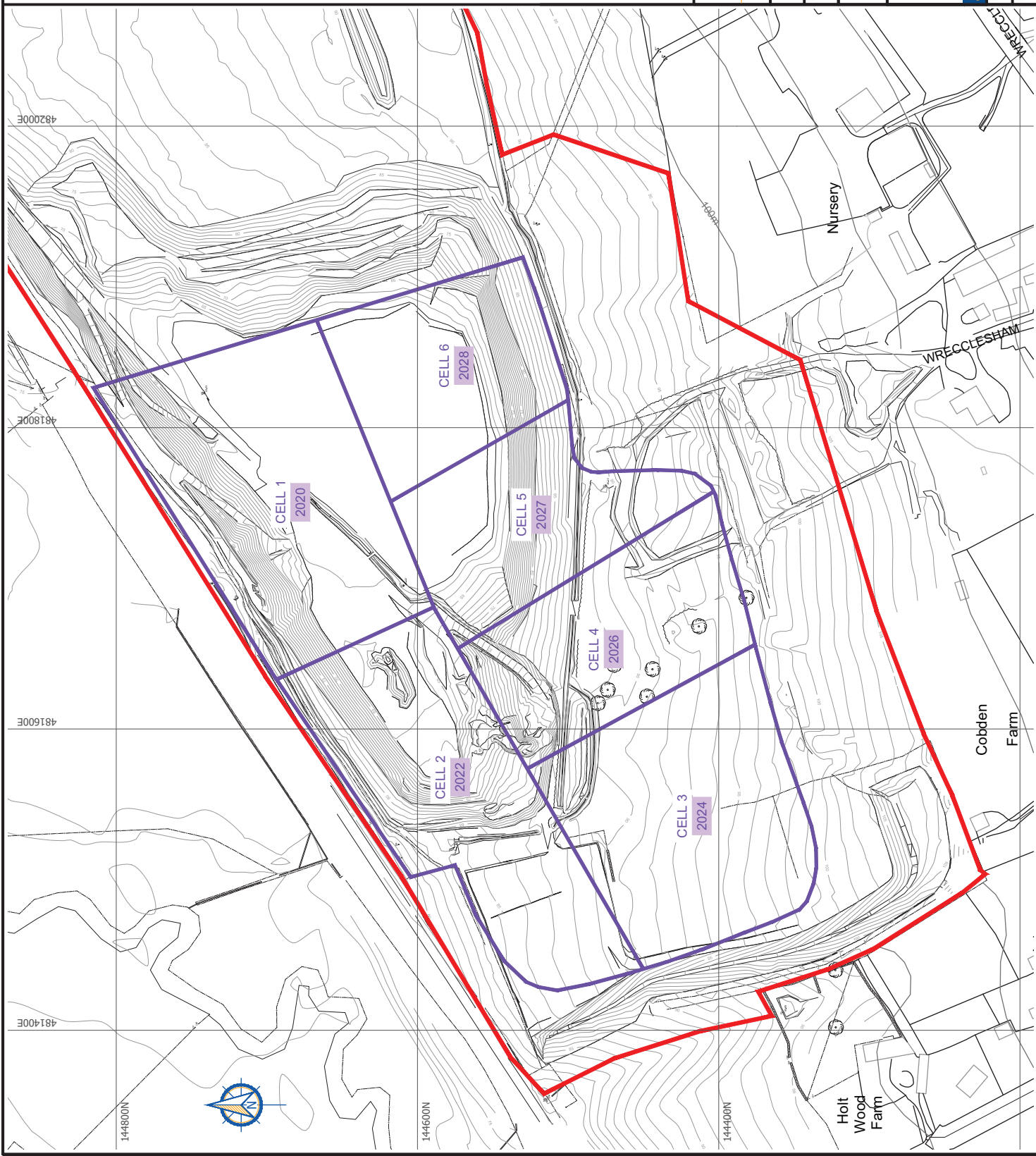
Client: Earthline Ltd
 Project: Alton Road Sandpits, Farnham
 Landfill development phasing plan - approximate timing of completion

GWP consultants
 0144 011608 810374
 0144 011608 810374
 info@gwp.co.uk
 www.gwp.co.uk

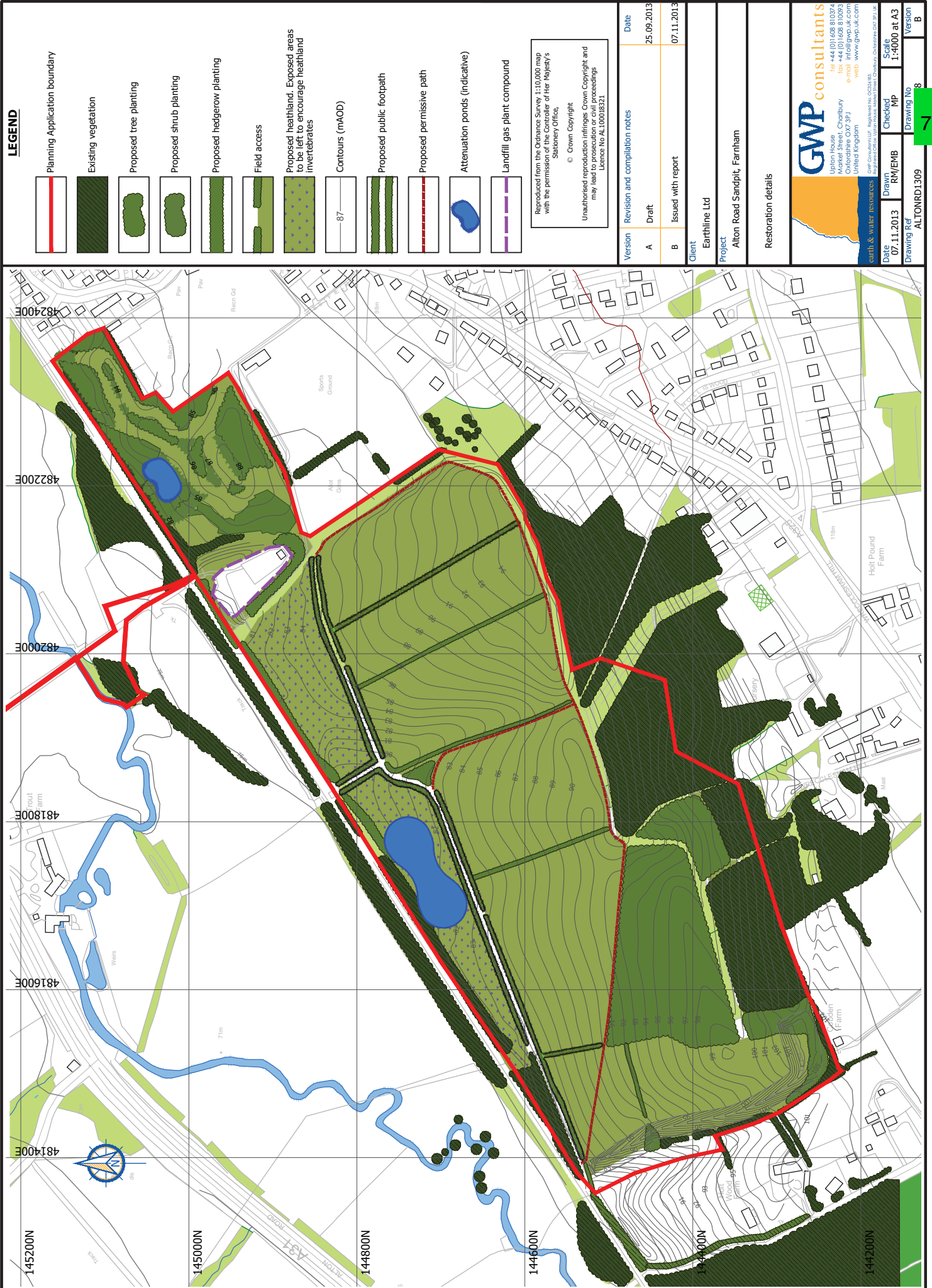
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Version	Drawing No
B	7

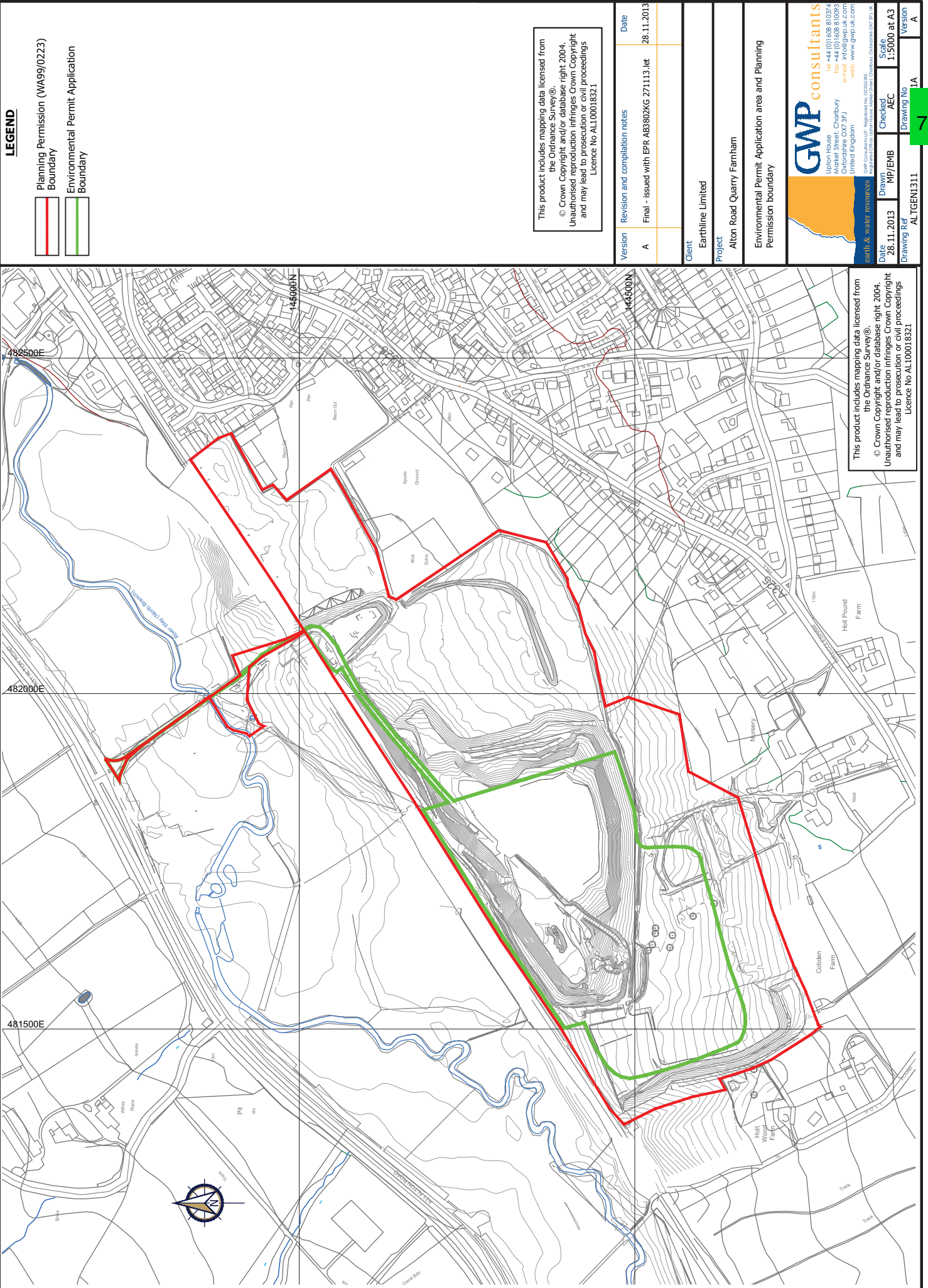
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LEGEND

- Planning Permission (WA99/0223) Boundary
- Environmental Permit Application Boundary

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Version	Revision and completion notes	Date
A	Final - issued with EPR AB802KG 271113.let	28.11.2013

Client
 Earthline Limited

Project
 Alton Road Quarry Farnham

Environmental Permit Application area and Planning Permission boundary

GWP consultants
 1st Floor, 100 Old Street, London EC1A 3DF
 Tel: +44 (0)1408 810374
 Fax: +44 (0)1408 810093
 e-mail: info@gwp.co.uk
 web: www.gwp.co.uk

Date 28.11.2013	Drawn MP/EMB	Checked AEC	Scale 1:5000 at A3
Drawing Ref ALTGEN1311	Drawing No 7	Version A	

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Figure 1 above: View of southeast landfill area (Block 2) facing southwest from footpath.



Figure 2 above: View of existing mineral void (Block 3), facing southwest from footbridge.



Figure 3 above: View of western fields (Block 4), facing east from footpath.

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Figure 4: View of existing mineral void (Block 3) facing southwest from footpath.



Figure 5: View of existing mineral void (Block 3) facing northeast from quarry bank.

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HEADS OF TERMS

for

Planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) in respect of Farnham Sandpit, Alton Road, Farnham, Surrey.

1. Parties

1.1. Surrey County Council of County Hall, Kingston upon Thames KT1 2DN (“Council”);

1.2. Cemex UK Operations Limited (formerly RMC UK Limited) (company no. 658390) whose registered office is at Cemex House, Coldharbour Lane, Thorpe, Egham, Surrey TW20 8TD (“Cemex”);

1.3. Hall Aggregates Limited (company no. 192269) whose registered office is at Cemex House aforesaid (“Hall”);

1.4. Blakedew 645 Limited (company no. 6026234) whose registered office is at Highfield Court, Tollgate, Chandlers Ford, Eastleigh SO53 3TY (“Blakedew”);

1.5. Daphne Stuart Corkins of Flat 1 Westfield House, 70 Wrecclesham Hill Surrey and André Alfred Kemplen of 87 Broomleaf Road, Farnham, Surrey GU15 8DH (“Kemplens”);

1.6. Earthline Limited (company no. 2534626) whose registered office is at The Upper Lime Kiln Works, Ogbourne St George, Nr Marlborough, Wiltshire SN8 1SU (“Earthline”).

2. Background

2.1. “The Site” is Farnham Sandpit, Alton Road, Farnham Surrey as shown edged red on plan 1 attached (“Plan 1”);

2.2. There are the following current interests in the Site:-

- (a) Blakedew is the freehold owner of the land edged red on Plan 2 attached ("Plan 2");
- (b) Cemex is the freehold owner of the land coloured brown on Plan 2 ("Access Road");;
- (c) Kemplens are the freehold owners of the land edged green on Plan 2 ("Green Land");
- (d) Cemex has a lease of the part of the land edged red hatched blue on Plan 2 ("Tipped Land");
- (e) Hall has a lease of the Green Land;
- (f) Earthline has a lease of the part of the land edged red on Plan 2 hatched yellow.

2.3 On 13 September 2002 the Council granted planning permission to RMC Aggregates (Southern) Limited (a member of the Cemex group) for the development of the Site by the extraction of sand and clay, filling of resultant void with waste followed by comprehensive restoration under reference number WA99 0223 ("Existing Permission").

2.4 On the same date Cemex (1) Hall (2) Belle Mead Farnham Limited (3) and J M and P A E Sargent (4) and the Kemplens (5) entered into a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended) ("1990 Act") with the Council ("2002 Deed").

2.5 Earthline has submitted to the Council an application under section 73 of the 1990 Act (inter alia) to extend the time under the Existing

Permission for extracting the minerals and infilling with waste (“Planning Application”).

2.6 Blakedew is the freehold owner of the land edged blue on Plan 1 (“Blue Land”).

2.7 If the Council grant planning permission pursuant to the Planning Application the parties (other than the Council) have agreed that :-

- (a) Blakedew will grant Earthline a lease of the land edged red on Plan 2;
- (b) Hall will assign to Earthline its lease of the Green Land;
- (c) Cemex will permit Earthline access to and across the Tipped Land and the Access Road; and
- (d) (if required for the purposes in paragraph 4 below) Blakedew will permit the Blue Land to be used in conjunction with the Site for habitat mitigation and compensation purposes.

3. Release existing covenants

3.1. The Council will release and discharge the other contracting parties from their obligations and liabilities under the 2002 Deed such release to take effect upon the parties entering into the obligations in paragraph 4 below.

3.2. Following completion of the release and discharge referred to in paragraph 2.1 the Council will remove notice of the 2002 Deed from the register of Land Charges.

4. Further planning obligations

4.1. Hall, Cemex, Blakedew and Kemplens (“the Owners”) and Earthline will enter into a new planning obligation under section 106 of the 1990

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Act (“New Deed”) under which within 6 months (or such longer period as the Council may agree) from the issue of a planning permission Earthline shall submit to the Council for approval an ecological enhancement and woodland management plan (“the Management Plan”) in respect of the Site, in substitution for the draft management plan submitted by or on behalf of Cemex in 2003, showing how the Site is to be managed for the duration of working and restoration including a 5 year after care scheme and for 20 years thereafter.

4.2. If required, the Management Plan will make appropriate provision for habitat mitigation and compensation measures for dormice, bats and reptiles on the Blue Land.

4.3. The approved Management Plan shall be subject to 5 year periodic reviews taking into account the progress made in working the Site. Earthline shall implement the Management Plan in full, once approved, unless the Council agrees to a variation.

5. Contents of the Management Plan

The Management Plan shall contain as a minimum the following information:-

- Aims and objectives of the Management Plan;
- Plan showing management compartments for each habitat or landscape type;
- Description and evaluation of features including new planting;
- Any constraints on site that may influence management;
- Management options for achieving the aims and objectives;

- Any specific management measures aimed at enhancing habitat quality or specific species;
- Detailed prescriptions for management actions including mitigation, enhancement, vegetation removal and vegetation replacement;
- Resources to be used in and personnel responsible for implementation of the Management Plan;
- Detailed work schedules for the progressive restoration of the site including a matrix indicating timing of annual operations.

6. Costs

Earthline shall pay the Council's reasonable legal costs for the negotiation and preparation and completion of the New Deed.

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