

**PLANNING AND REGULATORY COMMITTEE  
NOTICE OF MEETING**

**Date:** Wednesday, 2 September 2015  
**Time** 10.30 am  
**Place:** Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN

**Contact:** Cheryl Hardman or Rianna Hanford, Room 122, County Hall  
**Telephone:** 020 8541 9075, 020 8213 2662  
**Email:** [cherylh@surreycc.gov.uk](mailto:cherylh@surreycc.gov.uk), [rianna.hanford@surreycc.gov.uk](mailto:rianna.hanford@surreycc.gov.uk)  
[For queries on the content of the agenda and requests for copies of related documents]

---

**APPOINTED MEMBERS [12]**

Tim Hall (Chairman)	Leatherhead and Fetcham East;
Keith Taylor (Vice-Chairman)	Shere;
Ian Beardsmore	Sunbury Common & Ashford Common;
Mr S Cosser	Godalming North;
Carol Coleman	Ashford;
Jonathan Essex	Redhill East;
Margaret Hicks	Hersham;
Mr D Munro	Farnham South;
George Johnson	Shalford;
Ernest Mallett MBE	West Molesey;
Michael Sydney	Lingfield;
Richard Wilson	The Byfleets;

**EX OFFICIO MEMBERS (NON-VOTING) [4]**

Sally Marks	Chairman of the County Council	Caterham Valley;
Nick Skellett CB E	Vice-Chairman of the County Council	Oxted;
David Hodge	Leader of the Council	Warlingham;
Mr P J Martin	Deputy Leader and Cabinet Member for Economic Prosperity	Godalming South, Milford & Witley;

**APPOINTED SUBSTITUTES [19]**

Stephen Cooksey	Dorking South and the Holmwoods;
Will Forster	Woking South;
Denis Fuller	Camberley West;
Ramon Gray	Weybridge;
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	Frimley Green and Mytchett;
Fiona White	Guildford West;
Helena Windsor	Godstone;
Chris Townsend	Ashtead;

**If you would like a copy of this agenda or the attached papers in another format, eg large print or braille, or another language please either call our Contact Centre on 08456 009 009, write to Surrey County Council at County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 0698, fax 020 8541 9004, or email [cherylh@surreycc.gov.uk](mailto:cherylh@surreycc.gov.uk), [rianna.hanford@surreycc.gov.uk](mailto:rianna.hanford@surreycc.gov.uk). This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Cheryl Hardman or Rianna Hanford on 020 8541 9075, 020 8213 2662.**

## 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 - 12)

To confirm the minutes of the meetings held on 15 July 2015 and 30 July 2015.

### 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 AND WASTE APPLICATION: SP/2012/01132 - LAND AT MANOR FARM, ASHFORD ROAD AND WORPLE ROAD, LALEHAM AND LAND AT QUEEN MARY QUARRY, WEST OF QUEEN MARY RESERVOIR, ASHFORD ROAD, LALEHAM, STAINES, SURREY.

(Pages 13 - 272)

Extraction of sand and gravel and restoration to landscaped lakes

for nature conservation after-use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.

**8 MINERALS/WASTESP13/01003 - LAND AT QUEEN MARY QUARRY, ASHFORD ROAD, LALEHAM, SURREY TW18 1QF** (Pages 273 - 344)

The siting and use of a conveyor to transport mineral extracted from Manor Farm to the mineral processing plant at Queen Mary Quarry as an alternative to the conveyor proposed in planning application ref: SP12/01132.

**9 SURREY COUNTY COUNCIL PROPOSAL EL/2012/3285 (SUPPLEMENTARY REPORT TO OFFICERS' REPORT CONSIDERED AT THE MEETING HELD ON 15 OCTOBER 2014)** (Pages 345 - 392)

Construction of tarmac multi-use games area with fencing surrounds.

**10 ENFORCEMENT PROTOCOL** (Pages 393 - 418)

The Enforcement Protocol has been produced following a recommendation from the review of the Planning Team that started in 2013.

**11 DATE OF NEXT MEETING**

The next meeting of the Planning & Regulatory Committee will be on 23 September 2015.

**David McNulty**  
**Chief Executive**  
Thursday, 20 August 2015



## 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. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that 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.

This page is intentionally left blank

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 15 July 2015 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 Tim Hall (Chairman)  
Mr Keith Taylor (Vice-Chairman)  
Mr Ian Beardsmore  
Mr Steve Cosser  
Mrs Carol Coleman  
Mr Jonathan Essex  
Mrs Margaret Hicks  
Mr David Munro  
Mr George Johnson  
Mr Ernest Mallett MBE  
Mr Michael Sydney  
Mr Richard Wilson

**1/15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

There were no apologies.

**2/15 MINUTES OF THE LAST MEETING [Item 2]**

Two Members questioned the wording of the one way system in item 27/15; the Committee agreed that the original wording was sufficient.

The minutes were agreed as an accurate record of the meeting.

**3/15 PETITIONS [Item 3]**

No petitions were received.

**4/15 PUBLIC QUESTION TIME [Item 4]**

No public questions were received.

**5/15 MEMBERS' QUESTION TIME [Item 5]**

No Member questions were received.

**6/15 DECLARATIONS OF INTERESTS [Item 6]**

No Declarations of Interest were received.

**7/15 MINERALS/WASTE SP13/01553/SDC5: CHARLTON LANE WASTE MANAGEMENT FACILITY, SHEPPERTON, SURREY, TW17 8QA [Item 7]**

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

**Officers:**

Alan Stones, Planning Development Control Team Manager  
 Nancy El-Shatoury, Principle Solicitor  
 Caroline Smith, Transport Development Planning Team Manager

**Speakers:**

Malcolm Robertson, a local resident, made representations in objection to the application. The following points were made:

- Expressed that the completed risk assessment was not adequate and another would be required before piling began.
- The Report should contain consideration of ground water.
- The report does not show plans to where piling is undertaken.
- Requested a comprehensive report to cover the entire site.
- Expressed that the walking route had been contaminated.

Gareth Philips, the applicant, spoke in support of the application. The following points were made:

- The site had been extensively surveyed; a contamination and remediation plan is in place.
- Within the footprint of the Eco Park there was no recorded contamination.
- Noted that the Eco Park was being built on an existing waste site.

The local Member had not registered to speak.

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and informed the Committee that a risk assessment is only considered adequate if it follows the Environment Agency's guidelines. It was noted that Spelthorne Borough Council questioned the viability of the risk assessment in case the piling method was to change, to mitigate this a condition had been recommended to repeat the risk assessment process. It was added that any risk was of very low significance.
2. A Member raised concern regarding contaminated water, officers expressed that the risk of water becoming contaminated was so low that diverted pathways were not required. The Committee were informed that any contamination would be removed before piling as part of the general construction work.
3. The Committee were informed that the Environment Agency, Thames Water and Surrey County Council's (SCC) advisors had expressed that the measures in place were sufficient. It was also noted that country wide, there are many sites which are contaminated but have no effect on the public.

**RESOLVED:**

The Committee resolved to **APPROVE** the details of a Piling Risk Assessment, pursuant to Condition 20 of Planning permission ref: SP13/01553/SCC dated 25 September 2014, contained in application ref SP13/01553/SDCD, subject to a condition for the reasons set out in the report.

**Action/further information to be provided:**

None.

**8/15 MINERALS/WASTE RE15/00816/CON: 2 PERRYLANDS LANE, SMALLFIELD, HORLEY, SURREY RH6 9PR [Item 8]**

The Committee considered items 8 and 9 together.

**Officers:**

Alan Stones, Planning Development Control Team Manager  
Nancy El-Shatoury, Principle Solicitor  
Caroline Smith, Transport Development Planning Team Manager

No one had registered to speak.

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and informed the Committee that the application was permitted in January 2015. It was noted that the permitted height of machinery was required to be amended and a condition to control dust and noise was to be put in place.
2. A Member requested that an informative be implemented, it was noted that the wording was retrospective and could only inform, not enforce. The informative was agreed by the committee and is below.
3. The Committee was informed that an acoustic fence was to be provided to further mitigate against noise.

**RESOLVED:**

The Committee resolved to **PERMIT** subject to conditions for the reasons set out in the report, and the following additional informative:

- *The applicant /operator is encouraged to implement the provisions of this permission for the protection of residential amenity and landscape quality and to carry out the construction of two formal passing bays on Perrylands Lane where these are agreed as soon as possible*

**Action/further information to be provided:**

None.

**9/15 MINERALS/WASTE RE15/01107/CON: 2 PERRYLANDS LANE, HORLEY, SURREY RH6 9PR [Item 9]****Officers:**

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

The discussion in relation to this item is recorded under item 8.

**RESOLVED:**

- The Committee resolved to **PERMIT** subject to conditions for the reasons set out in the report.

**Action/further information to be provided:**

None.

**10/15 SURREY COUNTY COUNCIL PROPOSAL RU.14/1481 (SUPPLEMENTARY REPORT TO THE OFFICERS' REPORT CONSIDERED AT THE MEETING HELD ON 25 FEBRUARY 2015): LAND AT SAYES COURT PRIMARY SCHOOL, SAYES COURT FARM DRIVE, ADDLESTONE, SURREY KT15 1NB [Item 10]**

It was decided to consider items 10 and 11 together. An update sheet was tabled and is attached as annex 2.

**Officers:**

Alan Stones, Planning Development Control Team Manager  
 Nancy El-Shatoury, Principal Solicitor  
 Caroline Smith, Transport Development Planning Team Manager  
 Nathan Morley, Senior Planning Officer

**Key points raised during the discussion:**

1. The Senior Planning Officer introduced the report and informed the Committee that the application would double the school places to 420. The application had been referred back in order for the Committee to go on a site visit to the school. It was noted that the loss of playing field had been reduced to a 10% loss and the existing running track could be realigned. The Committee were told that after looking at many options, the current area for the new build was the most effective. Other areas would block access to the site or cover a larger area of the playing field, it was noted that the school did not think a two story building would be effective. In relation to item 11, seven additional parking spaces would be provided.
2. The Committee noted that the application was referred back to the Committee due to the loss of playing field and lack of parking.
3. There was a discussion around the loss of playing field, it was agreed that giving up part of the playing field should be the last option. If building another storey is possible, this should be implemented.
4. A Member noted that 47 staff would be required when the building work is completed, 14 parking spaces would be available. It was expressed that this was not feasible. The existing school buildings need refurbishment to ensure the building is future proof, Members expressed this should have been considered.
5. The Committee noted that the doubling of school places meant as much space as possible would be needed, taking away playing field space was not supporting the increased number of pupils.

**RESOLVED:**

The Committee **REFUSED** application RU.14/1481 for the following reason:

- i. An unnecessary and significant loss of playing field area



**Action/further information to be provided:**

None.

**11/15 SURREY COUNTY COUNCIL PROPOSAL RU.15/1084: LAND AT SAYES COURT SCHOOL, SAYES COURT FARM DRIVE, ADDLESTONE, SURREY KT15 1NB [Item 11]**

The discussion in relation to this item is recorded under item 10. An update sheet was tabled and is attached as annex 3.

**Officers:**

Alan Stones, Planning Development Control Team Manager  
Nancy El-Shatoury, Principal Solicitor  
Caroline Smith, Transport Development Planning Team Manager  
Nathan Morley, Senior Planning Officer

**RESOLVED:**

- The Committee resolved that pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application RU.15/1084 be **PERMITTED** subject to conditions for the reasons set out in the report.

**Action/further information to be provided:**

None.

**12/15 DATE OF NEXT MEETING [Item 12]**

The next Planning and Regulatory Committee will be held at 10.30am on Thursday 30 July 2015.

Meeting closed at 12.05 pm

---

**Chairman**

This page is intentionally left blank

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 30 July 2015 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 Tim Hall (Chairman)  
Mr Ian Beardsmore  
Mr Steve Cosser  
Mr Jonathan Essex  
Mrs Margaret Hicks  
Mr George Johnson  
Mr Ernest Mallett MBE  
Mr Ramon Gray  
Mr Denis Fuller

**Apologies:**

Mr Keith Taylor  
Mrs Carol Coleman  
Mr David Munro  
Mr Michael Sydney  
Mr Richard Wilson

**1/15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies were received from Keith Taylor, Carol Coleman, David Munro, Michael Sydney and Richard Wilson.

Denis Fuller substituted for Keith Taylor and Ramon Gray substituted for Carol Coleman.

**2/15 MINUTES OF THE LAST MEETING [Item 2]**

The minutes of the previous meeting will be considered at the next Planning and Regulatory Committee on Wednesday 2 September.

**3/15 PETITIONS [Item 3]**

No petitions were received.

**4/15 PUBLIC QUESTION TIME [Item 4]**

No public questions were received.

**5/15 MEMBERS' QUESTION TIME [Item 5]**

No Member questions were received.

**6/15 DECLARATIONS OF INTERESTS [Item 6]**

No Declarations of Interest were received.

**7/15 SURREY COUNTY COUNCIL PROPOSAL RE/15/00972/CON: LAND AT ST JOSEPH'S CATHOLIC PRIMARY SCHOOL, LINKFIELD LANE, REDHILL, SURREY RH1 1EA [Item 7]**

An update sheet was tabled as item 7.

**Officers:**

Alan Stones, Planning Development Control Team Manager  
 Caroline Smith, Transport Development Planning Team Manager  
 Alex Sanders, Principal Planning Officer

No one had registered to speak.

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and informed the Committee that the school extension was required due to an increase in births in 2007; St Josephs was found to be the only viable candidate in the Redhill school planning area. The school after extension would be able to take an extra 220 pupils, it was noted that the nearest properties to the school had a restricted visual impact due to surrounding vegetation. One cherry tree would be lost during construction. Additional parking would be established coinciding with an enhanced travel plan for mitigation. It was added that pedestrian access to the school would be improved by installing ramps by the entrances.
2. The Committee were informed that the recreation centre nearby the school already accommodated some parent parking; Members suggested that a legal agreement should be arranged with the centre to ensure this would stay available.
3. The Committee expressed that better engagement and communication should be established between Surrey County Council (SCC), parents and the school. It was noted however that the school is content with the proposed plans.
4. Officers acknowledged the Committee's suggestion to consider a 20mph speed limit along the road of the school; this would go to the Local Committee for determination.

**RESOLVED:**

The Committee resolved that pursuant to Regulation 3 of the Town and County Planning General Regulations 1992, application no. RE/15/00972/CON be **PERMITTED** subject to the conditions for the reasons set out in the report and the following additional informative:

- The school is encouraged to engage and consult with the community and local county councillor in preparing the updated Framework School Travel Plan required pursuant to Condition 9

**Action/further information to be provided:**

None.

**8/15 DECISION ON PLANNING APPEAL REF: APP/B3600/A/14/2215569: LAND AT LOMOND EQUESTRIAN CENTRE, HORSEHILL, NORWOOD HILL, HORLEY, SURREY, RH6 0HN [Item 8]**

**Officers:**

Alan Stones, Planning Development Control Team Manager  
Caroline Smith, Transport Development Planning Team Manager

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and informed the Committee that the application had been refused largely on Green Belt grounds, but that the Inspector in allowing the appeal had attached more weight to the benefits argued by the appellant. It was noted that the evidence had not been tested through cross examination.
2. A Member expressed that the works could danger other parts of the county.
3. A Member expressed that the application should have been accepted as the works would have secured the economic viability of the site.

**RESOLVED:**

The committee noted the result of an appeal made by Ms Alexandra Gache against the resolution of Surrey County Council (SCC) not to grant planning permission Ref. RE12/02001 on 2 October 2013.

**Action/further information to be provided:**

None.

**9/15 SURREY COUNTY COUNCIL PROPOSAL WO2015/0550: LAND AT WESTFIELD PRIMARY SCHOOL, BONSEY LANE, WESTFIELD, WOKING, SURREY GU22 9PR [Item 9]**

An update sheet was tabled as item 9.

**Officers:**

Alan Stones, Planning Development Control Team Manager  
Caroline Smith, Transport Development Planning Team Manager  
Dawn Horton-Baker, Senior Planning Officer

**Speakers:**

The Local Member registered to speak and made the following points in reference to the application:

- Noted that there were current traffic problems in the areas surrounding the school
- Noted there are 200 properties on the road of the school and the report was critical of transport options
- Requested a parking restriction condition, parents often block access to local residents

**Key points raised during the discussion:**

1. The Senior Planning Officer introduced the report and informed the Committee the extension was a temporary measure but a permanent solution could be sought in the future. Surrey Arts had recently left the room they were using at the school so another form of entry was able to be established. Six letters of objection had been received mainly on highways implications, Members were told that a robust travel plan was in place and the surrounding highways could cope with the extra traffic. The Transport Development Planning Team Manager informed the Committee that there would be an extra 90 pupils and 38 cars after the expansion, it was added that there was a provision for double yellow lines outside the school under condition 9.
2. The Committee noted that there was adequate space for extra pupils within the school but Westfield Primary is located in a cul-de-sac causing traffic problems; officers responded that parking restrictions during pick up/drop off would be implemented to mitigate congestion around the school.
3. The Committee agreed that condition 8 stating a travel plan is to be produced within 6 months of completion should be amended to require that details of an updated travel plan should be submitted to and approved by the County Planning Authority prior to the development being first occupied.
4. There was a discussion around the permanency of the modular extension and officers noted that it would be possible to make the extension permanent. Members responded that in this case a permanent building should be established instead of temporary, officers responded that future demand may decrease meaning the building is not needed. Another planning application would be considered if there is a need to make the building permanent.

**RESOLVED:**

The Committee resolved that pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, that application WO2015/0550 be **PERMITTED** subject to the conditions for the reasons set out in the report and update sheet.

Condition 8 was amended to state the following:

- The development hereby approved shall not be first occupied unless and until the School Travel Plan has been updated and submitted to and approved in writing by the County Planning Authority. The submitted details shall include details of measures to promote sustainable modes of transport and provisions for the maintenance, monitoring and review of the impact of the Plan and it's further development. The approved Plan shall then be implemented upon first occupation of the development and shall thereafter be maintained, monitored, reviewed and developed to the satisfaction of the County Planning Authority

**Action/further information to be provided:**

None.

**10/15 MINERALS/WASTE TA/2014/0205: THE GAS HOLDING STATION, GODSTONE ROAD, WHYTELEAFE, SURREY CR3 0EG [Item 10]**

**Officers:**

Alan Stones, Planning Development Control Team Manager  
 Caroline Smith, Transport Development Planning Team Manager

**Speakers:**

The Local Member registered to speak and made the following points in reference to the application:

- Informed the Committee that the road outside the site is the A22 and is very busy throughout the day as the site is on the border of Croydon
- Croydon Borough Council refused permitted parking at the site meaning cars are forced to drive in the middle of the road to avoid parked cars
- The water runoff from the site contains mud, dust and broken down concrete
- Expressed that in the event of future local flooding, the runoff from the site could be a serious risk
- Expressed that planning permission should not have been granted originally
- Noted that the site is surrounded by residential areas and the applicant should do more to prevent the water runoff.

**Key points raised during the discussion:**

1. The Planning Control Development Team Manager introduced the report and informed the Committee that permission for the site had been granted in 2013 as policy compliant but more detailed control was required to enable the use of a concrete crusher without giving rise to harm.
2. The Committee noted that the site was relatively remote from adjoining land uses and 6 lorries were currently in use by the applicant. Officers informed the Committee that thousands of traffic movements were made along the road of the site per day.
3. A Member expressed that the current condition to control water runoff was adequate but views differed across the Committee, and it was expressed a condition should be considered to deal with on-site drainage. Officers commented that there was provision for dealing with water runoff in the approved plans and provision on site for a large pit with grill and pump. Thames Water had accepted the existing approved drainage provisions. Officers confirmed that a planning condition could be imposed which sought to confirm the measures for surface water control and protection of the public highway.

**RESOLVED:**

The Committee resolved to **PERMIT** planning application TA/2014/0205 subject to conditions for the reasons set out in the report and update sheet.

A new condition 12 to state the following:

- Within two months of the commencement of the development hereby permitted details of a scheme of drainage to manage and control surface water from the site and to prevent discharge onto the public highway shall be submitted to the County Planning Authority for

approval. The development shall be carried out in accordance with the details subsequently approved.

Reason:

To ensure that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Surrey Waste Plan Policy DC3.

**11/15 DATE OF NEXT MEETING [Item 11]**

The next Planning and Regulatory Committee will be held at 10.30 on Wednesday 2 September 2015.

Meeting closed at 12.34 pm

---

**Chairman**



**TO:** PLANNING & REGULATORY COMMITTEE **DATE:** 2 September 2015  
**BY:** PLANNING DEVELOPMENT CONTROL TEAM  
MANAGER  
**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**  
Laleham & Shepperton  
Mr Walsh  
Staines South & Ashford West  
Daniel John Christopher Jenkins

**PURPOSE:** FOR DECISION **GRID REF:** 505420 169924

---

**TITLE:** MINERALS AND WASTE APPLICATION SP/2012/01132

---

### SUMMARY REPORT

**Land at Manor Farm, Ashford Road and Worple Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey.**

**Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after-use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.**

This application was considered by the Planning and Regulatory Committee on 7 January 2015 (Item 7). The committee resolved that, subject to the prior completion of a s106 legal agreement to secure the long term aftercare management of the land at Manor Farm and to limit HGV movements, to grant planning permission subject to the planning conditions and informatives set out in the committee report and two update sheets. A related application, ref SP13/01003, which proposes a partial realignment of the route and siting of the conveyor belt within Queen Mary Quarry was considered at the same meeting (Item 8) when the committee resolved that, subject to planning permission being granted to application ref SP2012/01132, to grant planning permission subject to planning conditions and informatives as set out in the report.

The s106 legal agreement has been prepared and the draft agreement is nearing completion which would enable the decision notices to be issued. In line with the Kides protocol planning officers have assessed whether new factors have emerged between the 7 January 2015 resolution, and if they have, whether the factors could rationally be regarded as material to the consideration of the application such that the application should be referred back to the Planning and Regulatory Committee, for reconsideration in the light of the new factor.

After the 7 January 2015 committee meeting planning officers become aware of case law to do with Green Belt policy and the approach to applications for development involving development which is partly inappropriate development and partly appropriate in the Green Belt, which officers consider is a new factor. Having reviewed the approach taken in respect of the Manor Farm SP2012/01132 planning application as set out in the officer report to committee, and taken legal advice, planning officers in consultation with Legal Services decided the Green Belt case law is a

new matter which is material to the consideration of this planning application, and it should therefore be referred back to the Planning and Regulatory Committee.

This report has considered new issues relating to Green Belt and bird strike hazard which have emerged since 7 January 2015 which, after having undertaken a Kides assessment in line with the protocol adopted by the Planning and Regulatory Committee in 2003, officers concluded were material to the consideration of the planning application such that the application should be referred back to the Planning and Regulatory Committee.

In addition to any material issues or facts, the reports will update the committee on the other issues raised by CLAG2 (Campaign Laleham Against Gravel 2), Manor Farm Residents Association, Spelthorne Natural History Society and local residents since the Planning and Regulatory Committee resolution on 7 January 2015.

In summary the proposal to extract minerals is in accordance with a DPD allocation and otherwise satisfies a clear need with regard to a national policy requirement to maintain a landbank and so maintain a steady and adequate supply of aggregates. The development can be undertaken in a manner which does not give rise to unacceptable environmental or amenity impacts.

Having reassessed the development against Green Belt policy and airport safeguarding policy, as set out in this report and the amendments to the January officer report comprising a revised summary report, Green Belt section and overall conclusions in here Annex F, and issues raised since by objectors, Officers are satisfied that temporary planning permission can be granted as an exception to policy given the very special circumstances which exist, and lack of any other harm to the environment and residential amenity and lack of long term harm to openness and the purposes of the Green Belt.

Officers overall conclusion, that planning permission should be granted, remains unchanged and the application is referred back to the committee for reconsideration in the light of the new issues which have emerged. The proposed conditions, reasons and informatives set out in the recommendation below include some minor updates and combine and replace the conditions in the report at Annex A as amended by the Update Sheets at Annex B.

**The recommendation is that, subject to the prior completion of a S106 legal agreement between the county council, the applicant and Thames Water Utilities Ltd to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273 and SP07/1275 to no more than 300 HGV movements (150 two way HGV movements) on any working day attached as Appendix D to PERMIT subject to conditions and informatives as set out below.**

---

## **APPLICATION DETAILS**

### ***Applicant***

Brett Aggregates Ltd

### ***Date application valid***

31 July 2012

### ***Period for Determination***

20 November 2012

### ***Amending Documents***

Letter from Wardell Armstrong dated 13/11/2012 (not 2013 as on letter), W A Hines & Partners Report dated 2.11.12, Appendix 7.1 Restoration and maintenance plan, Drawing EIA 7.1 Dated March 2012 Phase 1 Habitat Map, Drawing PA19 Dated 31/10/12 Topsoils Classification and Distribution, Photoview 08 Appendix 6.2, letter from Wardell Armstrong dated 3 May 2013 (ref ST12377/RJK/011) (five page letter with enclosures), Drawing PA10 Rev B Conveyor Tunnel General Arrangement dated 12/02/13, Drawing PA16 Rev C Proposed Worples Road Access dated 12/02/13, Auger Borings of Manor Farm, Laleham, Bioscan Report No E1660/SEI/V1 April 2013 (Proposed Conveyor Linking Manor Farm To The Existing Processing Plant At Queen Mary Quarry dated April 2013 Assessment of the ecological impact on the West of Queen Mary Reservoir SNCI), letter from Wardell Armstrong dated 3 May 2013 (ref ST12377/RJK/011) (3 page re landbank), letter from Wardell Armstrong dated 11/06/13 (ref ST12377/LET013), Addendum to the Environmental Statement dated June 2013, letter dated 1 November 2013 from Richard Kevan, Wardell Armstrong, Annotated copy of Drawing No EIA9.8 Conveyor Route Details (with pipe details and spacings) dated 04/11/13, email dated 22 November 2013 from Richard Kevan, Wardell Armstrong, Overhead Power Cables above Proposed Conveyor drawing ref QMQ 016 (PDF document), letter dated 3 December 2013 from John Gibson, Wardell Armstrong (note the two drawings referred to are the same those received with the 22 November 2013 email), letter dated 16 January 2014 from John Gibson, Wardell Armstrong, Drawing No EIA9.3 Rev E Phase 1 Summary of proposed level for level flood compensation, letter dated 6 February 2014 from John Gibson, Wardell Armstrong, Drawing No EIA9.4 Rev B Phase 2 Summary of proposed level for level flood compensation, letter dated 20 February 2014 from John Gibson, Wardell Armstrong, letter dated 8 April 2014 from John Gibson, Wardell Armstrong, Drawing No PA6 Rev F Phase 1 with cross sections, letter dated 24 April 2014 from John Gibson, Wardell Armstrong, Drawing No PA7 Rev D Phase 2 with cross sections, Drawing No PA8 Rev C Phase 3 with cross sections, Drawing No PA9 Rev C Phase 4 with cross sections, Drawing No EIA9.4 Rev C Phase 2 Summary of proposed level for level flood compensation, Drawing No EIA9.5 Rev B Phase 3 Summary of proposed level for level flood compensation, Drawing No EIA9.6 Rev B Phase 4 Summary of proposed level for level flood compensation, email from Nicola Dibble Wardell Armstrong dated 30 April 2014, email dated 22 July 2015 from Mike Davies, Davies Planning with Sketch drawing ref SK12377/SK1 Floodplain compensation and Causeway Drainage Proposal dated 04/11/13 and Drawing PA17 Rev D Temporary Proposed Ashford Road Access dated March 2012 as revised on 22 July 2015.

**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.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in this report where this has been discussed-</b>
Procedural matters (including points of clarification on issues raised during the debate at the 7 January 2015 meeting and after the meeting)	N/A	19 - 30
Flood risk, drainage, hydrology and hydrogeology	Yes	31 - 37
Air quality and dust	Yes	38 – 49
Restoration and afteruse	Yes	50 – 55
Airport safeguarding/safety/infrastructure	Yes	56 – 56
Green Belt	No	Annex F and 64 – 66

## ILLUSTRATIVE MATERIAL

### Site Plan

Plan1            Application area

### Aerial Photographs

Aerial 1  
Aerial 2  
Aerial 3

### Site Photographs

- Figure 1            View across land in proposed Phase 1 extraction area (taken from a point on Footpath 29 (FP29) at the boundary with the Greenfield Recreation Ground).
- Figure 2            View looking north across land in proposed Phase 1 (taken from a point just off to the east of FP30).
- Figure 3            Land west of the B377 Ashford Road (location of proposed new access and conveyor tunnel).
- Figure 4            Land at Queen Mary Quarry with the B377 Ashford Road in the foreground (proposed conveyor route).
- Figure 5            Existing agricultural access off Worple Road (proposed access point).
- Figure 6            View taken from within field to the rear of properties on Pavilion Gardens looking south across field west of FP30 (proposed access route off Worple Road, site compound and land within northern part of proposed Phase 2 extraction area).
- Figure 7            View taken from point adjacent to FP30 looking over land at Manor Farm west of FP 30 (proposed extraction Phases 2, 3 and 4).
- Figure 8            View across land at Manor Farm west of FP30 taken from a point on western boundary with Staines and Laleham Sports Ground (proposed extraction Phases 2, 3 and 4).
- Figure 9            View of lake at Queen Mary Quarry (route for proposed conveyor causeway).
- Figure 10           View over existing Queen Mary Quarry processing plant site taken from reservoir embankment (location for proposed concrete batching plant and mixer truck parking area).
- Figure 11           View over southern part of existing Queen Mary Quarry processing plant site taken from reservoir embankment (location for proposed aggregate bagging plant).
- Figure 12           Location plan (applicant drawing no. PA1 Rev A March 2012)
- Figure 13           Extraction phases and site compound (annotated applicant drawing no. EIA9.8 Rev B March 2012)
- Figure 14           Queen Mary Quarry Proposed Site Layout (applicant drawing no. PA18 Rev B March 2012)
- Figure 15           SP13/01003 planning application site showing proposed revised conveyor route within Queen Mary Quarry (applicant drawing no. ST13443-PA2)
- Figure 16           Manor Farm restoration detail plan (applicant drawing no. PA13 Rev B March 2012)
- Figure 17           Approved restoration plan for Queen Mary Quarry (applicant drawing no. PA15 Rev A March 2012)
- Figure 18           Queen Mary Quarry Batching Plant (applicant drawing no. PA11 March 2012)

(Figures 12 to 19 will be on display at the meeting.)

---

## BACKGROUND

- 1 Reports on the above application (Manor Farm application) and a related application, ref SP13/01003, which proposes a partial realignment of the route and siting of the conveyor belt (QMQ conveyor application) were considered by the Planning and Regulatory Committee on 7 January 2015 (Items 7 and 8 respectively).
- 2 Subject to the prior completion of a s106 legal agreement to secure the long term aftercare management of the land at Manor Farm and to limit HGV movements, the committee resolved to grant planning permission to the Manor Farm application subject to the planning conditions and informatives set out in the committee report and the two update sheets (Annexes 1 and 2 to the minutes). The committee report (and draft Heads of Terms for the s106 legal agreement) are attached as Annex A with the Minutes of the meeting (including update sheets) attached as Annex B.
- 3 The committee resolved that, subject to planning permission being granted to application ref SP2012/01132, to grant planning permission to the QMQ conveyor application subject to planning conditions and informatives as set out in the report.
- 4 The s106 legal agreement has been prepared in connection with the Manor Farm application and the draft agreement attached as Annex C is now ready for completion which would enable the decision notices to be issued.

### The Kides protocol

- 5 As time has elapsed since the committee considered the planning application the protocol (known as Kides protocol) adopted by the Planning and Regulatory Committee on 12 November 2003 applies. The protocol was adopted following the judicial review decision in November 2002 to quash the committee resolution to grant planning permission for the Capel Energy From Waste planning application (ref MO00/0913) which had referred to the October 2002 *Kides v South Cambridgeshire District Council and others* Court of Appeal judgement (*R (on the application of Kides) v South Cambs DC [2002] EWCA Civ 1370*). The Kides judgement makes clear the importance of the committee, and not just officers, having regard to all material considerations before any planning permission is granted pursuant to an earlier resolution taken by committee. In paragraphs 125 and 126 of the judgement the Court observed:

*“On the other hand, where the delegated officer who is about to sign the decision notice becomes aware (or ought reasonably to have become aware) of a new material consideration, section 70(2)\* requires that the authority have regard to that consideration before finally determining the application. In such a situation, therefore the authority of the delegated officer must be such as to require him to refer the matter back to committee for reconsideration in the light of the new consideration. If he fails to do so, the authority will be in breach of its statutory duty.*

*In practical terms, therefore, where since the passing of the resolution some new factor has arisen which the delegated officer is aware, and which might rationally be regarded as a ‘material consideration’ for the purposes of section 70(2)\*, it must be counsel of prudence for the delegated officer to err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if*



he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority would reach (not might reach) the same decision.”

\*of the Town Country Planning Act 1990, as amended.

- 6 A more recent judgement in October 2010 *Dry, R (on the application of) v West Oxfordshire District Council [2010] EWCA Civ 1143* refers to the Kides case and need to apply the guidance in Kides with “*common sense, and with regards to the facts of the particular case.*”
- 7 The Kides protocol requires planning officers to assess whether new factors have arisen in the time since a resolution to grant planning permission has been taken and the issuing of the decision notice, and if they have, apply the “Kides test, by following the process outlined on the flow chart at Annex D. The Kides test involves assessing whether any new factors which have emerged could rationally be regarded as material to the consideration of the application such that the application should be referred back to the decision maker, in this case the Planning and Regulatory Committee, for reconsideration in the light of the new factor.

### **Kides consultation process**

- 8 In June once negotiations on the s106 legal agreement had progressed to the stage a final draft was nearing agreement, planning officers wrote to Spelthorne Borough Council, the Consultees (Statutory and Non-Statutory) and Parish/Town Council and Amenity Groups set out in paragraphs 46 to 74 of the committee report (Annex A), and the two Local Members, to ask if they were aware of any factors, changes/updates or issues which had emerged since 7 January 2015 which could reasonably be described as material to the consideration of the application.
- 9 Officers received responses from the following, none of whom were aware of any changes or new factors:
- Spelthorne Borough Council – Planning
  - Heathrow Airport Safeguarding
  - Natural England
  - Highway Authority (Transportation Development Planning Group)
  - County Noise Consultant (CNC)
  - County Landscape Consultant
  - County Geotechnical Consultant
  - County Air Quality Consultant
  - County Heritage Conservation Team – Archaeological Officer
  - Environment Agency
  - Health and Safety Executive
  - Rights of Way
  - Thames Water
  - Affinity Water
  - Royal Society for the Protection of Birds (RSPB)
  - Surbiton & District Bird Watching Society
- 10 The CLAG2 action group, Manor Farm Residents’ Association and the Spelthorne Natural History Society all considered there were changes and new factors. The changes and new factors raised are set out in the Kides Protocol Assessment at Annex E.
- 12 Issues raised in representations from local residents received since 7 January 2015 are set out in the part 5 of the Kides Protocol Assessment at Annex E and have been considered as part of the assessment.

## Material considerations Kides test

- 13 Under the Kides protocol planning officers have to be satisfied that the Planning and Regulatory Committee is aware of any new factor(s) that have arisen since the application was considered which might rationally be regarded as a material consideration. If officers are either satisfied the committee were aware of the new factor and considered it with this application in mind, but not would reach the same decision; or satisfied the committee were not aware of the new factor, the application should be referred back to the committee to be reconsidered in view of the new factor.
- 14 The Kides Protocol Assessment at Annex E sets out the assessment and consideration by officers and in applying the Kides test of whether factors have emerged since 7 January 2015 which could rationally be regarded as a material consideration by a third party. The matters covered in the table are drawn from the planning considerations section of the report and discussion during the consideration of the application at the meeting and documents referred to in the committee report (and update sheets).
- 15 The assessment includes considering relevant case law officers have become aware of. In this case since 7 January 2015 planning officers have become aware of case law relating to Green Belt in *Kemnal Manor Memorial Gardens Ltd. v The First Secretary of State & Anor [2005] EWCA Civ 835 (14 June 2005)* and *Timmins & Anor, R (On the Application Of) v Gelding Borough Council [2015] EWCA Civ 10 (22 January 2015)*. The case law concerns the approach to applications for development involving development which involves elements which are inappropriate development and elements which are appropriate in the Green Belt and held that the correct approach is to consider and assess the whole of the development as inappropriate development.
- 16 Planning officers reviewed the approach taken in respect of the Manor Farm SP2012/01132 planning application as set out in the officer report to committee, and In consultation with Legal Services and advice from Counsel, concluded the Green Belt case law they were now aware of was a new matter which was material to the consideration of this planning application and in the circumstances the planning application should be referred back to the Planning and Regulatory Committee to be reconsidered in light of this new factor.
- 17 As well as addressing the new Green Belt issue this report considers the following new issues or factors material to the consideration of the application, or on which officers consider an update or clarification on the advice given previously would be appropriate. The issues have been identified by planning officers, raised by statutory and non statutory consultees, or raised in representations received from members of the public since 7 January 2015:
- Air quality and dust (dangers of crystalline silica associated with gravel extraction)
  - Potential increased risk of birdstrike from increased air traffic movements over Laleham and land at Manor Farm
- 18 In addition to the above, the Kides Protocol Assessment contains clarification on a number of issues raised at the meeting in January, in representations and responses to the Kides consultation in order to provide an update for the committee on the other issues raised by CLAG2 (Campaign Laleham Against Gravel 2), Manor Farm Residents Association, Spelthorne Natural History Society and local residents since the Planning and Regulatory Committee resolution on 7 January 2015.

## PROCEDURAL MATTERS

### *Consultation with neighbour on amendment to the planning application*

- 19 Referring to the discussions referred to in the officer note in paragraph 78 of the January officer report the current owners of 151 Ashford Road have referred to the lack of consultation with them about relocating the proposed access onto the Ashford Road so it is adjacent to their property (the access was moved from the opposite side of the field adjacent to number 133 Ashford Road). The discussions referred to in the report were between the owner of No 133 and the applicant, Brett Aggregate Limited and arose out of concerns the owner of 133 Ashford Road had about the visual impact from his property, and over looking as the boundary vegetation did not extend along the whole length of the boundary between his property and the application site and allow views onto his property from the application site, and direct views of the proposal.
- 20 Although aware discussions were taking place the county council was not party to the discussions which had arisen out of the resident making contact with the applicant direct. The discussions between the owner of No 133 and the applicant resulted in the application being amended by relocating the access, and erection of close board fencing in place of the post and wire fencing.
- 21 It is not normal practice to discuss proposed amendments to planning application proposals with adjoining neighbours prior to submission, so the county council did not make contact with the owner/occupier of either 133 or 151 Ashford Road, to seek views separate from the normal publicity we undertake on planning applications informing/consulting neighbours.
- 22 The application was publicised in accordance with the regulations for publicising planning applications and procedures adopted by Surrey County Council. Neighbour notification letters were sent to 151 Ashford Road at each round of publicity on the application, including in July 2013, to notify the occupants of amendments to the planning application, including the relocation of the proposed access off the Ashford Road. Initially these would have been addressed to the previous owner. After notification the property had changed hands letters were sent addressed to the owner/occupier.
- 23 In addition to sending neighbour notification letters the planning application and amendments were publicised by posting of site notices and placing a newspaper advert in line with the county council's adopted Statement of Community Involvement.
- 24 The potential visual impact and from noise and dust from the proposed development and amendment to the access bringing it closer to number 151 was assessed. No existing trees or vegetation along the property boundary would need to be removed (some cutting back of branches may be necessary), so the visual screening afforded by the existing vegetation would remain and views of the site from the property would not be opened up.
- 25 The potential impact on both 133 and 151 Ashford Road from the proposed access onto the Ashford Road and conveyor route was assessed by the case officer and the county council's Noise Consultant, Landscape Consultant and Air Quality Consultant. No concern was raised by the consultants about the impact on No 151 Ashford Road from the revision to the access, or operation of the conveyor through the field. Concern was raised by the Noise Consultant about potential noise impact from the conveyor change point. Mitigation has been proposed for this as discussed in the noise section of the January officer report (paragraphs 264 to 293) (Annex A).
- 26 Planning officers concluded that with the existing boundary vegetation between 151 Ashford Road and the site, and subject to the mitigation measures proposed by the applicant and imposition of planning conditions, including days and hours of working,



setting noise limits and dust control measures, noise and dust could be adequately controlled and would not give rise to significant adverse impact on the property. The existing boundary vegetation, which would be retained, would screen views of the proposed development.

### *RESTORE project*

- 27 CLAG2, the Manor Farm Residents' Association and local residents have raised the lack of reference in the January officer report and consultation process to the RESTORE project. The issues raised and points made, and officer comments, concerning the RESTORE project and the Manor Farm application restoration proposals are set out in the consultee section (section 4) in the Kides Protocol Assessment at Annex E.
- 28 The RESTORE project was not referred to in connection with the Manor Farm planning application during the consultation process, or the officer report, as it is not material in the consideration and assessment of the application. This remains the case.

### **Points of clarification**

#### *Depth of working*

- 29 The figures quoted in the public speaking at the committee meeting were incorrect. The correct information which is contained in the planning application is:
- maximum depth of working 7.1 metres (23 feet 7 inches)
  - average depth of working 6.4 metres (20 feet 11 inches).

These figures include are the combined depth of topsoil, subsoil and overburden overlying the sand and gravel and depth of mineral to be worked. The average depth of soils and overburden is 1 metre (30 cm topsoil and 70 cm subsoil and overburden).

#### *Location and dimensions of the proposed concrete batching plant and aggregate bagging plant*

- 30 The proposed location is shown on Figure 14 (referred to as Plan 4 in the January officer report). Two new figures, Figures 18 and 19 are provided which show the dimensions which are:

Concrete batching plant: cement silos 12.95 metres (m); enclosed plant 10m, aggregate storage bays 5m.

Aggregate bagging plant building: 18m by 18m, height 8 metres to roof apex (6m to eaves).

## **PLANNING CONSIDERATIONS**

### **Flood risk, drainage, hydrology and hydrogeology**

- 31 A number of issues have been raised by CLAG2, MRFA, Spelthorne Natural History Society and in representations relating to these matters which are material to the determination of the planning application. All the issues raised and comments are set out in the Kides Protocol Assessment, Annex E. Having assessed the issues and matters raised none are considered by officers to be new material issues or facts. However, in view of the issues raised during the public speaking and debate on the application at the January meeting it would be appropriate to update the committee by way of clarification on some of the issues.

### *Increased flood risk from waterbodies*

- 32 Flood risk and the contribution of waterbodies was a matter addressed in the January officer report (paragraph 217) and discussed at the meeting. The "air gap"/"free board" theory issue raised by residents is not a new factor and was addressed in paragraphs 216 and 217 of the January officer report and during the debate on 7 January 2015.
- 33 The assessment of this issue and preparation of the January officer report and information provided by officers during the debate at the meeting was based on officer's technical knowledge about flood risk and the potential impact from gravel working, information contained in the planning application and flood risk assessment (FRA) submitted by the applicant as part of the ES, comments and advice from the Environment Agency and the Surrey County Council Geotechnical Consultants on the application and in response to queries raised by objectors about flood risk from waterbodies formed from mineral extraction. A response has been sent to a local resident explaining this, information from the EA and consultant provided/the resident informed where the information submitted by the applicant could be looked at.
- 34 As part of the Kides consultation further views of the Environment Agency (EA) and the County Geotechnical Consultant were sought on the "air gap" theory raised by residents and the MFRA. The EA didn't respond on this issue. The consultant reviewed the January officer report and confirmed the report assessed the technical issues on flood risk, hydrology and hydrogeology in an entirely correct manner. The consultant identified a slight misstatement in paragraph 180 of the report where it states Flood Zone 2 is affected by an extreme event with a probability of "1 in 1000 year". This should read between 1 in 100 and 1 in 1000 year. This does not affect any of the conclusions.
- 35 The consultant advises that the resident's comments primarily question the applicant's flood risk assessment which concluded that wet restoration will at worst give no rise to increase flood risk in the surrounding area and in fact would increase the available flood storage. This has become known as the "air gap" theory. The consultant advises they have nothing new to add to the discussion in the report and confirms that there would be flood storage created between the normal water level in the lake (which would reflect the groundwater level) and the previous surface of the ground. This "air gap" would fill either with rising groundwater; the "air gap" has a greater void capacity than the voids within the ground no longer present, or would fill with fluvial floodwater that is able to spill overland into the lake.
- 36 At the time of the floods in 2013/14 various comments were made about the flooding and causes and sources of floodwater, including those by the MP about the flood event. The comments made by Eric Pickles MP are not backed up by the comments and advice from the EA or the county council's advisors on the planning application.
- 37 As referred to above and in the Kides Protocol Assessment the matters raised since the January meeting are not new issues and do not change the assessment on flood risk and conclusions in the January officer report.

### **Air quality and dust**

- 38 As outlined in section 4 of the Kides Protocol Assessment (Annex E) the MFRA have raised the issue of crystalline silica and the PM<sub>2.5</sub> size dust particles which they refer to as being an established and widely recognised hazard connected with the excavation of gravel. The MFRA consider the potential health risks from this should have been properly investigated and that the lack of monitoring at the existing QMQ site, and "so called" best practice measures proposed are reasons for the application not to proceed.

*County Air Quality Consultant's comments and advice on potential health impacts from dust generated by quarrying*

- 39 The County Air Quality Consultant's comments and advice on the application remain unchanged. In response to the information provided and points made about crystalline silica the consultant has made the following comments. The consultant has undertaken research into and provided advice on similar points raised about silica for other planning applications.
- 40 Initial points made by the consultant are that without some important qualifications it is wrong to imply that dust from gravel pit operations is "fine particulate matter called Crystalline Silica". Silica is the most abundant solid organic compound on earth and found everywhere. It comes in two forms, amorphous silica and in smaller proportions crystalline silica, of which sand is the most common source. Potentially it can impact on human health if particles small enough to be breathed in (respirable) is made airborne (naturally or as a result of mineral working). This smaller proportion is known as respirable crystalline silica (RCS). Whether in practice there are health impacts from sand and gravel workings is a different proposition.

*Potential health effects and sources of hazardous exposure to RCS*

- 41 Research undertaken by the consultant into potential health effects and the sources of hazardous exposure to RCS identified that RCS, primarily dusts found in industrial and occupational settings, is known to be a health hazard, and that hazardous human exposure occurs mainly in industrial and occupational settings. Silica is a common air contaminant and non occupational exposure results from natural and anthropological sources. Residents living near sand and gravel operations are potentially exposed to RCS.

*The risk of exposure to ambient concentrations of RCS*

- 42 From the research undertaken the County Air Quality Consultant concludes the main risk of adverse health effects from RCS are from occupational exposure; those exposed in their work environment. In recognition of this for those exposed at work the Health and Safety Executive (HSE) has set a Workplace Exposure Limit for RCS.
- 43 People are exposed to ambient levels of RCS as silica is present in the ambient air around us (from natural and anthropogenic (derived from human activities) sources). There is limited data available on likely ambient RCS levels and ambient RCS isn't highlighted as a health concern separately from general ambient particulate matter in the most recent official UK summary of ambient particulate matter (Particulate Matter in the UK, Air Quality Group, 2005). No statutory (or even non-statutory) ambient air quality standards for silica have been set in the UK.
- 44 There is no statutory air quality standard set in the UK for silica, or benchmark figure set by the EA for use in regulating emissions of pollutants from industry. Silica isn't identified as a polluting release in planning policy and guidance, only particulate matter generally which implies that ambient exposure to silica is not normally considered a major issue and adequate protection will normally be provided by compliance with general particulate matter (PM<sub>10</sub>) limits. Planning Practice Guidance (PPG) for minerals requires planning applications where there are sensitive receptors (e.g. dwellings, schools etc) within 1000 metres of the dust generating activities to undertaken an assessment considering compliance with PM<sub>10</sub> air quality objective.
- 45 The County Air Quality Consultant's professional opinion is that compliance with the ambient air quality objective for PM<sub>10</sub> should protect against unacceptable health risk from RCS. This opinion is supported by the following points:

- In typical ambient environments particulate matter can be made up of a complex mixture of solid and liquid particles, including carbon, complex organic chemicals, sulphate, nitrates, ammonium, sodium chloride, mineral dust, water and a series of metals, which is suspended in the air. These particles may be produced directly from a source such as an engine – or formed from reactions between other pollutants (e.g. NO<sub>2</sub>, SO<sub>2</sub>, NH<sub>3</sub>) in the air (known as secondary PM).
- The emerging scientific consensus is that the most biologically active (and potentially damaging) component of most particulates we are exposed to is the soot (elemental carbon) from road traffic, particularly diesel engines. This makes up a considerable proportion of the PM<sub>10</sub> (particles with a diameter smaller than 10µm) in many urban areas and the PM<sub>10</sub> objective level was derived from epidemiological studies that included urban exposure to road traffic. Therefore it could be argued that because, in general, mineral dusts are less biologically active than traffic PM, compliance with the national PM<sub>10</sub> objective level more than adequately minimises the health risk of those exposed to non-traffic PM.
- It should be noted that in monitoring compliance with EU Limit Values for PM<sub>10</sub>, EU Directives allow member states to subtract desert dust (largely silica sand) from reported concentrations, as it is deemed not to have such significant health effects.
- The PM<sub>2.5</sub> (those particles with a diameter smaller than 2.5µm) subset of PM<sub>10</sub> has a closer correlation with adverse health effects. The Government air pollution expert group, APEG (1999), states emissions arising from construction and from mining and quarrying activities tend to emit particulates in the coarser particle size range (2.5 – 10 µm) compared with combustion sources (point sources or traffic). Of the PM<sub>10</sub> emitted in mining and quarrying, 29% is <2.5 µm diameter, 8% is <1 µm diameter and none is <0.1 µm diameter.

#### *Summary*

- 46 The County Air Quality Consultant's review of information sources indicates that RCS is ubiquitous in the environment and low-level exposure to ambient levels is therefore unavoidable. The health impacts of workplace (occupational) exposure are well known, but there is no evidence that ambient levels pose an unacceptable risk. Many common substances, such as vitamins, nutritional minerals and coffee are potential carcinogens at high doses, but have no adverse effects at the levels we are normally exposed and a fundamental tenet of toxicology is that "The poison is in the dose".
- 47 Based on current readily-available evidence, the consultant advises there is unlikely to be a significant elevated risk from exposure to ambient RCS concentrations from quarries whose PM<sub>10</sub> dust impacts on the surrounding area are adequately controlled.

#### *Officer comment and conclusion*

- 48 Reference has been made to the lack of monitoring at QMQ. The permitted mineral and waste activity at QMQ is subject to dust controls and mitigation measures. Ongoing dust monitoring does not form part of the approved schemes, nor does the county council carry out monitoring in that way. The QMQ site is subject to a programme of regular monitoring by Planning Monitoring and Enforcement Officers, and where required, unplanned visits and monitoring will be undertaken. Complaints about dust from QMQ have been received from residents since 7 January and are being investigated.
- 49 The concerns raised have been considered and further advice sought from the County Air Quality Consultant. On the basis of the advice received and a review of the assessment undertaken by the applicant and consideration of the application as reported in the January officer report paragraphs 294 to 311 and Update Sheet 1, it is not considered that the concerns raised about air quality and potential health risks associated with crystalline silica and the PM<sub>2.5</sub> size dust particles, introduce new facts which would have a bearing on the decision or alter the conclusion in paragraph 311 of the January officer report.

## Restoration and afteruse

- 50 CLAG2, the Manor Farm Residents' Association and local residents have referred to the comments made by the applicant during the public speaking at the 7 January meeting, references in the January officer report and by officers during the debate about the use of conveyors to transport waste for use in restoration of mineral workings and transporting excavated waste from the Crossrail project at Wallasea Island.
- 51 Other issues raised concern the Surrey Minerals Plan 2011 preparation process and origin of information about the feasibility of options other than road to transport waste to the land at Manor Farm (Preferred area J). Although the position remains as set out in paragraph 387 of the January officer report in terms of relevance as material considerations on this application officers, think it would be appropriate to update the committee on these issues.
- 52 The issues raised and points made, and officer comments, concerning the use of conveyors to transport waste are set out in Consultees section (section 4) of the Kides Protocol Assessment at Annex E. Objectors clearly consider the use of conveyors at Wallasea Island together with the options that have been put forward to use conveyors to bring waste to the land at Manor Farm are material considerations in this case.
- 53 Officers do not consider the update providing clarification about use of conveyors to transport waste, and information provided as part of the preparation of the SMP 2011 relating to options for bringing waste to the land at Manor Farm (which would enable an alternative restoration to that proposed in the current application to be considered) and consideration of the issue by the Inspector, introduce any change in circumstances that would be material to the decision taken on 7 January 2015.
- 54 The county council has to determine the submitted application proposal and assess it on its planning merits, and in doing this have regard to the provisions of the development plan, so far as material to the application, and any other material considerations. The application proposes wet restoration and has been considered and assessed on that basis. Alternative options to enable the site to be backfilled have been proposed by objectors. The current restoration proposals accord with the Surrey Minerals Plan Primary Aggregates DPD Policy MA2 and the key development criteria for the Manor Farm Preferred Area J and Minerals Site Restoration SPD 2011.
- 55 Officers attach great weight to the lack of objection from technical consultees to the restoration proposals in the application, and irrespective of whether they are material or non material considerations, officers consider the options of using a conveyor to transport waste via QMQ, or by HGV accessing through QMQ and a controlled crossing over the Ashford Road, carry little or no weight given the policy position on wet restoration.

## Airport safeguarding/safety/infrastructure

- 56 Aircraft and birdstrike issues. Concern has been expressed about the impact of increased flight numbers to and from Heathrow Airport following the ending of the Cranford agreement and possible airport expansion leading to an increased risk of birdstrike and as a result the consultation on birdstrike should be reviewed. Officers consider this is a new issue which could rationally be considered material to the consideration of this planning application, and therefore it is appropriate to address it in the report when the application is referred back to the Planning and Regulatory Committee.
- 57 Heathrow Airport Safeguarding were not aware of any new factors and their views remained as set out in the January officer report (paragraph 48). From a birdstrike point of view the application proposes a bird hazard management plan (BHMP) to be secured by planning condition. The BHMP has been agreed by Heathrow Airport birdstrike experts and would ensure minimum numbers of birds are attracted to the site.



- 58 The points made by CLAG2 and in representations have been assessed and views of Heathrow Airport Safeguarding sought. Their response to the issues raised about impact from increased flight numbers passing over the site is reported in the Consultee section (section 4) of the Kides Protocol Assessment (Annex E).
- 59 Birdstrike was discussed at the meeting on 7 January 2015. The issue and concern about increased ATMs and impact on birdstrike risk had not been raised previously. Heathrow Airport Safeguarding have clarified the position and advised increased ATMs over the area would not lead to increased risk of birdstrike associated with the proposed wet restoration. In the circumstances the conclusion by officers on this issue and advice to members remains as set out in paragraph 406 of the January officer report.

### **Publicity and issues raised since 7 January 2015**

- 60 Since the application was considered at the January meeting representations have been received from 10 people, seven of which had made comments before, the other three representations were from new people. In total written representations have now been received on the application from 304 members of the public, organisations and groups.
- 61 Issues raised in the representations received since the 7 January meeting are set out in the Publicity section (section 5) of the Kides Protocol Assessment Annex E under the following headings:
- Procedural
  - Traffic
  - Flood risk
  - Landscape and visual impact
  - Air quality and dust
  - Biodiversity and ecology (species and designated areas)
  - Restoration and afteruse
  - Airport Safeguarding
  - Other matters
- 62 New issues raised under these headings are: the consultation on amendments to the application; the RESTORE project and Surrey County Council involvement in it; the impact on birdstrike hazard risk from increased flight numbers; potential health impacts from crystalline silica dust; the success of the use of conveyor belts to transport excavated waste from the Crossrail project at Wallasea Island; and the availability of fill material to back fill sites. Apart from the consultation issue the rest of the issues have been raised by consultees as well (CLAG2, MFRA or Spelthorne Natural History Society) and are considered in the Kides Protocol Assessment.
- 63 Of these new issues one, the impact on birdstrike hazard risk from increased flight numbers was considered to be a new matter which could rationally be considered material to the consideration of this planning application, and therefore should be included in the report when the application is referred back to the Planning and Regulatory Committee. As reported in paragraph 56 above the conclusion by officers on this issue and advice to members remains as set out in paragraph 406 of the January officer report. Other matters covered in this report above have been included to update the committee and clarify issues raised during the debate at the 7 January 2015 meeting.

### **GREEN BELT**

- 64 The discussion and assessment of the planning application proposal against Green Belt policy in paragraphs 418 to 463 of the report to committee on 7 January 2015 (Item 7 attached as Annex A), Summary Report and conclusion (paragraphs 468 to 475) addressed the application proposal as being partly appropriate and partly inappropriate

development in the Green Belt. Green Belt case law referred to in paragraphs 15 and 16 above makes it clear the correct approach on such applications is to treat the whole development as a single development.

- 65 After consultation with Legal Services and advice from Counsel the planning application is being referred back to committee as the case law and correct approach to follow is a new factor which is material to the consideration of the Manor Farm application. Set out in Annex F are a replacement Summary Report and Green Belt section and Conclusion section.
- 66 Having reassessed the development as a whole against Green Belt policy Officers are satisfied that temporary planning permission can be granted as an exception to policy given the very special circumstances which exist, and lack of any other harm to the environment and residential amenity and lack of long term harm to openness and the purposes of the Green Belt.

---

## HUMAN RIGHTS IMPLICATIONS

- 67 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with paragraphs 464 to 467 of the January officer report at Annex A.

---

## CONCLUSION

- 68 This report has considered new issues relating to Green Belt and bird strike hazard which have emerged since 7 January 2015 which, after having undertaken a Kides assessment in line with the protocol adopted by the Planning and Regulatory Committee in 2003, officers concluded were material to the consideration of the planning application such that the application should be referred back to the Planning and Regulatory Committee.
- 69 In summary the proposal to extract minerals is in accordance with a DPD allocation and otherwise satisfies a clear need with regard to a national policy requirement to maintain a landbank and so maintain a steady and adequate supply of aggregates. The development can be undertaken in a manner which does not give rise to unacceptable environmental or amenity impacts.
- 70 Having reassessed the development against Green Belt policy and airport safeguarding policy, as set out in this report, and the amendments to the January officer report comprising a revised summary report, Green Belt section and overall conclusions in Annex F, and issues raised since by objectors since January, officer's overall conclusion, that planning permission should be granted remains unchanged and the application is referred back to the committee for reconsideration in the light of the new issues which have emerged. The proposed conditions, reasons and informatives set out in the recommendation below include some minor updates and combine and replace the conditions in the report at Annex A as amended by the Update Sheets at Annex B.

## RECOMMENDATION

**The recommendation is that, subject to the prior completion of a S106 legal agreement between the county council, the applicant and Thames Water Utilities Ltd to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273 and SP07/1275 to no more than 300 HGV movements (150 two way HGV movements) on any working day attached as Appendix D to PERMIT subject to conditions and informatives as set out below.**

## Conditions:

- 1 From the date of this decision until the cessation of the development to which it refers, a copy of this decision including all documents hereby approved and any documents subsequently approved in accordance with this decision, shall be displayed at the offices on the site, and shall be made known to any person(s) given the responsibility for the management or control of operations.
- 2 The development hereby approved shall be carried out in accordance with the following approved plans and drawings:

Drawing No.	Drawing Title	Date
PA1	Location Plan	March 2012
PA2	1000m Location Plan	March 2012
PA3	Existing Use Plan	March 2012
PA4	Borehole Location Plan	March 2012
PA5	Phasing Plan	March 2012
PA6	Phase 1 with Cross Sections – Rev F	24/04/14
PA7	Phase 2 with Cross Sections – Rev D	24/04/14
PA8	Phase 3 with Cross Sections – Rev C	24/04/14
PA9	Phase 4 with Cross Sections – Rev C	24/04/14
PA10	Conveyor Tunnel General Arrangement – Rev B	12/02/13
PA11	Queen Mary Quarry Batching Plant	March 2012
PA12	Queen Mary Quarry Aggregate Bagging Plant	March 2012
PA13	Restoration Detail Plan	March 2012
PA14	Restoration Elevations	March 2012
PA15	Approved Restoration Plan for QMQ Site	March 2012
PA16	Proposed Worple Road Access – Rev C	12/02/13
PA17	Proposed Ashford Road Access – Rev D	March 2012 revised 22/07/15
PA18	Queen Mary Quarry Proposed Site Layout – Rev B	20/07/12
EIA 6.2	Public Rights of Way Plan	20/07/12
EIA 8.1	Heritage Assets and Potential Disturbance	March 2012
EIA 8.2	Historic Maps	March 2012
ST12377-SK1	Floodplain compensation and Causeway Drainage Proposal	04/11/13, revised 22/07/15
QMQ/016	Overhead Power Cables above Proposed Conveyor	19/11/2013
ST13443-PA2	Application Area (proposed conveyor route)	09/04/13
EIA 9.3	Summary of proposed level for level flood compensation - Phase 1 Rev E	13/01/14
EIA 9.4	Summary of proposed level for level flood compensation Phase 2 Rev C	23/04/2014
EIA 9.5	Summary of proposed level for level flood compensation Phase 3 Rev B	23/04/2014
EIA 9.6	Summary of proposed level for level flood compensation Phase 4 Rev B	23/04/2014
EIA 9.8	Conveyor Route Details Rev B	March 2012
EIA 9.8	Conveyor Route Details (Annotated copy with pipe details and spacings)	March 2012 (received with letter dated 1 November



Drawing No.	Drawing Title	Date
		2013)
EIA 9.9	Existing Surface Water Features Prior to Sand & Gravel Extraction at Manor Farm	March 2012

**Commencement**

- 3 The development hereby permitted shall begin before the expiration of three years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of development.

**Time Limits**

- 4 Extraction of mineral from Manor Farm shall not commence until the mineral extraction from Queen Mary Quarry ‘baffle’ permission (refs. SP07/1269 dated 15 January 2009 and SP13/01236 dated 6 January 2015) has finished. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of extraction.
- 5 Extraction of mineral from Manor Farm, transportation by conveyor to Queen Mary Quarry and processing of extracted mineral shall be for a period of 5 years from the date of commencement of extraction. On completion of extraction the conveyor belt shall be removed from land at Manor Farm and Queen Mary Quarry, and the land at Manor Farm shall be restored within 6 years of the commencement of extraction, by which date all buildings, fixed plant or machinery, internal access roads and hardstandings, together with their foundations and bases and conveyor tunnels shall be removed from the land and the site shall be restored in accordance with the approved restoration plans.
- 6 The use of the concrete batching plant and aggregate bagging plant hereby permitted on land at Queen Mary Quarry shall cease either upon cessation of the developments permitted under planning permission refs SP07/1273 and SP07/1275 dated 15 January 2009 and SP13/01238 and SP13/01239 dated 6 January 2015 or otherwise no later than 31 December 2033 following which all buildings, fixed plant or machinery, internal access roads and hardstandings, together with their foundations and bases shall be removed and the land restored in accordance with the details and timescales approved under SP07/1276 dated 15 January 2009, and any approved variations to the detail and timing.

**Restriction of Permitted Development Rights**

- 7 Notwithstanding the provisions of parts 4 and 19 of Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, (or any Order amending, replacing or re-enacting that Order):
  - no plant, buildings or machinery whether fixed or moveable, shall be erected on the site, without the prior written approval of the County Planning Authority in respect of the siting, detailed design, specifications and appearance of the plant, buildings or machinery.

**Access, Traffic and Protection of the Public Highway**

- 8 a) Before any other operations are commenced, the temporary access to Ashford Road as shown on Drawing PA17 Proposed Ashford Road Access – Rev D dated 04/11/13, revised 22/07/15 shall be designed, constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The Ashford Road access shall be used in connection with extraction and restoration operations within Phase 1 as shown on Drawing PA5 Phasing Plan dated March 2012 for transport of plant and equipment and maintenance of the conveyor system only and thereafter during extraction operations on Phases 2 to 4 in

connection with maintenance of the conveyor system only. On completion of extraction the access shall be permanently closed and any kerbs, verge, footway fully reinstated by the applicant, and hedgerow replanted in a manner to be agreed in writing with the County Planning Authority, upon the completion of Phase 1.

b) (i) Before any other operations are commenced details of the current design of the Worple Road agricultural access (width, surface and gates) and proposed design of the Worple Road access as shown on Drawing PA16 Proposed Worple Road Access – Rev C dated 12/02/2013, including visibility splays and trees and hedgerow to be lopped/cut back or removed, protection measures for trees affected, and details of tree and hedgerow replanting shall be submitted to and approved in writing by the County Planning Authority.

b) (ii) Prior to commencement of extraction in Phase 2 the construction of the modified Worple Road access shall be completed and provided with visibility splays in accordance with the approved details.

b) (iii) The Worple Road access shall be used in connection with extraction and restoration operations within Phases 2 to 4 as shown on Drawing PA5 Phasing Plan dated March 2012 for transport of plant and equipment and maintenance of the conveyor system, and access to the site compound only.

b) (iv) Within six years of commencement of extraction any kerbs, verge, footway shall be removed and the Worple Road access shall be reinstated to its previous design (width, surface and gates) and hedgerow and trees replanted in accordance with the details approved under part a) of this condition.

9 Prior to commencement of the development a Section 278 agreement shall be entered into with the County Highway Authority for the construction of the tunnels and the placing of the conveyor under FP30 and Ashford Road, their removal on completion of extraction, and reinstatement of the highway and public footpath.

a) Before extraction is commenced in Phase 1, construction of the conveyor tunnel under Ashford Road shall be completed. The conveyor tunnel shall be constructed generally in accordance with the approved plans Drawing numbers EIA9.8 Conveyor Route Details Rev B dated March 2012, PA10 Conveyor Tunnel General Arrangement Rev B dated 12/02/2013 and ST12377-SK1 Flood Plain compensation and Causeway Drainage Proposal dated 04/11/13, revised 22/07/15, as modified through details to be provided and agreed in connection with the Section 278 agreement to be completed relating to works to the highway.

b) Before extraction is commenced in Phase 2, construction of the conveyor tunnel under Footpath 30 shall be completed. The conveyor tunnel shall be constructed generally in accordance with the approved plans Drawing numbers EIA9.8 Conveyor Route Details Rev B dated March 2012 and PA10 Conveyor Tunnel General Arrangement Rev B dated 12/02/2013, as modified through details to be provided and agreed in connection with the Section 278 agreement to be completed relating to works to the highway.

c) The conveyor tunnels shall be permanently removed once sand and gravel extraction at Manor Farm has ceased, and the highway/footway and public footpath shall be fully and permanently reinstated in accordance with details provided to, and agreed by, the County Planning Authority.

10 The means of access for vehicles to the development shall be via the Ashford Road and Worple Road accesses only as set out Condition 8 a) and 8b) above. There shall be no other vehicular means of access to the site.

11 a) Prior to commencement of extraction in Phase 1 east of Footpath 30 the conveyor

route shall be provided to Phase 1, and between Manor Farm and the Queen Mary Quarry processing plant along the route shown on Drawing numbers EIA9.8 Conveyor Route Details Rev B dated March 2012 and PA6 Phase 1 with Cross Sections Rev F dated 24/04/14, as modified by the conveyor route permitted under planning permission ref SP13/01003 dated [insert date] and shown on Drawing ST13443-PA2 Application Area (proposed conveyor route) dated 9/4/13.

b) Prior to commencement of extraction in Phase 2 the conveyor route shall be extended to provide access to the land west of Footpath 30 as shown on Drawing numbers EIA9.8 Conveyor Route Details Rev B dated March 2012 and PA7 Phase 2 with Cross Sections Rev D dated 24/04/14. The conveyor route shall be modified in accordance with the details shown on Drawing numbers PA8 Phase 3 with Cross Sections Rev C dated 24/04/14 and PA9 Phase 4 with Cross Sections Rev C dated 24/04/14 prior to commencement of extraction in Phases 3 and 4. The conveyor route shall be maintained for the duration of extraction in each phase along the route shown on the approved drawings and used for transport of extracted mineral to the processing plant site at Queen Mary Quarry. All sand and gravel extracted at Manor Farm shall be exported to the Queen Mary Quarry processing plant site via conveyor. There shall be no export of material from Manor Farm by HGV. All sand and gravel extracted at Manor Farm shall be exported from the Queen Mary Quarry site via the existing access onto the A308.

12 a) Before any operations in respect of the development Manor Farm are commenced details shall be submitted to and approved by the County Planning Authority of measures to be taken and facilities provided in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway associated with the use of the Ashford Road and Worples Road accesses. The agreed measures shall thereafter be retained and used in connection with site preparation, extraction and restoration operations at Manor Farm.

b) The existing approved wheel cleaning facilities and method for keeping the public highway clean in operation at Queen Mary Quarry shall be maintained and used in connection with the export of mineral extracted at Manor Farm, and thereafter following completion of extraction at Manor Farm in connection with the operation of the concrete batching plant and aggregate bagging plant hereby permitted.

13 Neither extraction of minerals from Phase 2, nor use of the site compound shown on drawings PA6 Phase 1 with Cross Sections – Rev F dated 24/04/14 and PA16 Proposed Worples Road Access – Rev C dated 12/02/13, shall commence until space has been laid out within the site compound in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority for the parking and loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

14 When measured in combination with all planning permissions for Queen Mary Quarry, the development hereby permitted shall give rise to no more than 300 HGV movements (150 two way HGV movements) on any working day. The site operator shall maintain accurate records of the number of HGV vehicles accessing and egressing the site daily and shall make these available to the County Planning Authority on request.

### **Construction Management Plan**

15 Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the County Planning Authority. The Construction Management Plan shall set out procedures for managing the construction of the buildings, plant, equipment and conveyor and the preparation of land to ensure that movements and

deliveries are adequately controlled during this phase of the development. The Construction Management Plan shall be implemented as approved.

### Hours of Operation

- 16 In connection with Manor Farm operations and operation of the conveyor between Manor Farm and the processing plant in Queen Mary Quarry:

No lights shall be illuminated nor shall any operations or activities authorised or required by this permission be carried out except between the following times:

0730 - 1800 Mondays to Fridays

There shall be no working on Saturdays, Sundays, Bank Holiday or National Holidays. Neither shall any servicing, maintenance or testing of plant be carried out between 1800 - 0730 Monday to Fridays.

This condition shall not prevent the following activities:

- a) emergency repairs to plant and machinery
- b) lighting for security purposes

- 17 In connection with Queen Mary Quarry operations:

No lights shall be illuminated nor shall any operations or activities authorised or required by this permission be carried out except between the following times:

0730 - 1800 Mondays to Fridays  
0730 - 1300 Saturdays

There shall be no working on Sundays, Bank Holiday or National Holidays. Neither shall any servicing, maintenance or testing of plant be carried out between:

1800 - 0730 Monday to Fridays, 1300 Saturdays - 0730 Mondays.

This condition shall not prevent the following activities:

- a) emergency repairs to plant and
- b) lighting for security purposes

### Noise Control

- 18 All vehicles plant and machinery operated within the site shall be maintained in accordance with the manufacturers specification at all times and where necessary shall be fitted and used with effective silencers and/or noise insulation.
- 19 Other than vehicles involved in exporting aggregate product from the Queen Mary Quarry or delivery of consumables to the site compound at Manor Farm, all other vehicles and mobile plant operating at the Manor Farm and Queen Mary Quarry site under the control of the operator (which shall include plant and equipment hired by the operator or used by contractors), must be fitted with, and use, a white noise type vehicle alarm or switchable system.
- 20 Except for temporary operations, the level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2m at least

3.6m from the façade of a residential property or other a noise sensitive building that faces the site shall not exceed 55 LAeq for any 0.5 hour period during 0730 to 1800 hours Monday to Friday and 0730 to 1300 hours Saturdays.

- 21 For temporary operations such as site preparation, soil and overburden stripping, bund formation and final restoration, the level of noise arising when measured at, or recalculated as at, a height of 1.2 metres above ground level and 3.6 metres from the facade of a residential property or other noise sensitive building that faces the site shall not exceed 70LAeq, during any 1 hour period. Such activities shall not take place for a total period greater than eight weeks in any twelve month period.
- 22 Prior to the extraction of minerals and use of the conveyor, details of the location and height of the noise barriers for the conveyor switch points as specified in Planning Supporting Statement paragraph 7.149 and Table 7.12, Wardell Armstrong dated 13/11/2012 (not 2013 as on letter), Environmental Statement paragraphs 11.6.16 and 11.7.3, paragraphs 2.13 to 2.18 of the June 2013 Addendum to the Environmental Statement and plan ST13443-PA2 Application Area (proposed conveyor route) dated 09/04/13, shall be submitted to and approved in writing by the County Planning Authority. The noise barriers are to be constructed in accordance with the approved details and maintained in good condition until completion of extraction and use of the conveyor system to transport mineral to the Queen Mary Quarry processing plant, with the monitoring and maintenance of the barriers to be included within the site integrated management system.
- 23 The 4 metre high bund erected on the site boundary of the recycling facility within the Queen Mary Quarry as described in the W A Hines & Partners Report dated 2.11.12 and shown on the Aerial in that report shall be retained and maintained at 4m high at all times until cessation of the use of the concrete batching plant and aggregate bagging plant in accordance with condition 6.

#### **Dust**

- 24 a) Prior to the commencement of development a Dust Action Plan (documented site-specific operational plan to prevent or minimise the release of dust from the site) (DAP) ; 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, shall be submitted to and approved in writing by the County Planning Authority.
- b) The dust control and mitigation measures set out in the planning application (including paragraphs 7.23, 7.149 and Table 7.12 and Chapter 12 of the Environmental Statement) shall be implemented and the Dust Action Plan and monitoring scheme approved pursuant to Condition 23 (a) shall be implemented as approved throughout the duration of the development.

#### **Water environment and pollution controls**

- 25 The development hereby permitted shall only be carried out in accordance with the planning application (including paragraph 7.149 and Table 7.12) and approved Flood Risk Assessment (FRA) (July 2012) (Chapter 9 and Appendix 9.1 of the Environmental Statement), as modified by the June 2013 Addendum to the Environmental Statement and subsequent letters and emails), and the following mitigation measures detailed within the FRA:
- There is no increase in impermeable area on the site and no increase in surface water run-off volume.
- 26 Full level for level compensation for all elements being built within each phase will be provided at the start of each phase prior to any bunding or overburden storage in the



floodplain in accordance with the following plans and documents:

Drawing EIA 9.3 Summary of proposed level for level flood compensation - Phase 1 Rev E revision E dated 13/01/14 and point 1 of letter dated 3 December 2013 from Wardell Armstrong, reference JG/ST12377/016,  
 Drawing EIA 9.4 Summary of proposed level for level flood compensation Phase 2 Rev C dated 23/04/2014,  
 Drawing EIA 9.5 Summary of proposed level for level flood compensation Phase 3 Rev B dated 23/04/2014,  
 Drawing EIA 9.6 Summary of proposed level for level flood compensation Phase 4 Rev B dated 23/04/2014.

27 All bunds shall be constructed in accordance with the following:

Drawing PA6 Phase 1 with Cross Sections – Rev F dated 24/04/14,  
 Drawing PA7 Phase 2 with Cross Sections – Rev D dated 24/04/2014,  
 Drawing PA8 Phase 3 with Cross Sections – Rev C dated 24/04/2014,  
 Drawing PA9 Phase 4 with Cross Sections – Rev C dated 24/04/2014.

28 Prior to commencement of development a scheme to ensure that the causeway does not form a barrier across the floodplain shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include:

- a) detailed drawings of the proposed pipes within the causeway,
- b) calculations demonstrating that the size, location and number of pipes are sufficient to allow flood waters to pass through the causeway unhindered for all flood events up to the 1 in 100 plus climate change flood event,
- c) measures to ensure that the pipes will be maintained as open within the causeway for the lifetime of the causeway,
- d) measures for removal of the causeway to at least normal water level at the end of the development.

The development shall be carried out in accordance with the approved details.

29 The bunds and causeway shall be removed in accordance with the restoration plans; Drawing PA13 Restoration Detail Plan dated March 2012 and Drawing PA14 Restoration Elevations dated March 2012.

30 The development hereby permitted shall be carried out in accordance with the approved drawing No.ST12377 SK1 Floodplain compensation and Causeway Drainage Proposal dated 04/11/13, revised 22/07/15 and the following measures as detailed:

- a) provision of level for level floodplain compensation for the causeway up to the 1 in 100 plus climate change flood level
- b) compensation to be provided before the causeway is put in place and maintained as open for the life of the causeway.

31 Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.

32 Prior to the commencement of development a groundwater monitoring plan shall be submitted to and approved in writing by the County Planning Authority. The groundwater monitoring plan shall include:

- a) additional monitoring boreholes to the north, east and west of the extraction area, and existing off-site wells to the east and south should be included,
- b) water level monitoring and groundwater chemistry should be undertaken, with annual data reviews,
- c) contingency mitigation measures,
- d) The groundwater monitoring plan shall be implemented as approved.

### **Programme of Working**

- 33 The working of minerals from Manor Farm shall be carried out in accordance with the approved phasing drawing PA5, with the bund construction in accordance with drawing nos. PA6, PA7, PA8 and PA9 as listed above under Condition 2.

### **Rights of Way**

- 34 Public access must be maintained throughout the period of mineral extraction and restoration. If this is not possible whilst work is in progress then an official temporary closure order will be necessary, the cost of which is to be borne by the applicant. The operator must ensure that:
- a) There are no obstructions to the public rights of way (FP28, FP29 and FP30) at any time, including on a temporary basis by the placing of plant or vehicles,
  - b) Any damage to the rights of way surfaces must be reinstated to the satisfaction of the County Council's Countryside Access Officer,
  - c) Warning signs must be erected where contractors' vehicles are using or crossing the right of way, the wording of such signs not to discourage public use.

### **Archaeology**

- 35 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 County Planning Authority.

### **Bird Hazard Management Plan**

- 36 Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the County Planning Authority. The submitted plan shall include details of:
- a) monitoring of any standing water or wetland within the site temporary or permanent

The Bird Hazard Management Plan shall be implemented as approved, on commencement of the extraction and shall remain in force for the operational life of the site, including the restoration and thereafter in perpetuity.

### **Ecology**

- 37 Prior to the construction of any buildings and erection of plant and equipment, or removal of vegetation the site at (Manor Farm and Queen Mary Quarry) in advance of operations or during restoration shall be inspected by a suitably qualified ecologist to check for breeding birds. No trees shall be felled or vegetation removed during the bird nesting season (1 March – 31 August) unless they have been inspected by a suitably qualified ecologist who has certified that there are no active nests which might be disturbed or destroyed by those activities. If an active nest is identified as being so affected by the development, no further works shall take place in that area until all nesting activity has concluded.

- 38 Prior to the commencement of development an updated bat survey shall be undertaken to assess the use of the site by foraging and roosting bats, and the survey results together with a biodiversity mitigation scheme submitted to and approved in writing by the County Planning Authority. The biodiversity mitigation scheme shall include the checking of trees prior to removal to check for bat roosts, the type and number of bat and bird boxes proposed and measures for maintaining foraging lines along hedgerows to be retained within and adjoining the application site. The biodiversity mitigation scheme shall be implemented as approved.

### **Lighting**

- 39 Prior to installation of any external lighting at the site compound details of the design and appearance of the lighting, its brightness, direction and methods of shielding shall be submitted to and approved by the County Planning Authority.

### **Concrete batching plant and aggregate bagging plant**

- 40 Only mineral extracted at Manor Farm and processed at Queen Mary Quarry and as raised sand and gravel imported to and processed at the Queen Mary Quarry, and recycled aggregate material produced at Queen Mary Quarry, under planning permissions SP07/1273 and SP13/01238 and SP07/1275 and SP13/01239 shall be used in the concrete batching plant and aggregate bagging plant hereby permitted.

### **Soil Movement and Placement**

- 41 Soils shall only be moved when in a dry and friable condition; and handling, movement and replacement of soils shall not be carried out between the months of November to March inclusive, or during the bird breeding season unless the area concerned has been shown to be free of nesting birds, following an inspection by a suitably qualified ecologist, immediately prior to such works commencing. Soils should be handled in accordance with the Defra 'Good Practice Guide for Handling Soils'.
- 42 Bunds for the storage of soils shall be in accordance with the following criteria:
- a) Topsoils, subsoils and subsoil substitutes should be stored separately.
  - b) Where continuous bunds are used dissimilar soils should be separated by a third material, previously agreed with the County Planning Authority.
  - c) Topsoil and subsoil (or subsoil substitute) bunds should not exceed 3 m in height.
  - d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

### **Landscaping and Restoration**

- 43 The height of stockpiles within the Queen Mary Quarry processing plant shall not exceed 16 metres.
- 44 The restoration of the Manor Farm site shall be carried out in stages, progressively as the extraction proceeds in accordance with the approved Quarry Phasing Plans (Drawings PA5 – PA9, as detailed in Condition 2 above) and the approved Drawing PA13 Restoration Detail Plan for Manor Farm dated March 2012.
- 45 The restoration of the Queen Mary Quarry site shall be in accordance with the restoration and landscaping scheme for the site approved under reference SP07/1276 dated 15 January 2009, as reproduced on Drawing No. PA15 – 'Approved Restoration Plan for QMQ Site' dated March 2012.



- 46 Prior to the extraction of each of the phases of working within Manor Farm, detailed landform and planting design proposals shall be submitted to and approved in writing by the County Planning Authority.
- 47 Prior to commencement of development a vegetation survey of the Manor Farm site following the guidance and recommendations in BS 5837:2012 (Trees in relation to design, demolition and construction – recommendations) shall be undertaken and a tree and hedgerow protection plan submitted to and approved in writing by the County Planning Authority. The tree protection plan shall include details of:
- a) identification and assessment of the trees and hedgerows that are required to be removed,
  - b) measures for the protection of the trees and hedgerows that are to be retained during the construction and operation of the site.

The tree and hedgerow protection plan shall be implemented as approved and all existing hedges, trees, saplings, shrubs along the boundaries and such vegetation within the site shown as being retained in the tree protection plan submitted pursuant to this condition shall be retained and protected from damage during the process of extraction and subsequent restoration.

### **Aftercare and management**

- 48 The aftercare, management and maintenance of the restoration plan for Manor Farm shall be for a period of 25 years in accordance with the 'Restoration Management and Maintenance Plan' dated March 2012 (Appendix 7.1 Rev A Planning Statement).

#### Reasons:

- 1 To ensure that the management and staff responsible for the day-to-day operation of the site are fully acquainted with the approved schemes and conditions in the interests of proper planning and to assist the County Planning Authority exercise control over the development hereby permitted and minimise the impact of the development in accordance with all the relevant policies of the Development Plan.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To comply with Section 91 of the Town and Country Planning Act 1990.
- 4 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at a mineral working site in an area of Metropolitan Green Belt and to minimise the impact on local amenity in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC3.
- 5 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at a mineral working site in an area of Metropolitan Green Belt and enable restoration of the land in accordance with the approved restoration scheme to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and to minimise the impact on local amenity in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC3 and MC17.
- 6 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at a mineral working site in an area of Metropolitan Green Belt and enable restoration of the land in accordance with the approved restoration scheme to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and to minimise the impact on local amenity in accordance with Policies MC3 and MC17 of the Surrey Minerals Plan 2011 Core Strategy.

- 7 To safeguard the Metropolitan Green Belt and protect the amenities of the locality in accordance with the terms of Policies MC3 and MC14 of the Surrey Minerals Plan 2011.
- 8-15 In the interests of safeguarding the local environment and to ensure the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies MC14 and MC15 of the Surrey Minerals Plan 2011.
- 16-17 To comply with the terms of the application and ensure minimum disturbance and avoid nuisance to the locality in accordance with Policy EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.
- 18-23 To ensure minimum disturbance and avoid noise nuisance to the locality in accordance with: Policy EN11 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009 and Policy MC14 of the Surrey Minerals Plan 2011.
- 24 To enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with: Strategic Policy SP6 and Policy EN3 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009 and Policy MC14 of the Surrey Minerals Plan 2011.
- 25-32 To reduce the impact of flooding both on and off site, ensuring the satisfactory storage of/disposal of surface water from the site, minimising the risk of pollution of watercourses and groundwater in accordance with: Strategic Policy SP6 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.
- 33 To comply with the terms of the application and to enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with Strategic Policy SP6 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.
- 34 To protect the route of the public footpaths and the amenities of the users and comply with Policy MC14 of the Surrey Minerals Plan 2011.
- 35 To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide upon a course of action required for the preservation or recording of such remains in accordance with the Policy MC14 of the Surrey Minerals Plan 2011.
- 36 It is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
- 38: To comply with the terms of the application and in the interests of biodiversity and wildlife conservation to comply with Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.
39. To enable the County Planning Authority to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Strategic Policy SP6 and Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009.
- 40 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at the site which is

situated in an area of Metropolitan Green Belt and to minimise the impact on local amenity in accordance with Policies MC3 and MC17 of the Surrey Minerals Plan 2011 Core Strategy.

- 37, 41 & 42 To comply with the terms of the application and in the interests of biodiversity and wildlife conservation to comply with Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.
- 43 To enable the County Planning Authority to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Strategic Policy SP6 and Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009.
- 44-48 In order to achieve a high standard of restoration, and protect the local environment and amenity, in accordance with Policies MC14, MC17 and MC18 of the Surrey Minerals Plan 2011.

#### **Informatives:**

- 1 Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transport Development Planning Team of Surrey County Council.
- 2 When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highway Service Group will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.
- 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 A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- 5 The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- 6 A S278 Agreement is required in respect of the works (conveyor tunnel, site entrances onto Ashford Road and Worple Road, public footpath) under this decision. A bond will be required from the commencement of the development for the duration of the works and will only be released on the satisfactory reinstatement of the highway.
- 7 The applicant's attention is drawn to the comments and requirements of National Grid within their letters of 2 October 2012, 30 July 2013 (Part 1) and 30 July 2013 (Part 2), 12 December 2013, 27 December 2013, and 10 February 2014, copies of which have been provided to the applicant or can be obtained from the County Planning Authority.

8 The applicant's attention is drawn to the comments and requirements of Esso Petroleum Co Ltd set out within the Fisher German letter dated 17 October 2013 and enclosed Special Requirements for Safe Working booklet and the covenants referred to in the Deed of Grant, copies of which have been provided to the applicant or can be obtained from the County Planning Authority.

9 The applicant's attention is drawn to the following requirement of Thames Water in relation to public sewers and sewerage infrastructure in the B377 Ashford Road:

"There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

There is a foul water sewer and manhole in Ashford Road (B377) in the location where the conveyance tunnel is proposed. The manhole is at a depth of approximately 11.6m AOD. The developer needs to contact Thames Water Developer Services on 0845 850 2777 regarding asset protection of this sewer during and after the construction."

10 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 5810: 1979) or any prescribed document replacing that code.

11 The Applicant's attention is drawn to the potential need to modify the existing Pollution Prevention Control (PPC) Permit for the site prior to the commencement of any works.

12 The Applicant's attention is drawn to the potential need to obtain a Local Authority Pollution Prevention Control (LAPPC) Permit for the site prior to the commencement of any works.

13 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.

Birds are known to nest on the ground within the site, on buildings and items of the mineral processing plant and these and trees and scrub present on the application site are likely to contain nesting birds between 1st March and 31st August inclusive. 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, the site is assumed to contain nesting birds between the above dates.

14 Environment Agency - Advice to applicant: "There is currently an abstraction licence issued to Brett Aggregates at the adjacent site. The licence number is TH/039/0031/008. This licence allows water to be abstracted for the purpose of mineral washing. The maximum abstraction volumes associated with this licence are:

- 573m<sup>3</sup>/hour
- 5,730m<sup>3</sup>/day
- 1,760,000m<sup>3</sup>/year

It is mentioned in the planning application that water would be needed for concrete production, dust suppression (including vehicle washing) and potentially for landscape irrigation. If you intend to use your existing abstraction licence for any purpose other than mineral washing, you will need to contact us to discuss the possibility of varying your licence. You would also need to contact us if you intend to drill a new borehole or seek to take water from a surface water source (e.g. lake/river).

If you have any questions regarding the above points then please email Alastair Wilson at [thames.northeast@environment-agency.gov.uk](mailto:thames.northeast@environment-agency.gov.uk) or call on 03708 506 506."

- 15 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.

## CONTACT

Susan Waters

### TEL. NO.

020 8541 9227

## 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:

- Heathrow Airport Noise pages on website ([www.heathrow.co.noise/heathrow-operations/cranford-agreement](http://www.heathrow.co.noise/heathrow-operations/cranford-agreement))
- Kemnal Manor Memorial Gardens Ltd. v The First Secretary of State & Anor [2005] EWCA Civ 835 (14 June 2005)*
- Timmins & Anor, R (On the Application Of) v Gelding Borough Council [2015] EWCA Civ 10 (22 January 2015)*
- Kides Assessment for application SP2012/01132 including consultation responses and documents and websites referred to in the Kides Assessment Table.
- Surrey County Council Local Aggregate Assessment (Surrey LAA) November 2014
- Surrey Minerals Plan 2011 (Core Strategy and Primary Aggregates Development Plan Documents)
- Surrey County Council Minerals Site Restoration Supplementary Planning Document (SPD)
- Surrey Minerals and Waste Development Scheme 2015
- Spelthorne Borough Council Local Development Scheme 2015-2019 February 2015
- Spelthorne Borough Council Air Quality Progress Report 2014 for Spelthorne Borough Council, November 2014
- Surrey County Council Planning Service Annual Monitoring Report 2013/14 (AMR 2013-14) Core Documents List Examination of the Surrey Minerals Plan Core Strategy and Primary Aggregates Development Plan Documents
- Surrey Minerals Plan Transportation Assessment Background Report April 2006 – partially updated 2009 November 2009 (Surrey Minerals Plan EIP Core Document CD23)
- SMP/PA/Matter 2 – Area J Surrey Minerals Plan Examination Primary Aggregates DPD (Nov/Dec 2010) Statement by Surrey CC (Matter 2 Preferred Area J – Manor Farm Laleham
- Surrey Minerals Plan Schedule of Representations received under regulations 27 and 28 on Primary Aggregates (Development Plan Document for submission to the Secretary of State February 2010
- Inspector's Report on the Examination into the Surrey Minerals Plan Primary Aggregates Development Plan Document) Report to Surrey County Council by Mary O'Rourke date 23 May 2011

- Non Material Amendment application ref ESS/54/08/ROC/NMA12 documents (application documents, and Essex County Council decision letter dated 25 February 2013)
  - Non Material Amendment application ref ESS/54/08/ROC/NMA13 documents (application documents, and Essex County Council decision letter dated 26 March 2013)
  - Essex County Council Minutes of a meeting of the Development and Regulation Committee held at County Hall, Chelmsford on 23 January 2015 relating to Report DR/02/15 Item 6 Land at Wallasea Island, Rochford, Essex
  - Surrey County Council Supplementary Agenda and Reports for the meeting of The County Council to be held on 17 March 2015.
  - RESTORE North West Surrey Restore leaflet
  - RESTORE website ([www.restorequarries.eu](http://www.restorequarries.eu))
- 

## **ANNEXES**

- A** Officer report (and Annex Draft Heads of Agreement for the s106 legal agreement) to 7 January 2015 Planning and Regulatory Committee on application ref SP2012/01132 (Item 7).
- B** Minutes of the 7 January 2015 meeting of the Planning and Regulatory Committee including Update Sheets (1 and 2) to Item 7.
- C** Draft s106 legal agreement and plan
- D** Kides protocol flow chart (Appendix A to 12 November 2003 Planning and Regulatory Committee Agenda Item 13)
- E** Kides Protocol Assessment considering whether new material considerations have emerged since 7 January 2015.
- F** Revised Green Belt Sections (to replace Summary Report, Green Belt Section and overall conclusions from the 7 January report).

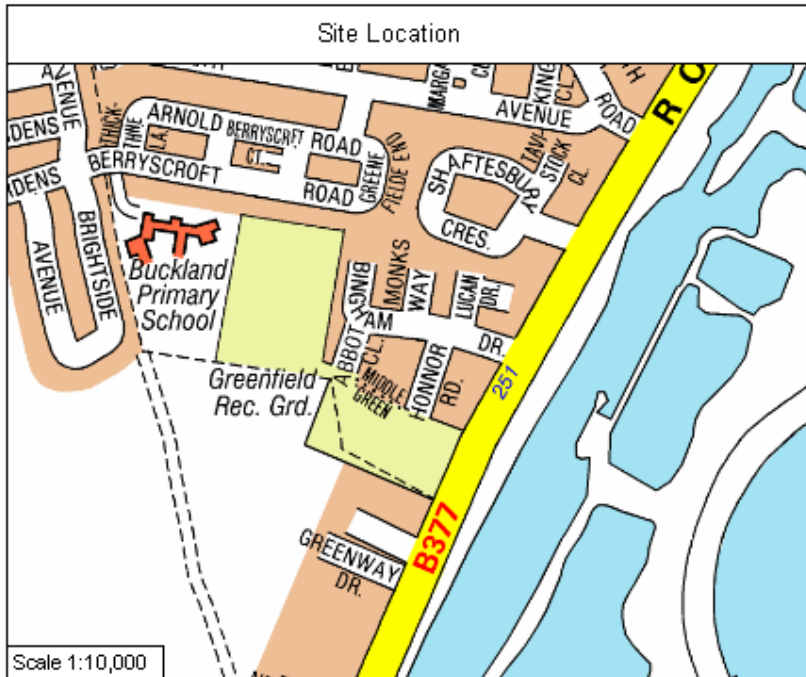


**Land at Manor Farm, Ashford Road and Worple Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey**

Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.

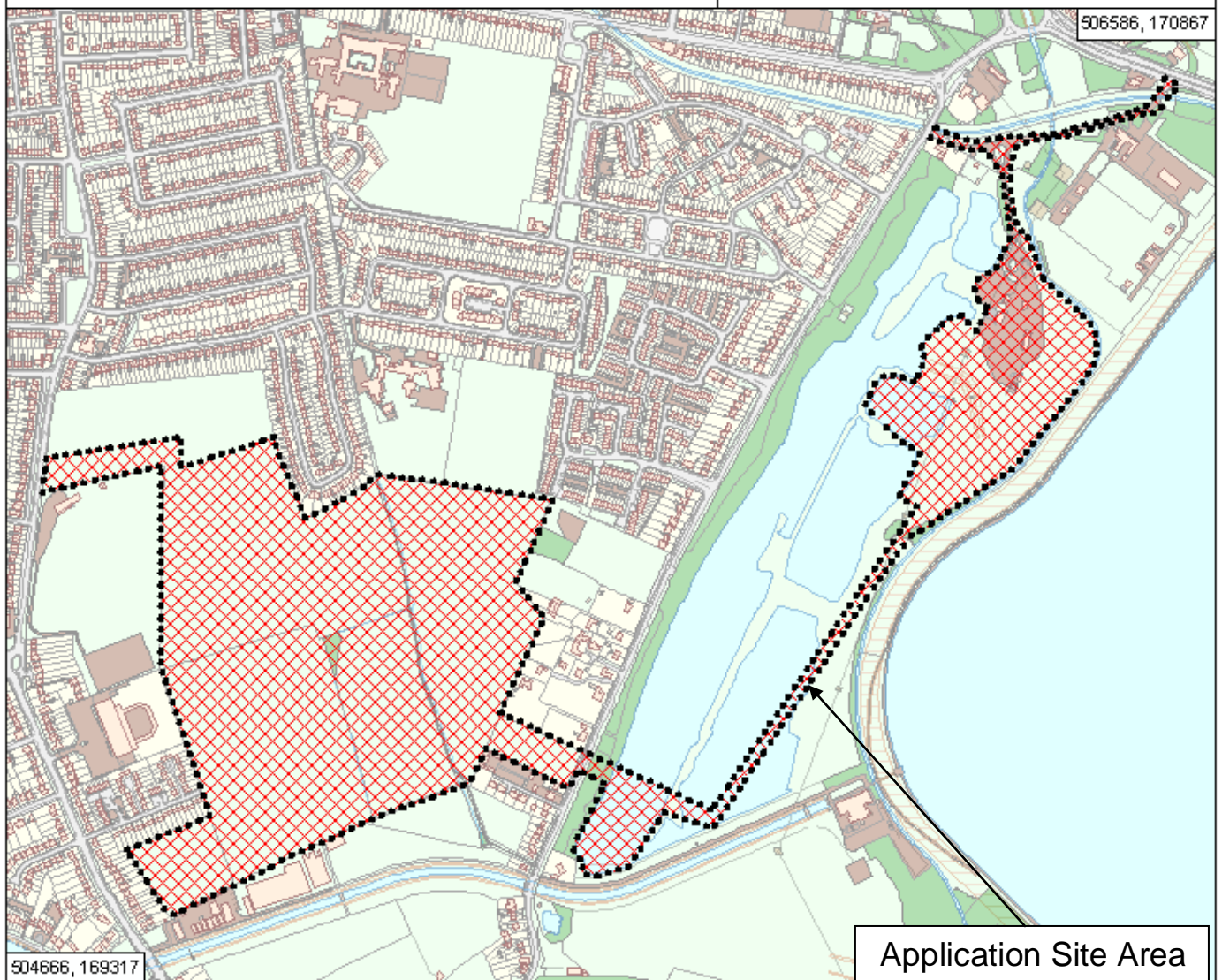
Application No(s): SP/2012/01132

Electoral Division(s): Laleham & Shepperton , Staines South & Ashford West



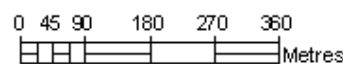
©Crown copyright. All rights reserved Surrey County Council, 100019613, 2013

This plan is for indicative purposes only



RefNo: SCC Ref 2012/0061

Date printed: 28/11/2014



Scale  
1:10,000

This page is intentionally left blank



## Aerial 1 : Manor Farm and Queen Mary Quarry





## Aerial 2 : Manor Farm and Queen Mary Quarry





## Aerial 2 : Manor Farm and Queen Mary Quarry



Application Site Area

Page 47



All boundaries are approximate



Figure 1 : View across land in proposed Phase 1 extraction area (taken from a point on Footpath 29 (FP29) at the boundary with the Greenfield Recreation Ground)

Page 48

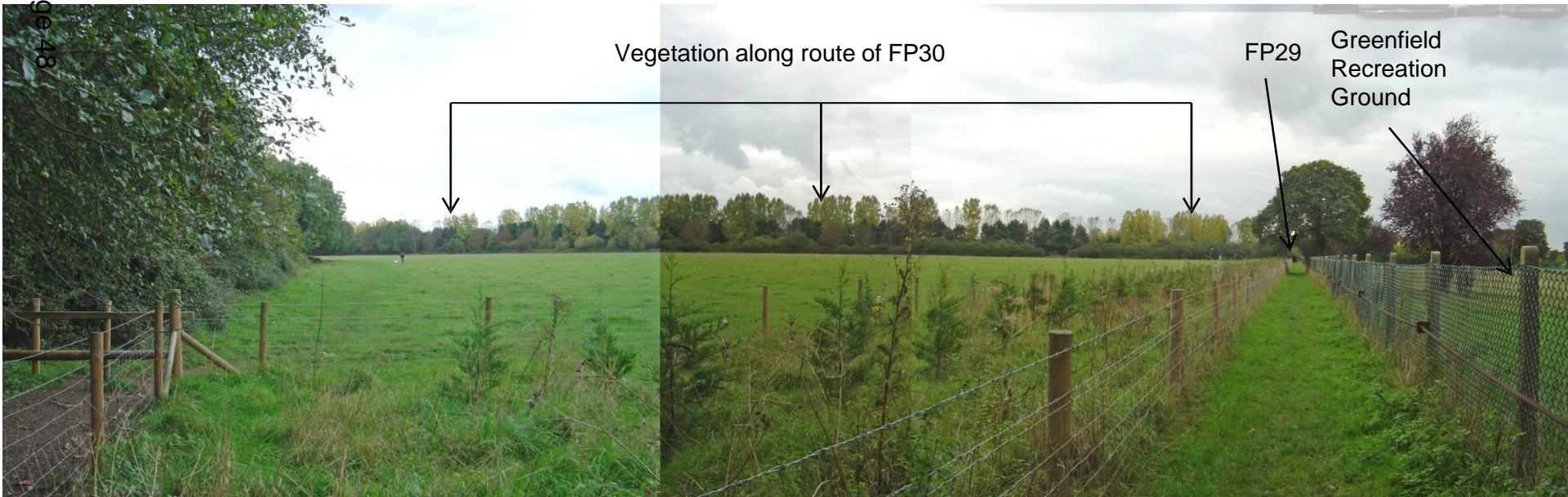
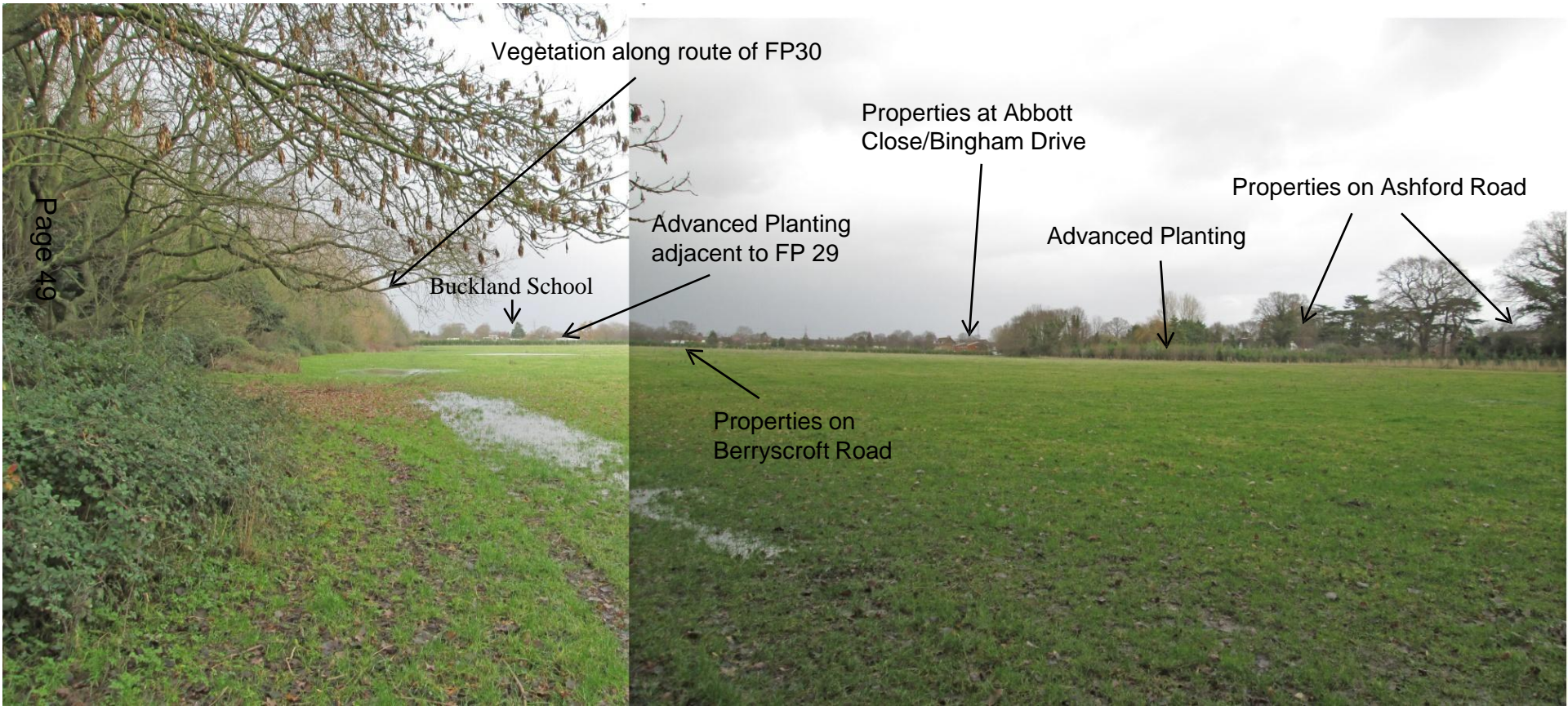




Figure 2 : View looking north across land in proposed Phase 1 (taken from a point just off to the east of FP30)



Page 49

Figure 3 : Land west of the B377 Ashford Road (location of proposed new access and conveyor tunnel)

Page 50





Figure 4 : Land at Queen Mary Quarry with the B377 Ashford Road in the foreground (proposed conveyor route)





Figure 5 : Existing agricultural access off  
Worple Road (proposed access point)





Figure 6 : View taken from within field to the rear of properties on Pavilion Gardens looking south across field west of FP30 (proposed access route off Worple Road, site compound and land within northern part of proposed Phase 2 extraction area)

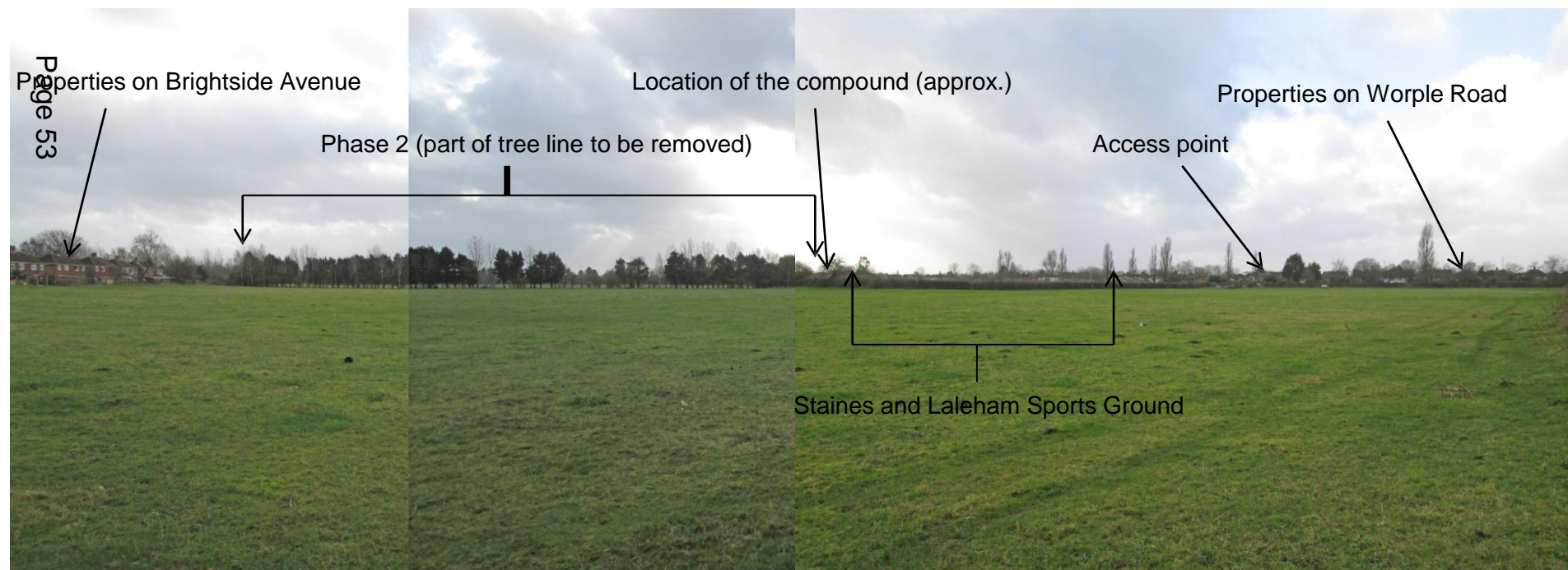


Figure 7 : View taken from point adjacent to FP30 looking over land at Manor Farm west of FP 30 (proposed extraction Phases 2, 3 and 4)

Page 54

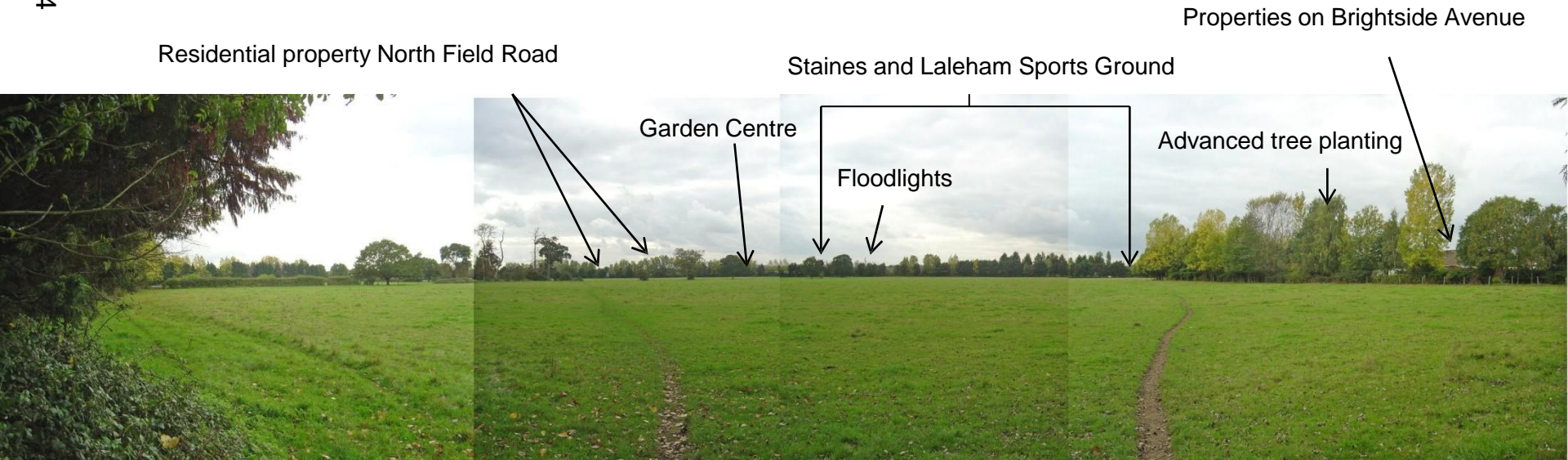




Figure 8 : View across land at Manor Farm west of FP30 taken from a point on western boundary with Staines and Laleham Sports Ground (proposed extraction Phases 2, 3 and 4)

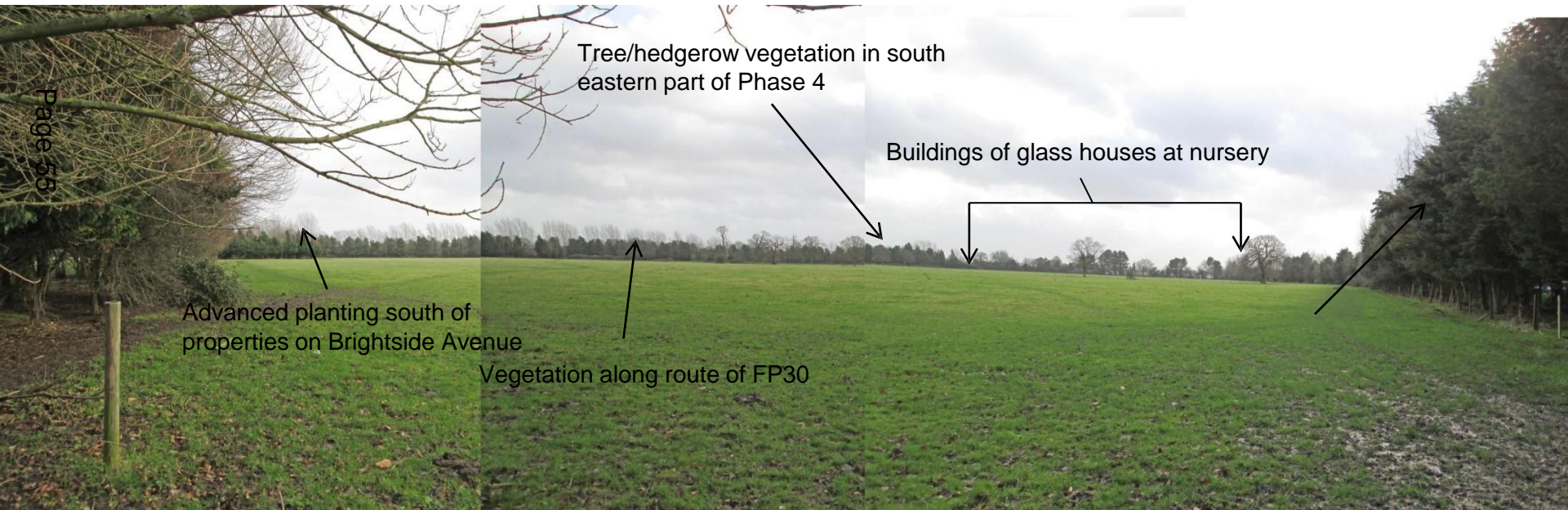


Figure 9 : View of lake at Queen Mary Quarry  
(route for proposed conveyor causeway).





Figure 10 : View over existing Queen Mary Quarry processing plant site taken from reservoir embankment (location for proposed concrete batching plant and mixer truck parking area).



Figure 11 : View over southern part of existing Queen Mary Quarry processing plant site taken from reservoir embankment (location for proposed aggregate bagging plant).



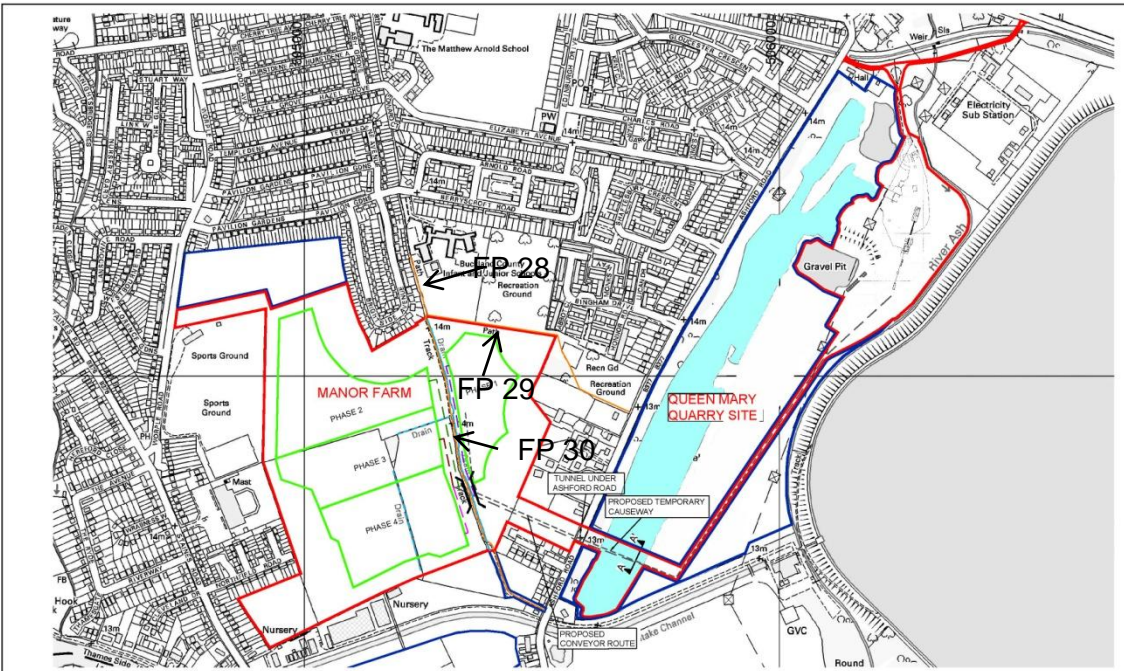






# Figure 13 : Extraction Phases and Site Compound

Page 60



DO NOT SCALE FROM THIS DRAWING

- KEY**
- APPLICATION SITE
  - OTHER LAND UNDER APPLICANT'S CONTROL
  - PUBLIC FOOTPATH
  - DRAIN
  - PROPOSED CONVEYOR ROUTE
  - PHASE 1 CONVEYOR ROUTE
  - PHASE 2 CONVEYOR ROUTE
  - PHASE 3 CONVEYOR ROUTE
  - PHASE 4 CONVEYOR ROUTE
  - CONVEYOR TUNNEL BENEATH FP30
  - PHASE BOUNDARY

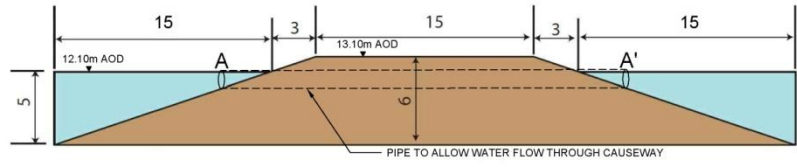
REVISION	DETAILS	DATE	ISSUED	CHG	APP'D
B	Conveyor Routes Added.	03/06/12	JL	SL	RL
A	Issued as Approved	15/03/12	CR	CS	JK

CLIENT  
**Brett Aggregates Limited**

PROJECT  
**Proposed Mineral Extraction from Manor Farm, Laleham**

DRAWING TITLE  
**Conveyor Route Details**

DRG No.	EIA9.8	SCALE	NTS	DATE	MARCH 2012
DRAWN BY	JD	CHECKED BY	CS	APPROVED BY	RK
<input checked="" type="checkbox"/> STOKESON TRENT (HEAD OFFICE)	TEL 0845 111 7777	<input type="checkbox"/> CARDIFF	TEL 029 2072 8191	<input type="checkbox"/> LEIGH	TEL 01942 280151
<input type="checkbox"/> MANCHESTER (UPON TIME)	TEL 0161 252 0843	<input type="checkbox"/> SHEFFIELD	TEL 0114 245 0344	<input type="checkbox"/> EDINBURGH	TEL 0131 663 3311
<input type="checkbox"/> WEST BROMWICH	TEL 0121 960 0909	<input type="checkbox"/> LIVERPOOL	TEL 0151 484 5431		
<input type="checkbox"/> LONDON	TEL 020 7281 2872				



CAUSEWAY CROSS SECTION



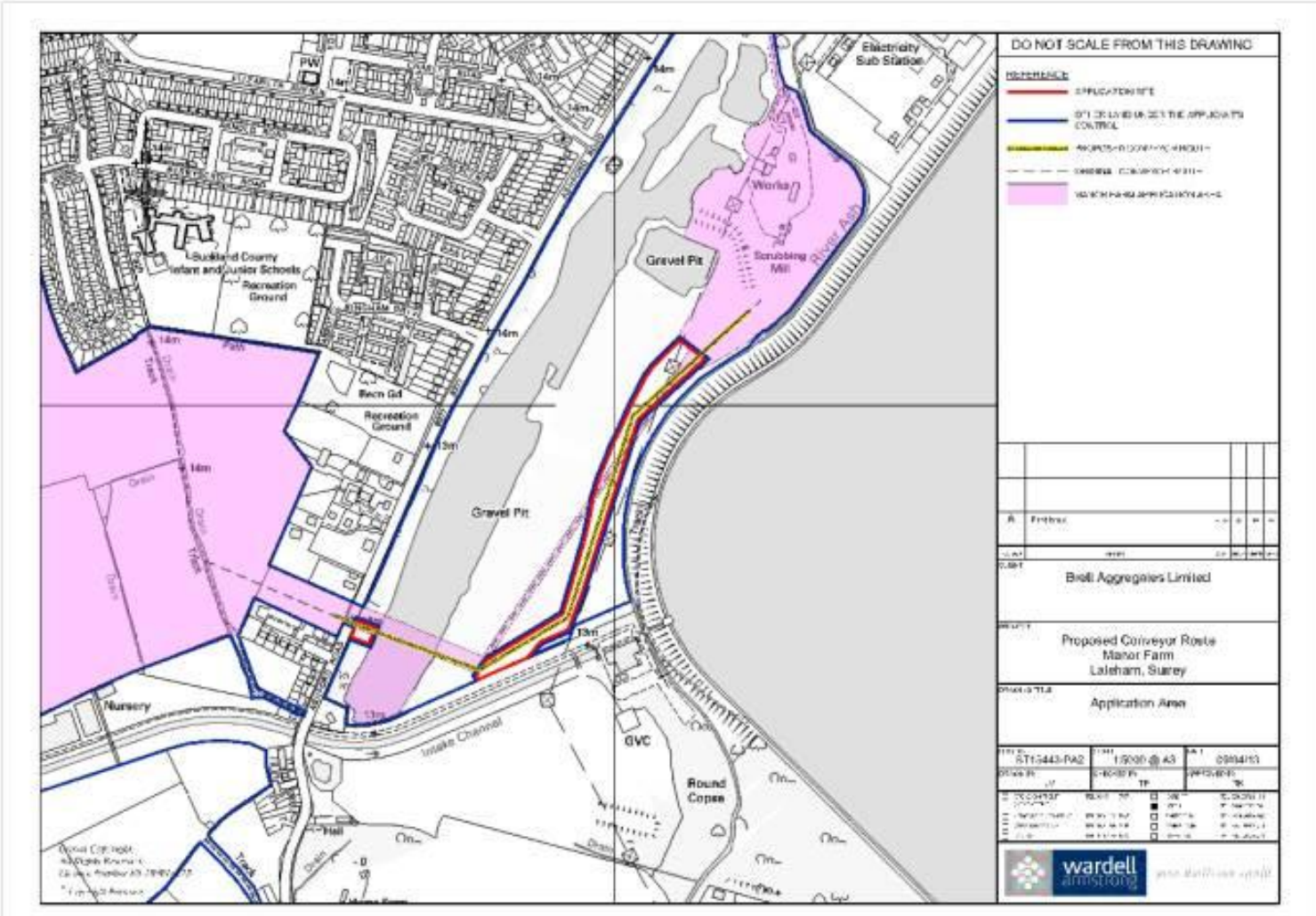






# Figure 15 : Planning application site showing proposed revised conveyor route within Queen Mary Quarry

Page 62



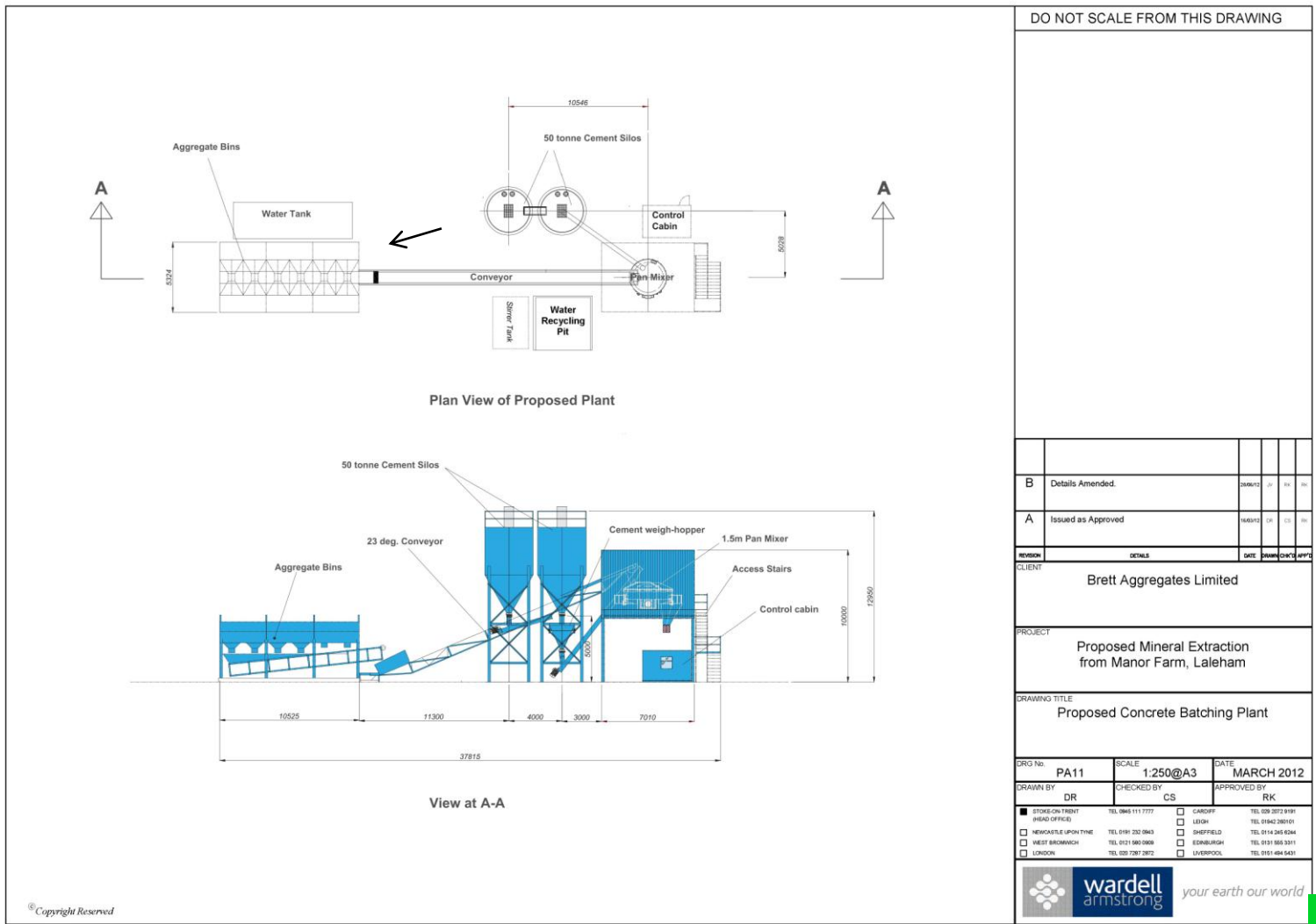








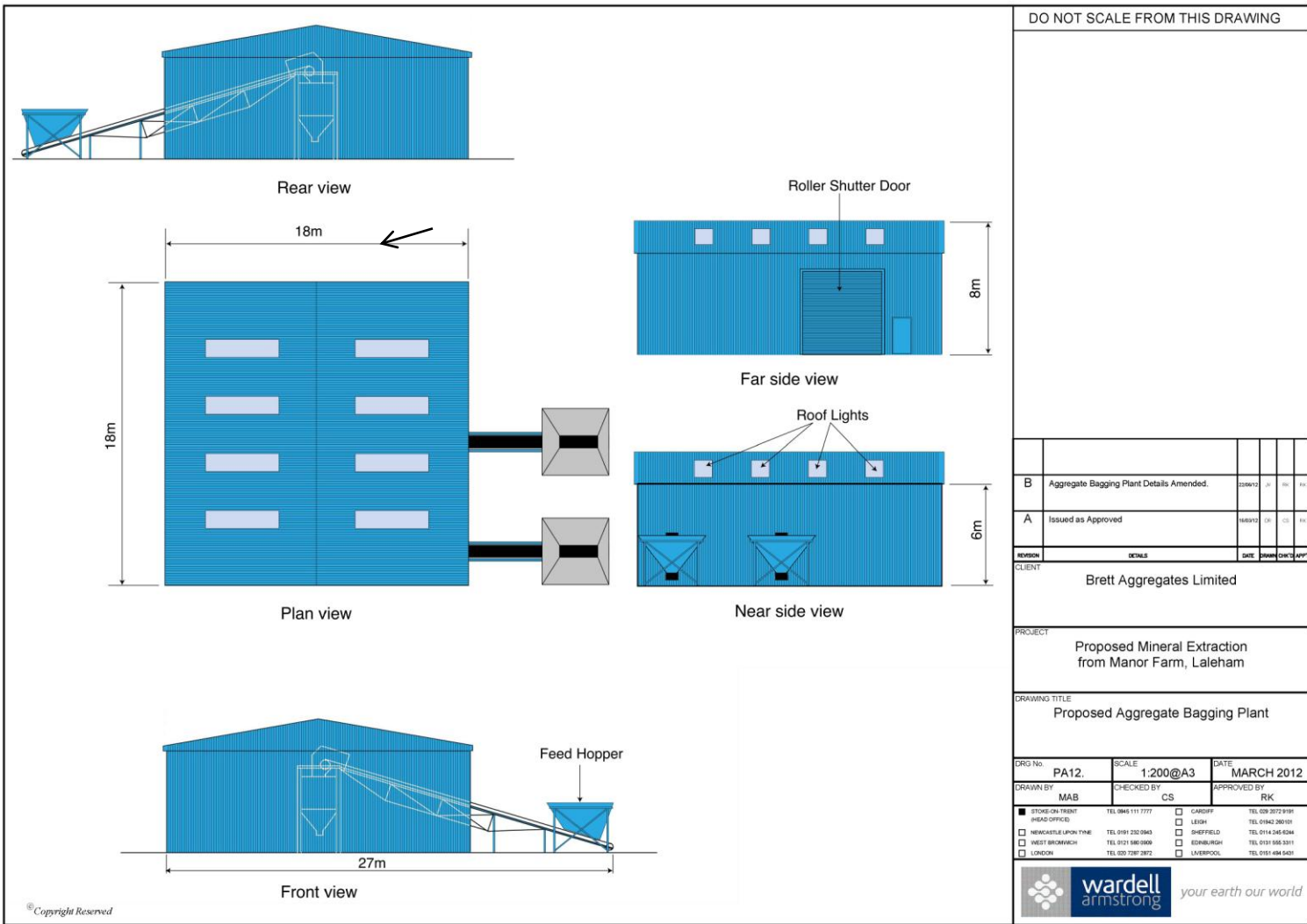
# Figure 18 : Proposed Concrete Batching Plant



Page 65

# Figure 19 : Proposed Aggregate Bagging Plant

Page 66



**TO:** PLANNING & REGULATORY COMMITTEE  
**BY:** PLANNING DEVELOPMENT CONTROL TEAM  
 MANAGER

**DATE:** 7 January 2015

**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL

**ELECTORAL DIVISION(S):**  
 Laleham & Shepperton  
 Mr Walsh  
 Staines South & Ashford West  
 Daniel John Christopher Jenkins

**PURPOSE:** FOR DECISION

**GRID REF:** 505420 169924

---

**TITLE:** MINERALS AND WASTE APPLICATION SP/2012/01132

---

## SUMMARY REPORT

**Land at Manor Farm, Ashford Road and Worple Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey.**

**Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after-use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.**

The Manor Farm/Queen Mary Quarry (QMQ) application site, some 43.9 hectares (ha) in total, is situated between Staines upon Thames to the north and Laleham to the south. The site is in two parts: land at Manor Farm (some 33.4 ha) in agricultural use situated to the east of Staines Road (B376) and Worple Road and west of Ashford Road (B377), Laleham and land at Queen Mary Quarry (QMQ) (including part of the lake and existing processing plant site), to the east of Ashford Road and west of Queen Mary Reservoir.

To the north of Manor Farm lies residential housing, Buckland Primary School and Greenfield Recreation Ground. To the east lies a further part of Greenfield Recreation Ground (with enclosed children play area), residential housing and the QMQ and Queen Mary Reservoir. To the south lies the Queen Mary Reservoir water intake channel and Greenscene Nursery with open farmland and Laleham Village beyond. To the west lies residential housing, a garden centre, and the Staines and Laleham Sports Association Ltd (SALSAL) sports facility, and further to the west and south west the River Thames.

The QMQ part of the application site comprises the southern part of the lake (formed by previous sand and gravel working), land to the east of the lake and west of the reservoir and the quarry processing plant site and accesses off the Ashford Road (B377) and the A308 (Kingston Road/Staines Road). The closest residential properties to the QMQ part of the application site are to the west on Ashford Road.



Public Right of Way Footpath No30 (FP30) crosses the application site at Manor Farm running between the Ashford Road in the south east to FP28 and FP29 in the north. FP28 links up to Berryscroft Road to the north and FP29 which runs east to west along the northern boundary of the eastern part of the application site to link up with the Ashford Road. There are no public rights of way crossing the QMQ part of the application site.

The application site is situated in the Metropolitan Green Belt (Green Belt), the Spelthorne Borough Council Air Quality Management Area and the Heathrow Airport bird strike safeguarding zone. The application site is within a major aquifer and mostly within a groundwater source protection zone 3 for public water supply (Chertsey). The majority of the Manor Farm part of the site and the lakes at QMQ and parts of the land adjacent to the River Ash are within a Floodzone 3. The majority of the processing plant site at QMQ, and land between the River Ash and the lake, and the northern parts of the Manor Farm site are within a Floodzone 2.

The application site lies within 2 kilometres (km) of the Thorpe Park Number 1 Gravel Pit Site of Special Scientific Interest (SSSI) and Staines Moor SSSI, both of which also form part of the South West London Waterbodies Special Protection Area (SPA) and Ramsar Site, and within 2 kilometres of the Thorpe Hay Meadows and Dumsey Meadow SSSIs. The majority of the land at QMQ is designated as the West of Queen Mary Reservoir Site of Nature Conservation Importance (SNCI) and there are a number of other SNCIs within 1 km of the application site.

The Manor Farm site would be worked wet and progressively restored in four phases: phase 1 to the east of FP30 and phases 2 to 4 to the west of FP30, which remain open. No mineral extraction would take place within 100 metres of a residential building. Soils and overburden would be used to construct noise/visual screen mounds up to 3 metres high between the workings and adjacent development.

All mineral excavated at Manor Farm would be transported by conveyor belt to the QMQ processing plant, passing in tunnels under FP30 and the Ashford Road. The conveyor would cross the southern part of the lake at QMQ on a causeway and then run northwards to the processing plant. There would be two accesses for transport of plant and equipment and to the site compound, one off Worple Road and off the Ashford Road (between numbers 151 and 133).

Related to this application, application ref SP13/01003 proposes a partial realignment of the route and siting of the conveyor belt within the QMQ site. The two developments are interdependent and, if permitted, would be implemented as one. An environmental assessment has been undertaken and an overarching ES submitted with the applications.

Sand and gravel extracted at Manor Farm would be processed in the existing QMQ mineral processing plant. The application proposes installing a concrete batching plant and an aggregate bagging plant at the QMQ processing plant site to be used in connection with mineral extraction at Manor Farm. It would then remain in use in association with current importation and processing of as raised sand and gravel, and recycling operations up to the end of 2033.

The application site at Manor Farm is identified as preferred area J in Surrey Minerals Plan 2011 Primary Aggregates Development Plan Document (DPD) for future extraction of sharp sand and gravel, where it is considered that mineral working is possible without posing significant adverse impacts on the environment and local community, and key development requirements identified to be addressed as part of any application proposal.

The implications of the proposed development have been assessed in terms of impacts on the local environment and amenity. Issues assessed include highways, traffic and access; flood risk, water quality, groundwater and land drainage; landscape and visual impact; noise; air quality and dust; rights of way; biodiversity and ecology (species and designated areas); historic environment and archaeology, restoration and after-use, airport safeguarding/safety /infrastructure; and lighting.

Spelthorne Borough Council has objected on grounds of noise and dust. Local residents and Buckland School object on grounds of need and the issues set out above which, where material, have been taken into consideration. No objections have been received from technical consultees, though some raise matters they recommend or consider should be addressed through the imposition of planning conditions.

Minerals can only be worked where they are found. Aggregate minerals are essential to support sustainable economic growth and quality of life which includes maintaining and repairing existing development and infrastructure such as houses, schools and roads. Assessment of the current landbank position has demonstrated a strong and urgent case of need for additional reserves of primary land won sand and gravel to be permitted in Surrey in order to maintain a steady and adequate supply.

The National Planning Policy Framework (NPPF) indicates that development involving mineral extraction (and initial/primary processing) in the Green Belt is not inappropriate provided openness is maintained and the development does not conflict with the purposes of including land in Green Belt. Proposals should provide for restoration and aftercare to be carried out to high environmental standards at the earliest opportunity. Other mineral development such as concrete batching plant and aggregate bagging plant constitute inappropriate development in the Green Belt and require very special circumstances to be demonstrated, which outweigh the harm by reason of inappropriateness and any other harm, before planning permission can be granted.

The proposed development at Manor Farm, and use of the processing plant and site infrastructure at QMQ, are temporary uses of the land, and would therefore preserve the openness of the Green Belt in the long term. Any harm to the visual amenities of the Green Belt from the mineral extraction at Manor Farm would be limited in extent and duration. The proposed restoration is to a nature conservation use, a use appropriate to the designation and objectives for the use land in the Green Belt. The proposed extraction and primary processing of minerals is not inappropriate development in the Green Belt and complies with national policy in the NPPF and relevant development plan policies.

The concrete batching plant and aggregate bagging plant amount to inappropriate development in the Green Belt, and for the duration the plant are on site and operational, would result in a moderate impact on openness. There would be no permanent harm to openness and adequate provision exists through the approved restoration scheme for the QMQ site for restoration of the land to an appropriate afteruse. No other harm has been identified. Officers consider very special circumstances exist to justify the grant of temporary planning permission for siting and use of the plant at QMQ for the duration of mineral extraction at Manor Farm and thereafter in connection with the existing planning permissions for importation and processing of as raised sand and gravel and recycling of construction and demolition waste at QMQ.

Having had regard to the environmental information contained in the Environmental Statement, national and development plan policy, consultee views and concerns raised by local residents objecting to the proposal, Officers consider, subject to imposition of conditions, and a section 106 legal agreement to secure the long term management of the restored site and limit HGV vehicles numbers in combination with the ongoing operations at QMQ for importation and processing of as raised mineral and recycling, for which draft heads of terms are set out in the Annex, together with controls through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and the development is consistent with the NPPF and the development plan.

In summary the proposal to extract minerals is in accordance with a DPD allocation and otherwise satisfies a clear need with regard to a national policy requirement to maintain a landbank and so maintain a steady and adequate supply of aggregates. The Manor Farm site can be worked and restored in a manner which does not conflict with Green Belt policy or lead to any other harm. The concrete batching plant and aggregate bagging plant may be permitted as an exception to policy given the very special circumstances which exist and the lack of any other harm to residential amenity and the purposes of the Green Belt in the long term.

**The recommendation is that, subject to the prior completion of a section 106 legal agreement to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273 (SP13/01238) and SP07/1275 (SP13/01239) to no more than 300 HGV movements (150 two way HGV movements) on any working day for which draft Heads of Terms are set out in the Annex, to PERMIT subject to conditions and informatives.**

---

## APPLICATION DETAILS

### ***Applicant***

Brett Aggregates Ltd

### ***Date application valid***

31 July 2012

### ***Period for Determination***

20 November 2012

### ***Amending Documents***

Letter from Wardell Armstrong dated 13/11/2012 (not 2013 as on letter), W A Hines & Partners Report dated 2.11.12, Appendix 7.1 Restoration and maintenance plan, Drawing EIA 7.1 Dated March 2012 Phase 1 Habitat Map, Drawing PA19 Dated 31/10/12 Topsoils Classification and Distribution, Photoview 08 Appendix 6.2, letter from Wardell Armstrong dated 3 May 2013 (ref ST12377/RJK/011) (five page letter with enclosures), Drawing PA10 Rev B Conveyor Tunnel General Arrangement dated 12/02/13, Drawing PA16 Rev C Proposed Worples Road Access dated 12/02/13, Drawing PA17 Rev C Temporary Proposed Ashford Road Access dated 12/02/13, Auger Borings of Manor Farm, Laleham, Bioscan Report No E1660/SEI/V1 April 2013 (Proposed Conveyor Linking Manor Farm To The Existing Processing Plant At Queen Mary Quarry dated April 2013 Assessment of the ecological impact on the West of Queen Mary Reservoir SNCI), letter from Wardell Armstrong dated 3 May 2013 (ref ST12377/RJK/011) (3 page re landbank), letter from Wardell Armstrong dated 11/06/13 (ref ST12377/LET013), Addendum to the Environmental Statement dated June 2013, letter dated 1 November 2013 from Richard Kevan, Wardell Armstrong, Annotated copy of Drawing No EIA9.8 Conveyor Route Details (with pipe details and spacings) dated 04/11/13, Sketch drawing ref SK12377/SK1 Floodplain compensation and Causeway Drainage Proposal dated 04/11/13, email dated 22 November 2013 from Richard Kevan, Wardell Armstrong, Overhead Power Cables above Proposed Conveyor drawing ref QMQ 016 (PDF document), letter dated 3 December 2013 from John Gibson, Wardell Armstrong (note the two drawings referred to are the same those received with the 22 November 2013 email), letter dated 16 January 2014 from John Gibson, Wardell Armstrong, Drawing No EIA9.3 Rev E Phase 1 Summary of proposed level for level flood compensation, letter dated 6 February 2014 from John Gibson, Wardell Armstrong, Drawing No EIA9.4 Rev B Phase 2 Summary of proposed level for level flood compensation, letter dated 20 February 2014 from John Gibson, Wardell Armstrong, letter dated 8 April 2014 from John Gibson, Wardell Armstrong, Drawing No PA6 Rev F Phase 1 with cross sections, letter dated 24 April 2014 from John Gibson, Wardell Armstrong,

Drawing No PA7 Rev D Phase 2 with cross sections, Drawing No PA8 Rev C Phase 3 with cross sections, Drawing No PA9 Rev C Phase 4 with cross sections, Drawing No EIA9.4 Rev C Phase 2 Summary of proposed level for level flood compensation, Drawing No EIA9.5 Rev B Phase 3 Summary of proposed level for level flood compensation, Drawing No EIA9.6 Rev B Phase 4 Summary of proposed level for level flood compensation, email from Nicola Dibble Wardell Armstrong dated 30 April 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.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Procedural matters	N/A	89 -93
Minerals issues (need and location)	Yes	94 -138
Highways, traffic and access	Yes	139 -167
Flood risk, drainage, hydrology and hydrogeology	Yes	168 – 176, 177 – 226
Landscape and visual impact	Yes	168 – 176, 227 – 263
Noise	Yes	168 – 176, 264 – 293
Air quality and dust	Yes	168 – 176, 294 – 311
Rights of Way, leisure and recreation	Yes	168 – 176, 312 - 335
Biodiversity and ecology (species and designated areas)	Yes	168 – 176, 336 – 352
Historic environment and archaeology	Yes	168 – 176, 353 - 368
Restoration and after-use	Yes	168 – 176, 369 – 401
Airport safeguarding/safety/infrastructure	Yes	168 – 176, 402 – 407
Lighting	Yes	168 – 176, 408 - 409
Cumulative impact	Yes	168 – 176, 410 – 415
Other matters	N/A	416 – 417
Green Belt	Yes	418 - 463

---

## ILLUSTRATIVE MATERIAL

### Site Plan

Plan1	Application area
Plan 2	Location plan (applicant drawing no. PA1 Rev A March 2012)
Plan 3	Extraction phases and site compound (annotated applicant drawing no. EIA9.8 Rev B March 2012)
Plan 4	Queen Mary Quarry Proposed Site Layout (applicant drawing no. PA18 Rev B March 2012)
Plan 5	SP13/01003 planning application site showing proposed revised conveyor route within Queen Mary Quarry (applicant drawing no. ST13443-PA2)
Plan 6	Manor Farm restoration detail plan (applicant drawing no. PA13 Rev B March 2012)
Plan 7	Approved restoration plan for Queen Mary Quarry (applicant drawing no. PA15 Rev A March 2012)

(Full size versions of plans 2 to 7 will be on display at the meeting.)

## Aerial Photographs

Aerial 1  
Aerial 2  
Aerial 3

## Site Photographs

- Figure 1 View across land in proposed Phase 1 extraction area (taken from a point on Footpath 29 (FP29) at the boundary with the Greenfield Recreation Ground).
- Figure 2 View looking north across land in proposed Phase 1 (taken from a point just off to the east of FP30).
- Figure 3 Land west of the B377 Ashford Road (location of proposed new access and conveyor tunnel).
- Figure 4 Land at Queen Mary Quarry with the B377 Ashford Road in the foreground (proposed conveyor route).
- Figure 5 Existing agricultural access off Worple Road (proposed access point).
- Figure 6 View taken from within field to the rear of properties on Pavilion Gardens looking south across field west of FP30 (proposed access route off Worple Road, site compound and land within northern part of proposed Phase 2 extraction area).
- Figure 7 View taken from point adjacent to FP30 looking over land at Manor Farm west of FP 30 (proposed extraction Phases 2, 3 and 4).
- Figure 8 View across land at Manor Farm west of FP30 taken from a point on western boundary with Staines and Laleham Sports Ground (proposed extraction Phases 2, 3 and 4).
- Figure 9 View of lake at Queen Mary Quarry (route for proposed conveyor causeway).
- Figure 10 View over existing Queen Mary Quarry processing plant site taken from reservoir embankment (location for proposed concrete batching plant and mixer truck parking area).
- Figure 11 View over southern part of existing Queen Mary Quarry processing plant site taken from reservoir embankment (location for proposed aggregate bagging plant).

## BACKGROUND

### *Site description and planning history*

- 1 The Manor Farm/Queen Mary Quarry (QMQ) application site, some 43.9 hectares (ha) in total, is in two parts, see Aerials and Plans 1 and 2. It includes land at Manor Farm (some 33.4 ha), situated to the east of Staines Road (B376) and Worple Road and west of Ashford Road (B377), Laleham; and at Queen Mary Quarry (QMQ) (including part of the lake and existing processing plant site) to the east of Ashford Road and west of Queen Mary Reservoir, Laleham, Staines upon Thames.
- 2 The Manor Farm part is situated between Staines upon Thames to the north and Laleham to the south. To the north lies residential housing, Buckland Primary School and Greenfield Recreation Ground. To the east lies a further part of Greenfield Recreation Ground (with enclosed children play area), residential housing on the Ashford Road, the QMQ and Queen Mary Reservoir. To the south lies the Queen Mary Reservoir water intake channel and Greenscene Nursery and further south lies open farmland and Laleham Village. To the west lies residential housing, a garden centre, and the Staines and Laleham Sports Association Ltd (SALSAL) sports facility, and further to the west and south west the River Thames and Penton Hook Lock/Marina.



- 3 To the east of the Ashford Road is QMQ which comprises the land west of Queen Mary Reservoir gravel pits and silt lagoons and the current processing plant site and mineral stockpiling area associated with the extraction of minerals from Queen Mary Reservoir. The Manor Farm/QMQ application site includes land in the southern part of the QMQ site and the processing plant site and accesses off the Ashford Road (B377) and the A308 dual carriageway (Kingston Road/Staines Road), see Plans 1 and 2.
- 4 The River Ash runs between the QMQ and the reservoir. To the north runs the Staines Reservoirs Aqueduct over which the quarry haul road leading to the A308 passes over, and beyond that the A308 and residential housing and the Ashford Manor golf course. To the north east is an electricity substation and electricity pylons traverse the site. Fordbridge Park lies to the northwest. To the south runs the Queen Mary Reservoir water intake channel and farmland, with the Shepperton Aggregates Home Farm Quarry beyond. To the west is the Ashford Road and residential housing with the Manor Farm part of the application site beyond.
- 5 The closest residential properties to the Manor Farm part of the site are at Pavilion Gardens, Brightside Avenue and Berryscroft Road to the north; at Bingham Drive, Abbott Close and Honnor Road to the north east; at the Ashford Road, Greenway Drive and New Farm Close to the east; and at Staines Road, Worple Road, Northfield Road, Willowmead, Northfield Court, Laleham Close and Hernes Close to the west. The closest residential properties to the QMQ part of the application site are on the western side of the Ashford Road.
- 6 Public Right of Way Footpath 30 (FP30) crosses the mineral application site at Manor Farm from the Ashford Road in the south east to FP28 in the north. FP28 connects up to Berryscroft Road to the north. FP28 and FP30 link up with FP29, which then runs along the northern boundary of the site (and proposed phase 1) crossing the Greenfield Recreation Ground to the Ashford Road. There are no public rights of way crossing the QMQ part of the application site.
- 7 The application site is situated in the Metropolitan Green Belt, the Spelthorne Borough Council Air Quality Management Area and the Heathrow Airport bird strike safeguarding zone. The application site is within a major aquifer and mostly within a groundwater source protection zone 3 (SPZ3) for public water supply (Chertsey). The majority of the Manor Farm part of the site and the lakes at QMQ and parts of the land adjacent to the River Ash are within a Flood Zone 3 (which for fluvial (river) flooding are areas which may be affected by a 1:100 year fluvial flood (high probability of flooding)). The majority of the processing plant site at QMQ, and land between the River Ash and the lake, and the northern parts of the Manor Farm part of the site are within a Flood Zone 2 (areas which may be affected by an extreme 1:1000 year fluvial flood (medium probability of flooding)). Small areas within the southern part of the processing plant site at QMQ and other small areas (the latter falling outside the application site boundary) are within Flood Zone 1 (areas with a low probability of flooding). (Flood Zones refer (ignoring flood defences) to the annual probability of river and sea flooding occurring expressed either as annual probability of a flood event occurring, or a percentage, e.g. 1 in 100 year or 1%.)
- 8 The application site lies within 2 kilometres (km) of: Thorpe Park Number 1 Gravel Pit Site of Special Scientific Interest (SSSI) and Staines Moor SSSI (both of which also form part of the South West London Waterbodies Special Protection Area (SPA) and Ramsar Site), and Thorpe Hay Meadows and Dumsey Meadow SSSIs. The majority of the land at QMQ is designated as the West of Queen Mary Reservoir Site of Nature Conservation Importance (SNCI). There are a number of other SNCIs within 1 km of the site: the Queen Mary Reservoir SNCI, River Thames SNCI (Spelthorne and Runnymede), Penton Hook SNCI, and Laleham Burway Golf Course SNCI, and within 2km of the site Abbey Lake SNCI, Littleton Lake SNCI, Shepperton Quarry SNCI and Chertsey Waterworks SNCI.

- 7
- 7
- 9 The application site lies in an area with a long history of mineral working. In 1978 the Secretary of State refused a previous planning application for extraction of sand and gravel from land at Manor Farm. That application included erection of processing plant at Manor Farm, importation of waste materials to backfill the excavation and restoration back to original ground levels. An application (ref SP10/0738) submitted in 2009 by Shepperton Aggregates proposing extraction of mineral from the Manor Farm site, and transporting the mineral by conveyor to Shepperton Quarry for processing, was withdrawn in mid 2011.
  - 10 Land at Manor Farm is identified as a Preferred Area (Preferred Area J) in the Primary Aggregates Development Plan Document (DPD) for future extraction of concreting aggregate for the period 2009-2026, which together with the Core Strategy DPD comprises the Surrey Minerals Plan 2011, adopted in July 2011. Key development requirements are set out for each preferred area, which need to be addressed as part of any future proposals for mineral extraction. For Manor Farm these include: access; local amenity; biodiversity; heritage; hydrology; air quality; aerodrome safeguarding and restoration.
  - 11 The existing QMQ operational mineral site (formerly known as the land west of Queen Mary Reservoir quarry and operated by Reservoir Aggregates) lies to the east of Manor Farm and the Ashford Road. This QMQ site comprises former areas of land worked for sand and gravel, silt lagoons and the mineral processing plant site and stockpiling area associated with the extraction of minerals from Queen Mary Reservoir. Mineral extraction from the land to the west of the reservoir and from within the reservoir itself and processing of that mineral in the processing plant on site commenced in the late 1960s and has continued since under a number of planning permissions including for various buildings associated with mineral extraction and processing.
  - 12 Mineral and waste activity currently taking place at the QMQ site is extraction of sand and gravel from within the reservoir involving removal of part of the breakwater baffle (permission ref SP07/1269); a facility for recycling of construction and demolition waste and production of recycled and alternative aggregates (permission ref SP07/1273); and the importation and processing of 'as raised' gravel for processing (permission ref SP07/1275). These permissions were all granted in January 2009.
  - 13 The land at QMQ is to be restored to an after-use of nature conservation with no public access under revised working, restoration and landscaping schemes approved under reference SP07/1276 in January 2009. These provide for the phased restoration of the site and restoration to be completed by the end of December 2038. A section 106 (S106) legal agreement was entered into in connection with this decision and the SP07/1269, SP07/1273 and SP07/1275 planning permissions. The S106 legal agreement secured the long-term aftercare management of the land at QMQ following restoration and landscaping.
  - 14 Applications for approval of details (as required by Condition 6 of SP07/1275 and Condition 7 of SP07/1269 which had withdrawn permitted development rights for erection of plant and machinery) of the siting, detailed design, specifications and appearance of a concrete batching plant and an aggregate bagging plant at the QMQ site were made in 2011, but subsequently withdrawn.
  - 15 Following completion of extraction in the reservoir and mineral processing (permitted under SP07/1269), the processing plant was to be removed. The processing of as raised mineral and the recycling to be undertaken on the former processing plant area are to use mobile plant instead. Under these permissions mineral processing and waste recycling activity is permitted to continue to the end of 2033, and the whole QMQ site restored by the end of 2038.



- 16 As mineral extraction from the baffle and processing permitted under SP07/1269 was not going to be completed by 31 December 2013, as envisaged at the time the permissions were granted, Brett Aggregates made a planning application in 2013 to extend the time period for completion of extraction of mineral from the baffle and retention and use of the access, haul route and processing plant to 31 December 2016 (ref SP13/01236). If permitted this would need modifications to the current recycling facility, and import and processing of 'as raised' mineral developments permitted under SP07/1273 and SP07/1275 (relating to location and use of processing plant) for which planning applications were also made (SP13/01238 and SP13/01239). These applications were reported to the 11 June 2014 Planning and Regulatory Committee which resolved to grant planning permission subject to the prior completion of a variation to the S106 agreement so it applied to the new permissions and secured the long-term aftercare management of the land at QMQ following restoration and landscaping. The decision notices will be issued once the S106 legal agreement has been completed, expected in mid December 2014.

---

## THE PROPOSAL

- 17 The planning application is for the extraction of around 1.5million tonnes (mt) of sand and gravel (concreting aggregate) from the Manor Farm part of the application site and restoration to landscaped lakes for nature conservation after-use and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant site, and processing of the sand and gravel in the existing processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; and construction of a tunnel beneath the Ashford Road (B377) to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.
- 18 Based on an average annual extraction rate of 330,000 tonnes per annum (pa), (maximum 390,000 tonnes per annum), the application anticipates mineral extraction would take some five years to complete, with a further 12 months to complete restoration. The estimated duration of extraction in each phase is shown below:

Phase	Estimated duration in months
1	10
2	19
3	15
4	17
<b>Total</b>	60 (five years)

Subject to planning permission being granted, the application states extraction would commence following completion of extraction from beneath the breakwater baffle in Queen Mary Reservoir. Given the current position at the QMQ site this is expected to be no earlier than 2017. (Under permission (ref SP07/1269) extraction was due to be completed by 31 December 2013. Application SP13/01236 seeks to extend this to 31 December 2016, see paragraph 16 above). The rate of extraction would be dependent on market conditions, and could be quicker or slower than the anticipated average annual extraction rate and five year extraction period stated in the application.

## Working scheme

- 19 The Manor Farm site would be worked and progressively restored in four phases, see Plan 3. Phase 1 to the east of FP 30 would be worked in two sub phases, phases 1A and 1B, starting in the centre. Extraction would commence in the southern part of Phase 1A and work northwards to towards FP29 and the Buckland School and Greenfield Recreation Ground. Phase 1B would work southwards from the centre. Phases 2 to 4 (also to be worked as sub phases A and B) lie to the west of Footpath No 30 and would be worked from north to south. No mineral extraction would be undertaken within 100 metres of a residential building, though in some parts of the site construction of noise/visual screening bunds would be within 100 metres of residential buildings as the bunding would be erected between the excavation and properties.
- 20 FP30 would remain open during the life of the proposed mineral working and restoration. Crossing points for plant and machinery would be provided. Noise/visual screening bunds would be erected to the west of FP30. A temporary culvert (tunnel) would be constructed under the footpath through which the conveyor belt would run to transport mineral extracted from Phases 2, 3 and 4 to the QMQ processing plant. The conveyor belt and tunnel would be removed as part of the restoration work.
- 21 Soils and overburden from the each extraction phase would be stripped prior to the extraction commencing in the phase and used to construct noise/visual screen mounds up to 3 metres high along the site boundaries between the workings and adjacent development or used in the restoration of an earlier phase of working. Following completion of extraction on each phase the phase would be progressively restored.
- 22 The site would be worked wet with mineral extracted using a hydraulic excavator and placed alongside the excavation to allow water to drain back into the extraction area. Material would then be loaded by wheeled loading shovel into a field hopper for controlled release onto the conveyor belt for transport to the QMQ processing plant. The conveyor would run from the Manor Farm part of the site on the land between numbers 151 and 133 Ashford Road and then in a tunnel constructed under the Ashford Road. From there it would cross the southern part of the lake at QMQ on a causeway constructed with materials already at the site. The conveyor would then run northwards on the land between the existing lakes and the River Ash/reservoir wall to the processing plant site, as shown on Plans 3, 4 and 5.
- 23 Following issues raised during the consideration of the application and ongoing discussions between Surrey County Council, the Surrey Wildlife Trust, Brett Aggregates Ltd and others associated with the management plan for the restoration and landscaping of the QMQ site a different route within QMQ for the conveyor was identified which would avoid some areas of habitat and features of ecological interest. This has led to the submission of the QMQ conveyor application ref SP13/01003, see application area on Plan 5, and reported elsewhere on this agenda.
- 24 The SP13/01003 conveyor application proposes a partial realignment of the route and siting of the conveyor belt within the QMQ site proposed to transport mineral extracted at Manor Farm to the QMQ processing plant, and an additional area of land adjacent to the Ashford Road for use in connection with the construction of the proposed tunnel under the Ashford Road for siting of the conveyor, see Plan 5. The small area of land adjacent to the Ashford Road has been applied for to ensure that sufficient land would be available for the construction of the proposed conveyor tunnel under the Ashford Road. The different route for the conveyor proposed under the conveyor application would make use of largely unvegetated land within the QMQ site adjacent to the existing access track.

## Access, traffic and site infrastructure at Manor Farm

- 25 There are two existing accesses to the Manor Farm part of the application site, one to the west off Worple Road north of the SALSAL facility, and one to the east off the Ashford Road, between numbers 151 and 133.
- 26 The Worple Road access would be retained and improved for use in connection with the proposed extraction from Manor Farm. The modifications to the access, formation of the access and site compound would take place during operations in Phase 1. Access gates would be installed 15 metres in from the road and a single track stone surfaced access road laid from the entrance to a stone surfaced site compound, some 50 metres (m) long by 30m wide, situated in the north western part of the Manor Farm site. Within the site compound would be parking areas for plant and machinery when not in use, private and light goods vehicle parking and site facilities. The site facilities would include two secure portacabins (demountable buildings) to house staff facilities and storage of site consumables, engineering parts etc. Downward directed, sensor activated, lighting for security purposes would be installed at the site compound.
- 27 The access off Worple Road, and single track access road to the site compound, would be used for cars (staff and visitors) and light goods vehicles (for operating and maintenance staff and deliveries of consumables etc.) The only HGV use of the Worple Road access would be for deliveries of fuel, and twice a year for earthmoving equipment being brought onto and removed off site.
- 28 A new access off the Ashford Road is proposed adjacent to number 151 Ashford Road. (Originally the proposal was to upgrade the existing agricultural access adjacent to number 133 Ashford Road.) The new access off the Ashford Road would involve gates and provision of a stone surfaced area inside the access. This access would be used for installation of the conveyor route, and during phase 1 for the delivery and removal of plant and machinery in connection with extraction in Phase 1 and site operatives. During the working of Phases 2 to 4 the Ashford Road access would only be used periodically for maintenance of the conveyor.
- 29 All mineral excavated at Manor Farm would be transported by conveyor belt to the QMQ processing plant, see paragraphs 22 to 24 above and Plans 3, 4 and 5. Where the conveyor crosses the Ashford Road, a 3.4m wide by 2.77m high tunnel would be constructed for the conveyor and inspection and maintenance personnel to pass beneath the road. To cross FP30 the conveyor would run under the path in a tunnel, some 3m wide by 2m high.

## Mineral processing, access and traffic at Queen Mary Quarry (QMQ)

- 30 Mineral extracted at Manor Farm would be processed in the existing QMQ mineral gravel processing plant. Silt arising from the processing of the mineral would be deposited in the existing silt settlement lagoons/lake to the west of the processing plant.
- 31 The application proposes installing a concrete batching plant and an aggregate bagging plant at the QMQ processing plant site, see Plan 4. These would be in place and operational until the end of December 2033 in line with the permitted duration for the existing recycling operation and importation and processing of as raised mineral (permission refs SP07/1273 and SP07/1275).
- 32 The output from the concrete batching plant would be 20,000 cubic metres (m<sup>3</sup>) per annum (pa) (requiring 40,000 tonnes of aggregate). Some 40,000 tonnes per annum (tpa) of mineral would be bagged into 850kg and smaller bags for sale. The bagging plant would be housed in a building and the bagged aggregate stored in the open in the storage area to the west of the bagging plant building.

- 33 Access would be by the existing QMQ accesses off the A308 Kingston Road (HGVs in and out) and Ashford Road (HGVs in only). In line with the current arrangements HGV traffic would enter using either access, but all HGV traffic leaving the site would be via the A308 access only.
- 34 Under the existing permissions at QMQ (exports of mineral arising from extraction at QMQ, imports and exports associated with the recycling operation, and imports of as raised mineral for processing and exports) HGV traffic is limited to a maximum of 300 movements per working day (150 two way movements). (The same vehicle limits would apply to the new planning permissions when issued, see paragraph 16 above.)
- 35 The anticipated traffic movements arising from the exports of processed mineral from Manor Farm (based on anticipated extraction rate of 300,000 tpa, the output from the concrete batching plant (20,000 m<sup>3</sup>) and sales of bagged aggregate (40,000 tpa) in combination with the ongoing recycling operation and import and processing of as raised mineral for the duration of mineral extraction at Manor Farm would be in the region of 259 movements per day (130 two way movements), which is below the 300 maximum movements for the site. During the operational life of Manor Farm, so that the site daily vehicle number limit is not exceeded, the applicant proposes managing the import of as raised mineral for processing and the quantity of construction and demolition waste imported for processing and exports of product.

#### Hours of operation

- 36 The proposed hours of working for mineral extraction and restoration at the Manor Farm part of the application site are 7.30 am to 6.00 pm Monday to Friday. Apart from emergency access the Manor Farm site would be closed on Saturdays, Sundays and public holidays.
- 37 The QMQ processing plant, and proposed aggregate bagging and concrete batching plant would operate 7.30 am to 5.30 pm Monday to Friday and 7.30 am to 1pm on Saturdays. Except for emergency access the QMQ plant site would be closed on Saturday afternoons, Sundays and public holidays.

#### Restoration and after-use

- 38 The site would be progressively restored with Phase 1 restored during extraction from Phase 2 and Phase 2 restored during extraction from Phase 3. Part of Phase 3 would be restored during extraction from Phase 4. Completion of restoration of Phase 3 and restoration of Phase 4 would be carried out on completion of extraction on Phase 4. Completion of restoration of the site would be 12 month from completion of extraction in Phase 4.
- 39 The proposed restoration for the Manor Farm site is to provide an area for nature conservation use. This would comprise open waterbodies with shallow wetland and marsh areas, associated reed beds and marginal planting with willow scrub, and tree and hedgerow planting within the remainder of the site, see Plan 6.
- 40 Two smaller waterbodies would be created to the east of FP30 footpath on Phase 1 and one larger waterbody with two islands on the area to the west of the footpath. To allow views of the lakes from the rear of properties on Ashford Road advance screen planting to the rear of the properties would be removed as part of the restoration and replaced with thorny scrub. The restoration of the land to the rear of properties in Brightside Avenue would be to open grassland and all conifers and poplars planted as part of advance screen planting removed to allow residents views across the restored site. Post restoration public access across the land at Manor Farm would remain as exists at present along FP30.

- 41 In the interests of reducing the potential risk of birdstrike from wildfowl using the waterbodies the lakes, islands, and water margin areas would be designed and planted with plant species to prevent colonisation and use of the lakes by bird species that are considered a birdstrike risk to aircraft. In the interests of public safety public access to the waterbodies would be restricted, by fencing and strategic planting. Restricting public access would also discourage feeding of birds (which would encourage birds that present a risk to aircraft to use the site).
- 42 The applicant proposes to create a conservation study area, secured by a 2.1m high green palisade fence, including a small pond with marginal species, and planting of a variety of native tree and shrub species, on land south of FP30 adjacent to Buckland Primary School. The creation of the study area would be subject to the agreement of the school Governors and is proposed to facilitate safe, outdoor study and encourage improved biodiversity. In addition to the study area there would be the potential to create controlled supervised access for pupils to other areas of the restored site.
- 43 On the QMQ part of the application site the conveyor link would be removed. The material used to construct the causeway across the southern part of the lake would be placed in the lake as part of the approved restoration proposals for the site, which in this part of the site is creation of reed swamp and reed beds, see Plan 7.

### **Environmental Statement**

- 44 The application is accompanied by an Environmental Statement (ES) that contains an assessment of: landscape and visual impact; ecology and nature conservation (species and designated areas); archaeology and cultural heritage; drainage and Floodrisk assessment; hydrology and hydrogeology; noise; air quality and dust; soils and landuse; and transport and highways. For each topic the ES identifies mitigation measures to avoid, reduce and remedy any adverse environmental effects of the proposed development.

---

## **CONSULTATIONS AND PUBLICITY**

### ***District Council***

- 45 Spelthorne Borough Council: Raises strong objection to the proposal on the grounds that insufficient information has been provided regarding the noise and air quality impact and mitigation and additionally the feasibility of restoration of the site to its current state by backfilling using the conveyor systems needs to be re-examined. (In view of the concerns of local residents about noise and air quality (dust) the borough council have asked for information on both noise and air quality that would normally be required by condition, e.g. dust assessment and action plan, to be submitted prior to determination of the application. It considers provision of the information at this stage would give more confidence to residents that these are issues that can be addressed.)

### ***Consultees (Statutory and Non-Statutory)***

- 46 Environment Agency: No objection subject to five conditions (relating to flood risk) being applied to any planning permission granted. Without the conditions the Environment Agency would object to the proposal as they consider the development would pose an unacceptable risk to the environment.
- 47 Health and Safety Executive: No objection
- 48 Heathrow Airport Safeguarding: No aerodrome safeguarding objection subject to imposition of a planning condition to secure a bird hazard management plan.



- 7
- 7
- 49 Natural England:Ecology - No objection in relation to protected species or designated sites. Does not consider the proposal will impact on the South West London Waterbodies Special Protection Area (SPA) and RAMSAR site or the seven SSSIs which are entirely within or part of the SPA/RAMSAR site.
- Agriculture/Soils – No objection subject to imposition of planning conditions to safeguard soil resources and promote a satisfactory standard of reclamation.
- 50 Surrey Wildlife Trust: For the Manor Farm part of the site it consider the survey work and mitigation proposals appear to address the areas of significant interest on this part of the site. Provided the mitigation proposals are fully implemented the development should not result in significant adverse effect on important habitat and legally protected species on this part of the site. SWT is generally supportive of the restoration proposals which (if implemented in full) could deliver a higher level of biodiversity value for the site post development.
- For the QMQ part of the site SWT consider information has been provided to enable the planning authority to assess the ecological impact on the West of Queen Mary Reservoir SNCI, and the potential status and impact of the proposed development on protected and important species on the site. It is concerned that the construction of a mineral conveyor belt system could still have a significant adverse effect on the West of Queen Mary Reservoir SNCI.
- 51 Highway Authority (Transportation Development Planning Group): No objection subject to conditions and informatives.
- 52 Rights of Way: No objection to the application subject to a number of requirements to protect the right of way and its use.
- 53 County Air Quality Consultant: No objection subject to conditions. Recommends conditions requiring i) adoption of a Dust Action Plan (documented site-specific operational plan to prevent or minimise the release of dust from the site) which should be submitted to and approved by the county council; 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 (the monitoring programme to be submitted to and approved by the County Planning Authority (CPA)).
- 54 County Noise Consultant: No objection. Is satisfied that the proposed development can be carried out within the provisions of the Surrey Noise Guidelines.
- 55 County Heritage Conservation Team – Archaeological Officer: No objection subject to planning condition to secure implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved by the CPA.
- 56 County Ecologist and Biodiversity Manager: No ecological objections or observations to make. There would be no significant adverse impact on ecology and the restoration scheme should provide a biodiversity enhancement through the creation of new habitats.
- 57 County Landscape Consultant: No objection. Has reviewed the landscape and visual effects of the proposed development and concludes that the development is acceptable in landscape and visual terms. Made a number of recommendations relating to visual screening of the site compound, planting details (species and density), post restoration management, and use of soils.

- 58 County Geotechnical Consultant: No objection subject to conditions relating to soil handling, pollution control (submission of site operational plan including ground and surface water pollution control measures), provision of a comprehensive groundwater monitoring plan.
- 59 Thames Water: There are public sewers crossing or close to the development. In order to protect public sewers approval is required from Thames Water where the erection of a building, extension or undepinning work would be over the line of, or would come within three metres of a public sewer. There is a foul sewer and manhole in the Ashford Road in the location where the conveyor tunnel is proposed and the developer needs to contact Thames Water Developer services regarding asset protection of the sewer during and after construction.
- 60 Affinity Water (formerly Veolia Water Partnership): No objection subject to appropriate monitoring and remediation methods being undertaken to deal with any existing pollution being found on site in order to protect public waters supplies.
- 61 National Grid (National Transmission System): The proposed development is in close proximity to National Grid's gas and electricity transmission assets including underground gas pipeline and High Voltage Transmission Overhead Line and associated equipment at QMQ. No objection to the proposal. Has provided information on detailed requirements that must be followed by the applicant when planning and undertaking the development.
- 62 Esso Petroleum Co Ltd (Fisher German): The company have apparatus (oil pipeline) situated near the proposed development. No objection so long as the proposals adhere to the "Special Requirements for Safe Working" and covenants in the "Deed of Grant".
- 63 Open Spaces Society: No views received.
- 64 Ramblers' Association (Staines Group): No objection.
- 65 Royal Society for the Protection of Birds (RSPB): No views received.

***Parish/Town Council and Amenity Groups***

- 66 CLAG2 (Campaign Laleham Against Gravel 2): Object for the following reasons:

a) *Amenity*

- Manor Farm is surrounded by residential properties.
- Schools, sporting facilities and a parent and toddler club are nearby. The proposal would impact on all the above in terms of disturbance, noise, dust and quality of life.
- The close proximity of the proposed site to schools, houses and recreational facilities presents a health risk to all residents as a result from noise, dust and pollution out spill.
- Evidence from other aggregate sites in the local area suggests noise will be a significant issue for local residents, particularly those who work at night.
- It will have a disruptive effect on teaching in the local primary schools.
- Security lighting, triggered by "appropriate movement sensitive switches" will be installed at the car/plant hard-standing at the Worple Road entrance adjacent to the sports club. This can be triggered by animal movement and will impact on those houses facing the compound contributing to disturbed sleep.
- Human rights – To approve the plan will be a breach of the Human rights Act especially Article 8.

### *Noise Assessment*

- The applicant has undertaken a noise assessment scientifically, this should be done locally.

### *Health, Safety and Security*

- Safety risk from the gravel pit workings as they will be out of view behind bunds. The conveyor belt is unsupervised and out of view of site workers along much of its length so is a risk for people.
- Lakes when complete will be a hazard. It will be almost impossible to secure the site.
- The proposed “nature conservation area” next to Buckland School for their use includes a pond which presents a potential risk to children.
- The storage of fuels and chemicals at the proposed site compound adjacent to the Staines and Laleham Sports Ground is unacceptable.
- The proposal presents an increased risk of drowning, flooding and the infestation of flies. Erection of fencing, warning signs and planting to prevent access and forming the lake edges so they are shallow is not sufficient to reduce the risks.
- Creation of yet more expanses of water in the area must increase the incidence of flocking birds and presents an increased risk of birdstrike to aircraft using Heathrow.

### *Footpaths*

- It is unclear how Footpath 30 can remain open during construction of the conveyor tunnel. No health and safety measures are mentioned in the application.
- Obstructing a public right of way is a criminal offence. The proposal will lead to people walking the footpath being stopped from time to time for health and safety reasons.

## *b) Green Belt*

### *Visual Amenity*

- Over 30 years ago a similar application was rejected on appeal for reasons including: the Green Belt: the Green Belt function of the site separating Staines upon Thames from Laleham; and although noise would be controlled to an acceptable level, the noise attenuation barriers and the bridges over Public Footpath 30 would represent a substantial visual impact.
- There is more housing around the site now than there was 30 years ago.

### *Policy*

- The proposal does not meet the required conditions for mineral extraction in the Green Belt set out in Policy MC3 – Spatial strategy on Mineral Development in the Green Belt as environmental standards are not of the highest level (noise, dust, traffic), not agreed time limits and restoration to lakes is not a beneficial landuse.

### *Loss of Green Belt*

- Concerns about loss of valuable Green Belt/agricultural land and replacement with marsh lands and lakes which require management and maintenance in the long term to deter vandals.

c) Alternative Sites

- There are other locations for extraction not surrounded by housing and schools.
- Despite the current application proposal changing to involve transporting mineral to QMQ instead of Shepperton Quarry nearly a mile away, the applicant has used the restoration scheme from the previous Shepperton Aggregates application. It would have been extremely difficult to transport waste over this distance to Manor Farm, but it wouldn't have been impossible, but wasn't considered as Bretts said it could not be done.
- The action group consider the current application to be new and should be treated as such. There is no reason why a second conveyor cannot be installed to transport waste to the site from QMQ, which has very good road access via the A308, and where there is sufficient space within the site to off load waste before loading onto the conveyor and transporting it to Manor Farm.

d) Gravel Reserves

- Research shows that the gravel from Manor Farm is not needed for Surrey to fulfil its quota. Aggregate sales in Surrey and elsewhere at this time are at an all time low.
- The applicant's consultant quotes incorrect figures about the current landbank and makes out need is greater than it actually is and assumes Surrey needs a landbank.
- Government quotas based on historical data are no longer relevant and future increases can be met from marine dredging or rail imports

e) Hydrology / Flooding

- CLAG2 calculate that the gravel workings will contain approximately 3.5 billion litres of water. Where will it come from? Excavation of the scale proposed must have an impact on surrounding water flows/levels and therefore stability of property.
- Digging more gravel pits could adversely affect the ability of the area to deal with surface water, drainage and create a higher flood risk.
- The fields bordered by Brightside Avenue, Pavilion Gardens and Worple Road at Manor Farm has had unprecedented flooding. These fields were flooded and had large areas of standing water on them following the extremely high level of rainfall conditions over the winter/spring of 2012/13 and 2013/14. Creation of vast lakes would exacerbate the problem of flooding.
- The amendments to the application refer to areas of land being identified as "compensation for temporary bunds" (as a result of loss of floodplain). Creation of lakes will lead to large areas of floodplain, which by definition is land, being lost.
- Gaps now proposed in Bund A could be eroded by water flow and get blocked resulting in increased flood risk.
- There is evidence lakes formed by gravel extraction become self sealing from the water table which will lead to increased risk of flooding.
- Flooding has occurred in the vicinity of the route of the proposed conveyor belt where it crosses under the Ashford Road; this included the discharge of sewage. As the area already floods when water in the lake is free flowing putting in any obstruction will increase risk of flooding.
- More frequent weather patterns and climate change must be taken into consideration in the applicant's hydrology report and when determining planning applications.

f) Local Roads and Site Access

*Congestion and Traffic*

- Worples Road is already a busy through route especially early to mid morning and late afternoon to early evening. The extra traffic accessing the site will add to congestion and threaten the safety of all, especially children walking to school.
- Transporting stock grazing the site post restoration by road vehicle to the different parts of the site will add to traffic congestion and pollution.

*Road Suitability for Site Servicing Vehicles*

- Worples Road with its chicanes and speed humps is unsuitable for use by the size and type of vehicle to be used to deliver plant and machinery (16.633m/54 feet long low loader).

g) Nature

- Waterbodies will lead to increase in flying insects and which will cause nuisance and health risk to residents.
- Bats, a protected species abound in the area. Surveys are necessary.
- Aerial photographs show a variety of established trees on the site, there doesn't appear to be an obligation on the operator to ensure established trees are preserved; some trees have already been removed from the perimeter.
- Application wrong as how can long (nearly 17m low loader) access the site off Worples Road without having to remove any trees?
- Loss of trees and existing habitats used by animals, birds and insects, particularly bats and other protected species won't be mitigated for by proposed mitigation.
- Already have large areas of Waterbodies / water in the area so question the need for further water / wetland habitats.

h) Timescale

- The rate of extraction would be affected by market conditions. This means the community will be expected to endure uncertainty and disruption for an indeterminate time which is unacceptable.

i) Community Benefits and Legacy

- There will be no benefit to the local community from the proposal. There will be no prospect of significant employment.
- There will be no public access to the restored site.

j) Restoration Impact

*Long-term Maintenance*

- There is no incentive for Brett Aggregates to maintain the site. The unmaintained woodland along the Ashford Road [QMQ] does not instil confidence in their commitment to management and maintenance of sites.

*Loss of Agricultural Land*

- The land is valuable agricultural land, formerly arable (cereal production) until downgraded to grazing by the owner.



- Returning the unexcavated land to agricultural/grazing use, as proposed is totally unrealistic given the small amount of land that will be left.
- Agricultural land should be safeguarded for use in food production, as advocated by Government.
- There is no need to put in waterbodies or lakes.

#### *Restoration and Surrey Minerals / Waste Plan Policies*

- By not restoring to an agricultural afteruse the applicant's proposal does not accord with Surrey Minerals Plan Policy MC3 – Spatial Strategy Mineral Development in the Green Belt.
- The proposal contradicts Section 6.29 of the Surrey Minerals Plan 2011 Core Strategy Development Plan Document (DPD) and Primary Aggregates DPD.
- Referring to the Surrey Minerals Site Restoration SPD 2011, the applicant's proposal falls short of Surrey's own vision for and approach to the restoration of mineral sites.

#### *Alternative Restoration Options*

- There has been no consideration of the possibility for using a reverse/return conveyor to bring inert material to fill the holes and restore the site. Backfilling the site means it can be restored to agricultural land.
- Brett Aggregates state that, due to the size and therefore weight of inert fill, it is not possible to use a conveyor to transport inert fill material from the Shepperton Quarry, Littleton Lane site. This is not necessarily the case. The SMP 2011 Inspector's report clearly states: "*lack of suitable access for HGVs for the importation of inert fill restricts opportunities to restore the entire area to existing levels; create areas of open space and open water unless a feasible and acceptable method of importation of fill can be found, enabling an alternative restoration option to be considered.*" Alternative restoration would be possible using the concrete crusher at QMQ to break the size of the waste down, and using a second conveyor so it can be transported by conveyor to backfill Manor Farm.

67 Charlton Village Residents' Association: No views received.

68 Laleham Residents' Association: No views received.

69 Manor Farm Eastern Boundary Residents Association: No views received.

70 Manor Farm Residents' Association: Object for the following reasons:

*Noise* – clarification sought on noise generated and numbers and types of equipment to be used. Sound assessment appears to use sanitised scientific figures. Noise levels from QMQ have increased. Noise from reversing warnings at QMQ quite obtrusive. Query about daily average number of reversing movement at QMQ and average decibel output of the vehicle reversing warning system used at the site.

*Buckland School* – Have discussed proposal for wetland wildlife area for use by school with headmistress and governors of Buckland School. School concerned about reference in title/description of the proposal implying compliance with proposal. Reference should be removed. School already have own wildlife area and pond within school grounds. Query about proposal in Stanwell and restoration (pond/lake) being passed because of benefit to the community.

*Monitoring and company record in maintaining site at QMQ* - Query about who monitors sites and is QMQ monitored. Reports to the Residents' Association about high levels of noise and dust from the site during the summer of 2013. Query about maintenance of the fence along the Ashford Road boundary and maintenance of the woodland, and how can the county council consider the Manor Farm application given the operator Brett's inability to maintain their existing operation at QMQ.

*Flooding* – Did the flooding experienced in late 2013/early 2014 raise matters such as unforeseen possible river levels, inability of land to drain as predicted etc. which had hitherto been overlooked and should now be reassessed?

How does excavation and creation of lakes containing millions of gallons of yet more water fit in with proposed flood defences for Staines upon Thames? Existing flood defences on the local stretch of the River Thames are inadequate to meet the weather conditions just faced in the UK and future climate change effects on weather. Permitting further extraction will ignore the obvious and undermine the ability of this part of the Thames basin to accommodate flooding let alone considering improving it. Greed for gravel ignores risks to the community and only satisfies government demand for revenue. Wrasbury was a good example of what happens when water levels rise and previous excavations restored to water join up when water levels rise. Should reconsider both the Manor Farm and Milton Park Farm planning applications in regard to flooding embracing criteria previously ignored.

- 71 Surbiton & District Bird Watching Society: No objection. Likes the idea of the nature reserve for use by Buckland School. However, overall feels the restoration is unlikely to add to local biodiversity in terms of birds and questions the need for and reasoning behind the design to reduce risk of birdstrike.
- 72 Shepperton Residents' Association: No views received.
- 73 Spelthorne Natural History Society: No views received.
- 74 Queen Mary Sailing Club: No views received.

***Summary of publicity undertaken and key issues raised by public***

- 75 The application was initially publicised in September 2012 by the placing of an advert in the local newspaper; posting of ten site notices and sending some 994 neighbour notification letters to the owner/occupiers of neighbouring properties and those people who had made representations on the SP10/0738 planning application (by Shepperton Aggregates) for mineral extraction at Manor Farm which was withdrawn in by 2011.
- 76 Amendments to the application and amplifying information and information relating to the Environmental Statement provided in response to a request for further and other environmental information under Regulation 22 of the EIA Regs were publicised in July 2013 and January 2014. The publicity involved newspaper advert, posting of 10 site notices and notifying all those originally notified in 2012 plus anyone who had made written representations on the planning application.
- 77 Part of the proposed development (concrete batching plant and aggregate bagging plant at Queen Mary Quarry) is inappropriate development in the Green Belt. However, the original advertisement for the application did not refer to the application being a departure from the development plan. The application was therefore re publicised in December 2014 as a departure from the development plan. The publicity involved newspaper advert, posting of 10 site notices and notifying by letter all those originally notified in 2012 plus anyone who had made written representations on the planning application. The period for receipt of representations runs up to the end of Monday 5 January 2015. Any representations

received after the report has been published will be reported in the update sheet in line with current procedures.

7

- 78 To date written representations objecting to the planning application have been received from 296 members of the public, organisations and groups. Some of the letters raise objection on the same grounds as CLAG2, see above. The grounds for objecting and issues raised in the letters from the remainder are summarised below.

7

#### a) Amenity

##### *Pollution / Air Quality and Health Impacts*

- Vehicle emissions with increase Asthma and have other health impacts.
- Dust and air pollution from extraction will have health impacts.
- Canada Geese are a health hazard.
- The area already has high pollution levels from Heathrow, M25, M3 and River Thames.
- Site will attract fly tipping and attract rodents.
- Waterbodies will lead to flying insects which pose a health risk.
- The recent Environmental Audit Committee report argues air pollution is a public health crisis and this area is already heavily polluted; the proposal will add to this from traffic and dust working against the Government objective to reduce pollution.

##### *Dust*

- Dust from the site will settle on cars, windows and vegetation having a health impact.
- The proposal will add to dust soiling already taking place in the area.
- The dust will take a long time to settle once working has stopped.
- The site should use dust suppression sprays as is done in Europe.
- Fine particles pose a health hazard.
- Dust will have impacts on health for vulnerable sectors of the population such as school children and the elderly. Respiratory and skin problems and cancer will increase.
- Dust will impact on schools.
- Dust will affect crops and soil at nearby allotments and gardens.
- Noise and Dust will affect health.

##### *Lighting*

- Security lighting (which can be triggered by animals) at the car/plant hard-standing at the Worple Road entrance will cause a nuisance to residents overlooking the site. Residents already have a nearby sports facility using lighting until late at night.

##### *Noise and Vibration*

- Noise will impact on shift workers, school children and retired people.
- Noise impact at schools will affect children and their education.
- Brett cannot confirm that noise levels would be acceptable.
- There is insufficient evidence to assess noise levels.
- Noise from the QMQ site at present levels is unacceptable; the proposal will add to an already noisy site.
- The site would have an unacceptable impact on residents near Ashford Road.
- High and low frequency noise from the site will impact on pets and wildlife.
- Mineral and waste traffic in the area already creates an unacceptable level of noise and vibration which affect houses.

- Reversing bleppers on the loading shovel will create considerable noise.
- The submitted Noise Assessment has been done 'scientifically', it should be done locally.
- Noise at other mineral sites causes problems in the area.
- The gaps in Bund A for Phase 1 may lead to unacceptably high noise levels for residents.
- Noise will ruin outdoor leisure space (at houses, footpath, Greenfield Recreation Ground, schools, SALSAL).

#### *Hours of Operation*

- 0730 start – does this mean machinery started? If so will mean activity starts at 0700 as staff arrive and will disturb residents.
- The weekday hours are too long.
- The plant should not operate on a Saturday morning.
- 07.30 – 18.00 hours will cause disturbance to children at schools and the elderly.
- Brett says they will start at 07.30 but Brett have vehicles on the road from 06.00.

#### *Site proximity to other land uses / development*

- The site is too close to residential areas; two infant and junior schools, nurseries; footpaths and leisure facilities (Greenfield Recreation Ground, SALSAL sports and social club, sailing facilities at Queen Mary Reservoir.
- Will have adverse impact on leisure and recreation in area contrary to Government drive to increase physical activity and health of population; will impact on use of adjoining open space and leisure facilities, such as archery at the SALSAL ground.
- Extraction within 100 metres of properties is too close, much closer to housing than previous gravel plant.
- Alternative uses / development should be considered for the site.
- Impact on 133 Ashford Road from proposed Ashford Road entrance (visual impact and loss of privacy due to closeness of access to property, and noise and dust).  
[Officer note: the proposed access off Ashford Road was altered from upgrading the existing access next to No. 133 to the other side of the field (next to 151 Ashford Road) as a result of discussions with owner of property. In addition fencing would be erected between No. 133 and the site to screen the proposed access and conveyor.]

#### *Cumulative Impact*

- Too many Minerals and Waste Sites: Charlton Lane, Shepperton Quarry, QMQ, Council Depot Ashford Road
- Future impact of possible Heathrow expansion (traffic and pollution), Football Academy at Laleham Park.

#### *Amenity Space*

- The proposal will result in a loss of open green space in the area.
- Users of the Greenfield Recreation Ground next to the site will be affected.
- Dog walkers will lose open space to walk their dogs.
- Trees proposed in the plan will block the views of residents.
- The development will have an adverse impact on local leisure and recreation.
- Bunds, fences and trees will block out the daytime sunlight at properties.
- Noise and dust will impact on residents of properties backing onto Manor Farm who won't be able to open their windows or use their gardens.
- The proposal will lead to rodents and fly-tipping.



### *Visual Impact*

- There will be a loss of privacy on 133 Ashford Road.
- New access onto Ashford road is out of keeping with rural nature along Ashford Road. It will be a concrete eyesore.
- Loss of outlook and views from the rear of properties.
- The application and buildings proposed will be an eyesore. Screen bunding will not compensate for loss of views.
- The erection of a concrete batching plant and aggregate bagging plant and the conveyor belt will be eyesores.

### *b) Green Belt*

- Waterbodies do not represent an appropriate Green Belt after use.
- The land is Green Belt, it should not be used for a concrete and gravel processing factory. If permit these will have no option but to permit the extraction from Manor Farm.
- In previous refusal 30 years ago the site was considered to fulfil an important Green Belt function separating Staines upon Thames and Laleham, particularly noticeable from the local footpaths and from a local point of view assisting in maintaining the sense of being on the urban fringe. This still stands.
- The proposal does not meet the requirements for mineral extraction in the Green Belt (Policy MC3).
- The development would represent a substantial visual impact which is unsuitable in the Green Belt.

### *c) Alternative Sites*

- Extraction should be done under golf courses, not on land close to housing.
- Gravel should be dredged from the Thames.
- Spelthorne is being ruined by mineral and waste sites and the resultant waterbodies and reservoirs.
- Previous applications in the 1970s were refused on amenity and Green Belt grounds which still stand today.
- Brett entered into an undertaking not to work Staines Moor, the same should apply here.
- Why not put hold on this application and look again at the 2011 survey of Mineral Extraction sites?

### *d) Gravel Reserves / Mineral Uses*

- Demand for gravel is low. The development is not needed.
- The Manor Farm development is not needed to meet Surrey's quota.
- Government quotas are based on historical data and are no longer relevant
- The applicant quotes incorrect figures about the current land bank.
- Surrey will not run out of gravel.
- Future demand for gravel can be met from marine dredging and rail imports.
- Surrey has met its requirement for gravel extraction, this development is unnecessary.
- Mineral extraction should be in the countryside, not here near residences.
- The site was identified as a Category 2 site in the 1993 Surrey Minerals local Plan as it was deemed no method of working or safeguards could overcome the environmental disturbance that would result. Do not see how this has changed.
- The current land bank is 3.72 mt. At the current rate of sales this will last for 18 years or until 2030. There is no need for the development.

- The Regional Minerals Strategies are no longer relevant today.
- There is sufficient sharp sand and gravel (allowing a 10 per cent increase) to last from now until 2026 without the need for this development.
- There are larger reserves of aggregate elsewhere in the authority where effects on residential amenity would be less.
- Demand for land won gravel is at its lowest, there will not be demand for the gravel excavated here.
- Land at Manor Farm should never have been included as a preferred site.
- There is enough sand and gravel in the sea bed making this proposal unnecessary.

#### e) Hydrology / Flooding

- Bunding could increase risk of flooding to housing.
- Tunnel under Ashford Road will make flooding worse / be liable to flooding.
- The Environment Agency has revised their flood maps
- The proposal will increase flood risk.
- Climate change will make flooding worse than predicted.
- The proposal will alter the water table and increase flooding
- Waterbodies left after mineral extraction lead to increased risk of flooding.
- Flooding will occur on local roads and footpaths
- Recent flood events in 2013/2014 have not been considered.
- The service road at Worple Road already floods.
- Northfield Road already floods, the proposal could increase this.
- No Flood Risk Assessment has been made.
- The Flood Risk Assessment should be redone.
- The area is susceptible to flooding from river water and sewage water.
- The area has enough water, more waterbodies will increase flood risk.
- Sewage pipe problems near the conveyor tunnel should be fixed before this application is considered. This application could make this worse.
- The area suffers from flooding already
- The removal of soil on Manor Farm will increase flood risk.
- The Broadway, Laleham already has drainage issues.
- If pumps fail at the Queen Mary Reservoir intake channel, there is a serious flood risk.
- The Environment Agency says that due to floods in the area, house building and gravel extraction will need to be reassessed.
- The creation of lakes on agricultural land removes floodplain and increases flooding.

#### *Water Environment (Quality / Levels)*

- The site is on an aquifer, there is a risk of pollution to groundwater, impact on the aquifer and an increase in Weil's disease due to more waterbodies.
- The water table in the area is high.
- Changes to the water table could affect water supplies at the allotments on The Broadway, Laleham.
- Extraction close to property may lead to damage to buildings through vibration and / or changes to the water table in the area provoking subsidence.
- The proposal will have an impact on the surrounding water flows / levels and therefore on property stability.

#### f) Highways, Traffic and Access

- The proposal will add to and increase congestion.
- Worple Road is already busy and busy at peak times; site traffic will add to congestion and threaten the safety of children walking to school.

- Worple Road is unsuitable for HGV traffic.
- The proposal will increase the risk of accidents on Worple Road.
- Width restrictions already impact on access out of Florence Gardens, the proposal will increase this impact.
- Mud on the road from the proposal will be a major skid hazard and cause accidents.
- Ashford Road access is unsuitable for site vehicles.
- Worple Road is unsuitable for 16.633 m/54 feet long low loader.
- Local roads at Laleham Village make the roads unsuitable for HGV / site traffic.
- There should be a weight limit on local roads.
- The proposal worsens the impact of traffic on people in Laleham.
- Traffic associated with the site has caused damage to the walls of listed buildings due to vibration.
- Currently 66 lorries are allowed past Laleham Primary School and even this number puts children at risk. Residents have endured this for years on the understanding it would only last for 16 years, but this plan will mean it continues for another 5 to 10 years. The additional proposals at QMQ indicate these HGV movements will continue to 2033, far in excess of all previous assurances.
- Traffic restrictions in Laleham are ignored by site vehicles.
- Tunnel under Ashford road will cause congestion when constructed; the road will need to be closed. The road already has problems with drainage and the surface.
- Site traffic will worsen the poor condition of local roads.
- Site traffic will discourage cycling and walking. Already a danger walking along the Ashford Road, particularly at the bend between the Ashford Road and Laleham Broadway.
- Site vehicles will intimidate local drivers, be noisy, speed and emit fumes.
- Local roads are not designed for the type of traffic from mineral sites.
- There will be an increase in traffic from the Queen May Quarry site.
- Increased site traffic will worsen vibration problems for local residents.
- Site traffic at the QMQ on Ashford road will damage business at a new children's nursery.
- If permitted should have condition to split the traffic between Worple Road and Ashford Road entrance so it is shared equally.
- There is no proposal to convey mineral from Littleton Lane to the Queen Mary site. Access through Queen Mary to the A308 should be made for transporting mineral from Littleton Lane site to remove traffic from Laleham.
- HGVs travel through Laleham, is this what is intended for Conservation Areas?
- A secluded and possibly ancient right of way will be lost forever.
- The proposal will have impacts on public rights of way.

g) Nature / Biodiversity

- The site is grassland and has built up a diverse ecosystem with bats, owls, jays, woodpeckers, little owl, red kites, herons, geese, kestrels, buzzards, kites and insects such as Stag Beetles that use the site.
- The Environmental Statement is insufficient.
- The replacement of grassland with another waterbody is unacceptable.
- Removal of habitat for Stag beetles and Song Thrushes is contrary to the Borough Biodiversity Plan.
- The removal of trees will impact on species.
- The site is a SSSI due to bats.
- Rare smooth snake have been seen in the fields, has a relevant survey been done?
- The proposed Buckland School nature reserve won't ameliorate the impact of habitat loss. The school already has a nature reserve in the grounds already.
- The removal of established protected Oak trees is unacceptable.
- Application wrong as will have to remove trees at Worple Road entrance.

- The wooded area within Home Farm in Laleham is ancient woodland.
- The grassland and habitats on the site area a balanced eco-system which will be damaged and removed.
- Cement dust will affect trees and vegetation.
- Spelthorne has no rolling green hills or forests but far too many gravel pits, reservoirs and areas of stagnant water from endless mineral extraction.

#### h) Timescale / Duration

- The timescale of the site is uncertain. The proposal will blight the area for at least 7 years. Could go on for years and years given applicant's history of continually applying to extend sites.
- Was told when moved to Laleham in 1971 that gravel raising in the area would cease in approximately 20 years.
- A reasonable end date should be proposed. 25 years duration would result in an unacceptable impact on residents.
- The rate of extraction depends on market conditions. This means there is no definite timescale for the development. Need a reasonable end date imposed, not 2033/2038.

#### i) Community Benefits and Legacy

- The proposal will not create significant employment in the area.
- It does not benefit the local community.
- The area would be blighted and there would be an adverse impact on property values.
- Company will profit from commercial gain at expense of local residents, lack of neighbourliness on part of company, another example of proposal by commercial company looking to profit/take advantage of community assets and local environment.
- Council should consider the future development of this area of Spelthorne, area is well placed to benefit from national infrastructure projects such as Heathrow and Crossrail and knock on effects for the local community which the mineral site could hinder. Borough council worked/working very hard for Staines upon Thames which is undergoing major investment to make it attractive to local businesses and the benefits from this to the local economy.
- No local benefit will derive from the proposal which will create pollution, put added burden to existing road infrastructure, impact on local environment and buildings and create very few jobs.

#### j) Restoration Impact

- Backfill should be considered instead of wet restoration.
- The site should be restored to its original condition or alternative development.
- Wet restoration cannot be considered as 'restoration'/two pits full of water do not constitute restoration.
- Restoring the site to lakes falls short of Government guidelines for the reinstatement of Green Belt land.
- There are too many waterbodies in the Spelthorne area.
- More waterbodies are not suitable for the area. They pose problems with security, vandalism, crime, safety and risk of drowning.
- Public access should be allowed. A new restoration plan is required to consider other possibilities.



- The provision of tarmac lit paths running close to the rear of properties in Pavilion Gardens should not be allowed. New paths to rear of properties will increase crime. [Officer Note: This doesn't form part of the current application. No new public footpaths would be created.]
- How long will the soil and infill areas take to settle before they can be built on?
- Lakes and footpaths will attract people.
- A high Willow coppice is no compensation to those who enjoy an open outlook from their homes.
- Who will be responsible for the long-term maintenance of the restored site?
- There is no incentive for Brett to maintain the restored site.
- If permitted should be an absolutely legally binding requirement/conditioned so site restored to its current status and use.
- There should be a sensible non negotiable time limit on extraction and restoration.
- Limiting bird use by planting as proposed is unrealistic.
- There are insufficient details of planting at the site.
- The near vertical sides of the lake will collapse over time with unknown consequences.
- Do not want allotments at the back of our house; this will put gardens at risk from instruction. [Officer Note: This doesn't form part of the current application.]
- If it is not financially viable to reinstate the land back to fields, Brett should not be allowed to leave the site as a deep hole filled with water.
- Marshlands and waterbodies will require long term maintenance to avoid becoming a hot bed of vandals and fly tippers.
- The site should be backfilled.
- The water filled gravel pits present a drowning hazard.
- Increased waterbodies will increase bird numbers and risk of bird strike on planes leaving Heathrow.

#### k) Safety / Infrastructure / Subsidence / Security

- Possible adverse effect on electricity pylons, gas, sewerage and foundations.
- Possibility of undermining at the Queen Mary Reservoir.
- Concerns about security of the site during operations and post restoration.
- Concerns over security at residences bordering Manor Farm.
- The proposal will increase crime and safety hazards in the area.
- The stability of houses close to working could be affected.
- Waterbodies pose a safety risk. The proposal to put in hard stone filled gabions and timber edges around the lakes will make things worse.
- Storage of dangerous fuels and chemicals at the site compound close to residences and sports facilities is unacceptable.
- The conveyor belt is unsupervised and poses a safety hazard / risk.
- Additional birds caused by the waterbodies at the site could increase the incidences of bird strikes of planes at Heathrow. Canada Geese are difficult to control.
- The site poses a safety hazard to children. Areas of the site are unsupervised.

#### l) Procedural

- The Environmental Statement was prepared by someone who is biased towards Brett as they paid for it. The ES underestimates the impact of the development.
- Neighbour notification was not extensive enough.

- Timing of submission of amendments by Brett in summer holidays (many people away and local newspapers not widely circulated). Neighbour notification only to those who had written in before, most people thought application had been turned down already.
- Site notices were poorly placed and not visible to vehicle drivers.
- Map on county council website misleading re route of conveyor and public footpath.
- Proposal is different to the 2009 Community Consultation Brief in a number of ways.
- Inaccuracies in the application documents, e.g. no reference on plans for Phase 1 of screening of the site compound, how can “average” depth be greater than “maximum” depth?
- Spelthorne Borough Council have rejected the proposal twice.
- None of the committee live locally.

#### m) Miscellaneous

- Local press reports are that Surrey County Council supports this project.
- The gravel pit undermines the major investment taking place in Staines upon Thames and possible future developments.
- Extracting all the gravel now will undermine future needs to support housing growth.
- Houses could be built on land at the site once extraction is completed.
- The County Council shouldn't overrule the decision of the local council.
- Need to invoke the 30 year rule
- The proposal contravenes Article 8 of the Human Rights Act.
- The import and recycling of construction waste could have a serious and adverse effect on people and the land.
- The Surrey Minerals Plan Restoration Document (annex C) has been avoided. Bare Ground is a neglected habitat but supports a range of specialist species.
- The unexcavated land cannot feasibly function as farmland. There will be no access for cattle except along the public highway.
- Acknowledge not a planning issue but will impact on property prices, will residents get a reduction in their rates, compensation for impact or reduction in value of property?
- Will not be able to get insurance on properties, having lakes will/may mean insurance companies have to be informed which could render the property uninsurable, and won't be able to get mortgages on them, or push up insurance premiums.

#### n) Heritage

- It will impact on the historic interest in Laleham, parts of which are a Conservation Area.
- The proposal could have archaeological implications as Laleham has a lot of archaeological potential.
- Vibrations from traffic cause structural damage to Grade II Listed Buildings, an historic Church (12<sup>th</sup> Century Foundations) and School Buildings.

#### o) Loss of Agricultural Land

- Land used to be arable farming land. Loss of this is unacceptable.
- Gravel should be extracted from underground leaving the land above to be farmed.
- Restored farmland will not be viable as cattle would have to be moved along busy public highways.

*Buckland Primary School (Chair of Governors)*

- Proposal will devastate the environment which the school children currently enjoy and damage it forever. School has always been extremely lucky to be surrounded by quiet and wildlife filled countryside. Proposal presents a serious risk to the health of children and their environment from noise, dust and damage to the land and wildlife while extraction takes place and post restoration from more dangerous pits of deep water in the area which already has Queen Mary Reservoir, the River Thames and deep water gravel pits. We should conserve the land as it is and has been for centuries, more wetlands and marsh areas aren't needed.
- The site will be hazard to children walking and cycling to school from considerably more traffic in Worple Road (including HGVs).
- Given current economic climate is there a need for the sand and gravel?
- This is second application on this site for gravel extraction in two years. Suggest if it is turned down again there is a moratorium put on future applications for at least 20 years.

*Buckland Primary School (Headteacher)*

- Expresses grave concerns about the proposal which despite the offer of a small area of the site to be given to the school for a nature conservation area the whole school community is still against the scheme. The primary school backs onto the Manor Farm site and the school is particularly appreciative of the natural environment which surrounds the school. The school holds the Eco Schools Green Flag in recognition of the work to conserve the environment and educate children towards a commitment to a sustainable lifestyle. The school grounds are the only opportunity some children get exposed to the natural environment and learning outside is maximised.
- Concerned about: the impact of construction traffic on an already traffic congested area increasing risk of accidents and health and safety of pupils, parents and staff; dust and health impact in particular asthma which is on the increase; noise which will be disruptive to education of pupils at the school and have a negative impact both on indoor and outdoor learning; will impact on sporting activities and play as the site backs onto the school playing fields and playground.
- Given the location within a densely populated area noise vibration and pollution from the development will cause unacceptable stress and tension to the whole community, which will impact very negatively on the well being of children and families.

---

## PLANNING CONSIDERATIONS

### Introduction

- 80 Surrey County Council as 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.*”

- 7
- 7
- 81 In this case, following the partial revocation of the South East Plan 2009 on 25 March 2013, the statutory Development Plan for consideration of this application consists of the: Surrey Minerals Plan 2011 Core Strategy and Primary Aggregates Development Plan Documents (DPD) (SMP 2011); Aggregates Recycling Joint Development Plan Document (DPD) for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013); Spelthorne Borough Local Plan 2001 Saved Policies And Proposals as at 28 September 2007 (SBLP 2001); and Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SBCS&P DPD 2009). Adopted alongside the SMP 2011 was The Minerals Site Restoration Supplementary Planning Document (SPD).
- 82 Material considerations can include relevant European policy, the March 2012 National Planning Policy Framework (NPPF), the March 2014 National Planning Practice Guidance (NPPG), Government Circulars, emerging local development documents in the Spelthorne Borough Local Development Framework which, when adopted, will replace the 2001 local plan listed above; and adopted supplementary planning documents (the Spelthorne Borough Council Flooding SPD, adopted 19 July 2012).
- 83 On the 27 March 2012 Government published the National Planning Policy Framework (NPPF) and Technical Guidance to the National Planning Policy Framework (NPPF Technical Guidance), which took immediate effect. The NPPF replaces 30 Planning Policy Statements, Planning Policy Guidance Notes, Minerals Policy Statements and Minerals Policy Guidance Notes and related Practice Guides, 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. The March 2012 NPPF Technical Guidance provided additional guidance to local planning authorities in relation to development in areas at risk of flooding and in relation to mineral extraction and has been superseded by the March 2014 Planning Practice Guidance (NPPG). Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management and the companion guide was replaced in October 2014 by updated national waste planning policy for England, National Planning Policy for Waste and guidance in the NPPG.
- 84 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.
- 85 The NPPF does not change the statutory principle referred to above 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 included transitional provisions for its implementation. For 12 months from the date of publication planning authorities could continue to give full weight to relevant policies in development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 since 2004, even if there was 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 the Surrey Minerals Plan 2011 Core Strategy and Primary Aggregates Development Plan Documents (DPD) (SMP 2011), SBLP 2001 and Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SBCS&P DPD 2009) are, so far as is relevant, up to date and consistent with the NPPF.



- 86 In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. As the application is accompanied by an Environmental Statement (ES) the environmental information contained in it will be taken into consideration and reference will be made to it.
- 87 In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. Key issues to consider include the impacts of the development on the Green Belt, mineral issues including location and need, access and the impact from traffic generated by the proposal, the impact on local amenity and the environment in terms of noise, dust, and visual impact, biodiversity and ecology in terms of the potential impact on designated sites in the vicinity and ecology on and adjacent to the site, historic environment and archaeology, the potential impact on water supplies and groundwater flows, drainage and flood risk, landscape and visual impacts during working and following restoration, air quality and the objectives of the Spelthorne Borough Council Air Quality Management Plan, and potential bird strike risk from the development during extraction, restoration and the proposed nature conservation after-use.
- 88 The Planning and Regulatory Committee visited the application site on Friday 8 November 2013.

## **PROCEDURAL ISSUES**

### **Environmental Impact Assessment**

- 89 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regs 2011) implement the European Directive 85/337/EEC as amended by 97/11/EC, on the assessment of the effects of certain public and private projects on the environment. Schedule 1 of the regulations identifies the types of project (Schedule 1 development) for which an EIA is mandatory irrespective of their location. By virtue of the size of the application site (over 25 hectares) the proposed quarry for extraction of sand and gravel at Manor Farm is Schedule 1 development and requires an EIA. An EIA is a way of providing decision makers with information about the effects a given project could have on the environment.
- 90 Prior to submitting the planning application the applicant sought a Scoping Opinion from the county council under Regulation 13 of the EIA Regs 2011. The Scoping Opinion offered advice on the EIA and assessment of the aspects of the environment likely to be significantly affected by the proposed development (ecology, landscape and visual impact, air quality and dust, archaeology, traffic, noise, hydrology and hydrogeology, and Floodrisk assessment and drainage) and to be covered in the Environmental Statement (ES). The planning application is accompanied by an ES, prepared by Wardell Armstrong consultants on behalf of the applicant, Brett Aggregates Ltd.
- 91 Objectors have raised concern about the EIA undertaken and ES having been prepared by consultants paid for by the applicant. Objectors consider the assessments have underestimated the impact, and the ES should not be paid for by the applicant but be done by an unbiased independent organisation. The EIA process and terminology used in an ES to assess and describe the likely significance of environmental effects of a proposal can be a source of confusion to third parties. There are set processes and agreed methodologies for assessing the likely significant environmental effects of a proposed development used in undertaking an EIA, and reporting in the ES submitted with a planning application. The fact the process is paid for by an applicant is often a cause for concern. However, the responsibility for undertaking an EIA lies with developers so it will be undertaken by consultants paid for by an applicant.

- 7
- 92 Once submitted the ES and planning application is assessed by a range of impartial organisations including statutory and non statutory consultees and the county council as mineral planning authority. Surrey County Council has an Environmental Assessment Team who assesses the adequacy of environmental statements by comparison with the content requirements of the EIA Regulations 2011.
- 7
- 93 The ES has been reviewed by the county council's Environmental Assessment Team, based on the review criteria employed by the Institute of Environmental Management and Assessment (IEMA). The review concluded that the ES now contains sufficient information to be deemed acceptable under Part I and compliant with Part II of Schedule 4 EIA Regulations 2011. There was clarification sought on some issues including flood risk, noise, visual impact, ecology, soils, which was duly submitted by the applicant.

## **MINERALS ISSUES**

### **Surrey Minerals Plan 2011 Core Strategy and Primary Aggregates Development Plan Documents (DPD) (SMP 2011)**

#### *SMP 2011 Core Strategy DPD*

Policy MC1 Spatial Strategy – location of mineral development in Surrey

Policy MC5 Recycled and secondary aggregates

Policy MC7 Aggregate minerals supply

#### *SMP 2011 Primary Aggregates DPD*

Policy MA1 Aggregate supply

Policy MA2 Preferred areas for concreting supply (Preferred area J: Land at Manor Farm)

### **Aggregates Recycling Joint Development Plan Document (DPD) for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)**

Policy AR1 Presumption in favour of sustainable development

Policy AR5 High value recovery

- 94 As set out in the Consultation and Publicity Section above, CLAG2 and local residents raise various issues relating to need including the location of sites identified for future working in Surrey and proximity to residential areas.
- 95 The NPPF and NPPG guidance sets out the Government's approach on the management of, and planning's role, with regard to minerals. Paragraph 142 of the NPPF states: *"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"*. Paragraph 144 sets out a number of bullet points that should be considered when determining planning applications. Relevant to this proposal these include:
- *"giving great weight to the benefits of the mineral extraction including to the economy;*
  - *ensure in granting planning permission for mineral development that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety and take into account the cumulative effect of multiple impacts from individual sites and/ or from a number of sites in a locality;*
  - *ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and*
  - *provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances."*

- 96 Paragraph 145 of the NPPF requires mineral planning authorities (MPAs) to plan for a steady and adequate supply of aggregates through what is known as the Managed Aggregate Supply System (MASS). Guidance on this is now provided through the NPPG. 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 aggregate 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.
- 97 The paragraph requires MPAs to make provision for the maintenance of landbanks of at least 7 years for sand and gravel. An aggregate mineral landbank is the tonnage of already permitted reserves. It is usually expressed in terms of the number of years of supply remaining based on the annual mineral provision rate set out in the Local Aggregate Assessment.
- 98 Guidance on landbanks in Minerals ID 27 paragraph 080 of the NPPG is that they 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 Minerals ID 27 paragraph 082 of the NPPG 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.*" Minerals ID 27 paragraph 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.
- 99 The NPPF at paragraph 145 advises that for aggregate landbanks periods longer than 7 years may be appropriate under certain circumstances. These include taking into account the need to supply a range of aggregates, the locations of permitted reserves relative to markets, and the productive capacity of permitted sites. MPAs are also required to ensure that large landbanks bound up in very few sites do not stifle competition.
- 100 The SMP 2011 Core Strategy DPD sets out the county council's approach to the provision of mineral resources within the plan period up to 2026 alongside ensuring protection of the environment and residential amenities. Paragraph 1.7 recognises that minerals make a significant contribution to our quality of life with an adequate supply of aggregate minerals being required for building and repairing houses, roads, schools and hospitals. Policy MC1 sets the spatial strategy for the location of mineral development in Surrey. The policy states that mineral extraction of concreting aggregates will be concentrated on the river terrace gravels of the Thames in north west Surrey with preferred areas for future sand and gravel production being identified in the Primary Aggregates DPD.
- 101 In line with the NPPF and NPPG the Core Strategy DPD seeks to ensure a supply of aggregate minerals over the plan period for the county. Paragraph 5.12 states that proposals for mineral extraction within the preferred areas will be determined in the context of the apportionment to the county and the landbank position at the time when applications are considered. Regional apportionments have now been abolished, replaced by the reformed MASS and delivery through the LAA. The paragraph goes on to say that the landbank position will be monitored annually and if below seven years, the deficit situation will be a material consideration in determining applications on preferred areas. Paragraph 5.13 explains that it is not always possible to achieve an absolute fit with the required landbank at a specific point in time due to the way sites come forward, are permitted and worked.

- 7
- 7
- 102 Policy MC7 of the Core Strategy states that preferred areas will be identified in the SMP 2011 Primary Aggregates DPD for soft sand and concreting aggregates (also known as sharp sand and gravel) which, with identified reserves, are sufficient to enable the production of around 24 million tonnes (mt) of aggregate between 2009 and 2026. The policy goes on to state that the mineral planning authority will seek to maintain a landbank of at least seven years for aggregates based on the apportionment set in the regional spatial strategy (South East Plan 2009), now incorporated in the MASS and the county council's LAA. The Primary Aggregates DPD set Surrey a mineral provision rate of 1.4 million tonnes per annum (mtpa) between 2009 and 2026 and the retention of this mineral provision rate is supported by the county council's Local Aggregate Assessment November 2014 (Surrey LAA November 2014).
- 103 The Primary Aggregates DPD recognises that resources of primary aggregates, particularly concreting aggregate, are becoming increasingly scarce as remaining resources become more constrained whether because of their potential impact on local communities or the environment or because they are too small to be economically viable. Policy MA1 of the Primary Aggregates DPD requires provision to be made for the supply of around 24 million tonnes of primary aggregates and splits this into separate provision rates for sharp sand and gravel and soft sand, comprising 15 million tonnes of sharp sand and gravel and 9 million tonnes of soft sand between 2009–2026.
- 104 Policy MA1 states that preferred areas will be identified which together with permitted reserves will enable production of sharp sand and gravel at an average rate of 0.90mtpa and 0.5mtpa for soft sand. The policy 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. As highlighted above, the LAA published in November 2014 proposed no changes to the minerals provision rate contained in the SMP 2011.
- 105 Policy MC5 states that the county council will make provision in the Aggregates Recycling DPD for existing and new facilities to provide productive capacity for the supply of recycled and secondary aggregates at a rate of at least 0.8mtpa by 2016 and of at least 0.9mtpa by 2016. Policy AR1 of the Aggregates Recycling DPD 2013 provides for the county council to take a positive approach that reflects the presumption in favour of sustainable development when considering planning applications, granting planning permission for proposals that accord with policies in the development plan, unless material considerations indicate otherwise. As raised sand and gravel, for example, mineral excavated as a result of site preparation activities in advance of construction is also referred to as excavation waste. Excavation waste comprising of sand and gravel is permitted to be brought to the QMQ site for processing under planning permission SP07/1275 (SP13/01239).
- 106 Processed as raised sand and gravel/excavation wastes are suitable for use in concrete or other uses as replacements for land won primary aggregate. Recycled aggregate, derived from treatment of construction and demolition waste, can be used in concrete production, but must meet a higher specification than required for lower grade uses such as a sub base in construction. The Aggregates Recycling DPD looks to facilities to maximise the amount and range of recyclable material that can be recovered from the waste stream handled at the aggregate recycling facility.
- 107 Provision of recycled aggregates assists in the replacement of land won primary aggregates. The Aggregates Recycling DPD refers to the importance of existing aggregate recycling capacity, including temporary facilities such as those at QMQ in the provision of sufficient capacity. Capacity at the existing QMQ is up to 100,000 tpa, with planning permission to continue operating until the end of 2033.



## Location

- 108 As outlined in the Consultation and Publicity Section above a number of issues have been raised by objectors relating to the location of the application site in relation to urban areas and proximity to residential properties, schools, public footpaths and leisure and recreational facilities which they consider make the site unsuitable for mineral extraction. Reference is made to the proportion of preferred areas identified in the SMP 2011 in Spelthorne and the past history of mineral working in the borough and impact on the local environment from operational and restored sites, in particular waterbodies. Reference is also made to previous applications at the site in 1976 (ref SP76/60) (dismissed on appeal in 1978) and more recently in 2010 (withdrawn) and the view held that the reasons for refusal still stand today.
- 109 The Shepperton Aggregates 2010 application for extraction of mineral from Manor Farm and transporting by conveyor to Shepperton Quarry for processing was withdrawn by the applicant after their option to work the Manor Farm site expired and was not renewed. The 1976 application proposed extraction of sand and gravel, erection of processing plant at the Manor Farm site, export of mineral and importation of waste materials for backfilling the site by road via an access onto the Ashford Road between numbers 133 and 151. The applicant for the SP76/60 planning application, Greenham Sand & Ballast Co. Ltd., appealed against non determination. The appeal was dismissed by the Secretary of State in 1978 on the grounds which included the exposed nature of the site and its position in relation to housing, the working of the site and the need for new processing plant on the site would require extensive visual screening and noise protection measures, which would need to remain in place for the duration of working. Both the Inspector and the Secretary of State expressed the view that whilst noise could be satisfactorily controlled the very presence of the screening measures and conveyor bridges over the footpath would be most obtrusive both from ground level and surrounding properties.
- 110 In addition the site was considered to have local amenity value both visually and recreationally as an area of Green Belt land between Staines upon Thames and Laleham. In relation to access and traffic whilst at the time in 1978 it was considered acceptable to create an access off the Ashford Road, and the road capacity was capable of accommodating the traffic which would be generated, the 1976 proposal would have generated a significant increase in HGV traffic using the Ashford Road. The environmental impact of this, in particular on residents just north of the proposed access road, was considered by both the Inspector and Secretary of State to be significant. In dismissing the appeal the Secretary of State concluded that *“while the environmental impact of traffic generated by the proposal would not be sufficient on its own to outweigh the need for sand and gravel when it is added to the visual impact of the proposal the combined amenity objections are of overriding importance at the present time”*.
- 111 Sharp sand and gravel, as proposed to be worked from the application site, are found in the north west, the most densely settled part of the county. As mineral planning authority, Surrey County Council is responsible for preparing a plan to identify areas for future mineral development and to provide the policy framework against which planning applications will be determined. As a site known to contain mineral deposits that are physically capable of being worked, land at Manor Farm had been identified in the previous minerals plans (North West Surrey Minerals Local Plan 1985 and Surrey Minerals Local Plan 1993), but protected from working on environmental grounds as other areas existed at that time with fewer constraints to working, and were identified to be worked in advance of sites such as Manor Farm.

- 112 The SMP 2011 went through a lengthy and rigorous process of preparation involving extensive technical work and consultation, which culminated in the scrutiny of the documents by an independent planning inspector during a public examination in public (EIP). The plan recognises that Surrey has over many years made a significant contribution to the need for sands and gravel in particular, and that such a level of production cannot be sustained into the future. However Surrey, along with other counties, still needs to play its part in providing raw materials and the SMP adopted in 2011 sets out how that provision will be made over the plan period. The technical work for the SMP 2011 in considering options for future supply demonstrated it was becoming increasingly difficult in Surrey to identify areas for future working.
- 113 The SMP 2011 recognises the difficulties in balancing meeting the need for mineral development and ensuring the impact from mineral working does not result in unacceptable impacts on local communities and the environment. Preferred areas identified in the SMP 2011 Primary Aggregates DPD provide locations where it is considered mineral working is possible without imposing significant adverse impacts on the local community or on the environment
- 114 The application site at Manor Farm is situated in north west Surrey and the site identified as one of ten preferred areas (preferred area J) in Primary Aggregates DPD Policy MA2. The site is considered a suitable location under Core Strategy DPD Policy MC1 and Primary Aggregates DPD Policy MA2 for extraction of primary aggregates.
- 115 Identification of land as a preferred area does not mean planning permission will be granted, nor precisely indicate the extent of mineral working that may be permitted. Key development requirements for each preferred area identify issues needing to be addressed as part of planning application proposals. Detailed assessments submitted with planning applications, and where necessary Environmental Impact Assessment (EIA), will be required to support planning applications for mineral working in preferred areas and assessed against relevant development plan policies and issues relevant to the application site and surrounding area (these may be additional to the issues referred to in the preferred area key development requirements).
- 116 Although the application proposes transporting the mineral to the existing mineral processing plant at Queen Mary Quarry (not Shepperton Quarry as identified in the plan) this is in line with the key development criteria for the Manor Farm preferred area as mineral extracted at the site would be transported off site by conveyor to be processed. Transporting mineral by conveyor to an existing processing plant site would mean no visual impact and environmental disturbance from siting of processing plant at Manor Farm, and need for HGV access for transporting mineral from the site by road. This would reduce the environmental disturbance and visual impact of the proposal at Manor Farm on surrounding land uses. The impact of the proposal at Manor Farm, processing of mineral at the QMQ site and erection of concrete batching plant and aggregate bagging plant at the QMQ site on environmental and amenity interests are considered later in this report.

#### *Need for sharp sand and gravel*

- 117 As outlined above, national policy requires mineral planning authorities to plan for a steady and adequate supply of aggregate using landbanks of mineral reserves of aggregates 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.
- 118 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. 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.

- 119 Surrey County Council produces an Annual Monitoring Report (AMR) covering the period 1 April to 31 March which includes details on production, permitted reserves and the landbank of primary aggregates. Following changes introduced under the Localism Act 2011 planning authorities are now required to publish monitoring information as soon as possible after it becomes available. An Aggregates Monitoring Update is therefore published on the county council website in the spring/summer in advance of publication of the annual monitoring report. From 2012/13 the AMR also includes Surrey's LAA which includes information on mineral production and reserves plus an assessment of all future mineral supply options.
- 120 The latest information on sales, reserves and the landbank of primary aggregates is contained in the Aggregates Monitoring Update: May 2014 and the November 2014 LAA which reflects the results of the Aggregates Monitoring Survey 2013 (AM2013). This supersedes the data contained in the Annual Monitoring Report 2012/13. The results of the AM2013 indicate that sales of land-won primary aggregates increased to 0.79mt in 2013, comprising 0.33mt of sharp sand and gravel and 0.43mt of soft sand. The small remainder comprised 0.03mt of sand and gravel or hoggin for construction fill.
- 121 Sharp sand and gravel sales are therefore significantly below the average annual provision rate provided for in the SMP 2011 Primary Aggregates DPD. The AM2013 also reveals that the landbank of permitted reserves fell significantly from 6.7 to 4.4 years between the end of 2012 and the end of 2013. This was due to: a significant reserve reassessment at a major soft sand quarry; the recalculation of soft sand reserves at two quarries primarily containing reserves of silica sand; the expiry of planning permission at another soft sand quarry; and no new permissions being granted for primary aggregate extraction in 2013 to replenish the extraction of permitted reserves during the year.
- 122 However, based on the amount of permitted reserves remaining at the end of 2013, the granting of planning permission in August 2014 for the extraction of 4.1 million tonnes (mt) of soft sand at Mercers South (permission ref. TA/2013/1799) increased the total aggregate landbank to 7.3 years. This would be further extended by 0.5 years to 7.8 years by the granting of planning permission (application ref WA/2014/0005) for the extraction of 0.77 mt of soft sand at Alton Road, and 0.5 years to 8.3 years by the granting of planning permission (application ref SP13/00141/SCC) for the extraction of 0.75 mt of sharp sand and gravel at Homers Farm which the Planning and Regulatory Committee resolved, at the 3 September 2014 and 10 December 2014 meetings respectively, subject to the prior completion of legal agreements, to grant planning permission for.
- 123 As referred to in paragraphs 103 and 104 above Policy MA1 (Aggregate Supply) of the Primary Aggregates DPD splits the total primary aggregates supply figure of around 24 mt over the plan period into separate provision rates for sharp sand and gravel and soft sand. This results in an average minerals provision figure of 0.9mtpa for sharp sand and gravel and 0.5mtpa for soft sand. However, it should be noted that the total landbank position masks a significant distortion between the landbanks for sharp sand and gravel and soft sand which fell to 1.9 years and 8.7 years respectively at the start of 2014.
- 124 Granting planning permission for additional soft sand reserves at Mercers South increased the soft sand landbank by 8.2 years to 16.9 years. Permission at Alton Road would increase the soft sand landbank further to 18.4 years. With no new reserves of sharp sand and gravel being permitted since the start of 2014 (the decision on the Homers Farm planning application referred to in paragraph 122 is not yet issued), and taking account of sales during 2014, the sharp sand and gravel permitted reserves and landbank will have reduced further and the already significant distortion between the separate landbanks for soft sand and sharp sand and gravel at the end of 2013 will have substantially increased.

- 7
- 7
- 125 As referred to above the NPPG states at Minerals ID27 paragraph 082 that for decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates. Furthermore, Minerals ID27 paragraph 084 of the NPPG adds that where a landbank is below the minimum level, this may be seen as a strong indicator of urgent need. Officers therefore consider there is an urgent and pressing need to replenish dwindling permitted reserves of sharp sand and gravel in the county which had fallen to 1.75mt at the end of 2013 and remain extremely low.
- 126 The application states that the mineral at Manor Farm would be worked on completion of extraction from beneath the baffle in the reservoir at QMQ. The Manor Farm reserve would therefore replace QMQ as an operational site extracting reserves of land won primary aggregate, and would serve to provide security enabling phased continuity in supply of sharp sand and gravel in north west Surrey. Working on the basis mineral extracted from Manor Farm and processed at QMQ would supply a similar market area to the current QMQ operation, Officers consider the site to be well placed relative to the local construction market currently served by QMQ in north west Surrey and London.
- 127 CLAG2 and other objectors refer to: lack of need for mineral from Manor Farm for Surrey to fulfil its quota; that talk of the county soon running out of available gravel is no longer true; that demand remains low and there is uncertainty around when demand will rise, and that when it does it will not rise to the levels reached in the 1990s. Reference is also made to meeting future demand through imports of marine dredged mineral or rail imports. In reaching these conclusions they have misinterpreted the purpose of, and information contained in the Primary Aggregates Land Assessment Report 2009, and not understood the role of the mineral planning system and supply options.
- 128 It should be acknowledged that there are currently four further planning applications for the extraction of sharp sand and gravel (concreting aggregate). These include three new quarry applications on sites allocated in the SMP 2011 Primary Aggregates DPD comprising Homers Farm, Bedfont (proposing to process at Hengrove Farm); Milton Park Farm, Egham; and Watersplash Farm, Halliford, as well as one application to reopen Addlestone Quarry which was previously mothballed during the economic downturn and where planning permission has expired. Taken together, these four applications propose the extraction of around 4.17 mt of sharp sand and gravel.
- 129 The Homers Farm application for extraction of 749,000 tonnes of sharp sand and gravel (ref SP13/00141) was reported to the Planning and Regulatory Committee on 10 December 2014 meeting where the committee resolved, subject to the prior completion of a S106 unilateral undertaking relating to vehicle routing on the A30, to grant planning permission subject to conditions. The other three await determination. However, it cannot be assumed at this time that any of these other planning applications will be permitted and as a consequence, their existence cannot influence the determination of this application which should be considered on its own merits.
- 130 If all five current applications for sharp sand and gravel extraction in the county were permitted, this would increase the landbank for sharp sand and gravel to around 8 years. Therefore, in determining future applications that would increase the sharp sand and gravel landbank above 7 years, in order to comply with NPPF paragraph 145, it may be necessary to justify such future proposals in terms of their contribution to the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.



- 131 Officers view the current landbank position as a strong indicator of urgent and pressing need for additional reserves of primary land-won sharp sand and gravel to be permitted to meet the objective of maintaining continuity of supply in terms of an appropriate landbank required by Primary Aggregates DPD Policy MA1. Although, based on the landbank at the end of 2013 the total aggregate landbank of permitted reserves for primary aggregates increased to 7.3 years when the Mercers South permission (soft sand) was granted (and would extend to 7.8 years with the Alton Road resource (soft sand)), there is currently a very significant shortfall in the landbank for sharp sand and gravel.
- 132 Granting permission for the 1.5mt reserve at Manor Farm would increase the total landbank of primary aggregate in the county by 1.1 years, and the landbank for sharp sand and gravel by 1.7 years. Officers conclude there is a strong case of need for planning permission to be granted for extraction of the mineral from Manor Farm in order to help towards maintaining security of supply and accord with SMP 2011 Core Strategy DPD Policy MC7 and Primary Aggregates DPD Policy MA1.

*Concrete batching plant and aggregate bagging plant*

- 133 The proposed concrete batching plant and aggregate bagging plant would involve development within an existing operational quarry site. The bagging plant would be housed within a building. The plant would be used in association with the mineral extraction and processing proposed at Manor Farm under this application, and the current importation and processing of as raised mineral and waste recycling developments at QMQ (which have planning permission to the end of 2033). The plant would be sited on areas of existing hardstanding in the plant site area, and make use of the existing site infrastructure and facilities at QMQ.
- 134 The two items of plant would not be involved in the primary processing of the mineral extracted at Manor Farm. Instead they would use sand and gravel processed in the QMQ processing plant. For the duration of extraction at Manor Farm this would involve both mineral extracted at Manor Farm, processed as raised mineral imports and recycled aggregate (planning permissions SP07/1275 and SP07/1273). Following completion of mineral extraction at Manor Farm the raw materials would be supplied from the recycling and as raised processing developments only.
- 135 Concrete batching plant in north west Surrey, whether sited at mineral sites or elsewhere, supply concrete to the construction market in London and Surrey. Making use of the location of sources of sand and gravel concrete batching plant are often co located at mineral sites. This avoids transporting the sand and gravel raw material to a plant sited elsewhere, for example on an industrial site.
- 136 Aggregate bagging operations involve specialist plant housed within a building. The proposed aggregate bagging plant would enable aggregate to be sold in quantities ranging from 25 to 850 kilogrammes (kg). It would enable sale of processed minerals in bagged form as well as loose aggregate. Sales of aggregate in bagged form would enable the applicant to supply aggregate in smaller quantities to customers.
- 137 As is the case with concrete batching plant, co locating aggregate bagging plant at a mineral site enables aggregate to be bagged at source and avoids transporting the mineral to a bagging plant sited elsewhere, for example on an industrial site.
- 138 Assessment of the proposal against the requirements of relevant development plan policies relating to highways, traffic and transport and protection of the environment and amenity and the Green Belt are considered below.

## HIGHWAYS, TRAFFIC AND ACCESS

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

Policy MC14 – Reducing the adverse impacts of mineral development

Policy MC15 – Transport for minerals

### Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SB Core Strategy and Policies DPD 2009)

Strategic Policy SP7 Climate Change and Transport

Policy CC2: Sustainable Travel

- 139 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 with the Government recognising that different communities will require different policies and measures, and the opportunities for maximising sustainable transport solutions will vary from urban to rural areas.
- 140 Developments that generate a significant number of movements are required to be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- opportunities for sustainable transport modes to avoid the need for major transport infrastructure (which will depend on the nature and location of the development) have been taken up;
  - suitable and safe access for all people can be achieved; and
  - cost effective improvements can be undertaken within the transport network to limit the significant impacts of the development,
- with development only being refused on transport grounds where residual cumulative transport impacts are severe. In relation to mineral development, plans should set environmental criteria for assessing the traffic impacts of proposals.
- 141 The traffic generated by transporting minerals is one of the most significant impacts of mineral working and a concern to those living and travelling in the vicinity of a site. Policy MC15 of the SMP2011 Core Strategy DPD 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. Paragraph 7.3 of the SMP2011 Core Strategy DPD recognises that for short distances conveyors and pipelines can be very effective alternatives to transport of mineral by lorry. They are most commonly used to transport mineral within sites or between sites from where mineral is extracted to the site where it will be processed.
- 142 Policy MC15 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. The policy goes on to state that proposals involving transportation by road will only be permitted where:
- (i) there is no practicable alternative to the use of road-based transport that would have a lower impact on communities and the environment;*
- (ii) the highway network is of an appropriate standard for use by the traffic generated by the development or can be suitably improved; and*
- (iii) arrangements for site access and the traffic generated by the development would not have any significant adverse impacts on highway safety, air quality, residential amenity, the environment or the effective operation of the highway network.'*

143 SB Core Strategy and Policies DPD 2009 Strategic Policy SP7 seeks to ensure development is located in a way which reduces the need to travel and encourages alternatives to car use. Through Policy CC2 the borough council seeks to secure more sustainable travel patterns through means such as “*only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account:*

- i) *number and nature of additional traffic movements, including servicing needs;*
- ii) *capacity of the local transport network;*
- iii) *cumulative impact including other proposed development;*
- iv) *access and egress to the public highway; and*
- v) *highway safety.”*

144 As outlined under the proposal section of the report above all the mineral extracted at Manor Farm would be transported by conveyor to the existing mineral processing plant at QMQ for processing. From here processed mineral (as loose bulk loads or as bagged sand or gravel; or as concrete) would be exported by road via the existing QMQ access onto the A308 Kingston Road. A new access off the Ashford Road and modifications to the existing agricultural access off Worple Road would provide vehicular access to the Manor Farm part of the application site, see Plan 2, Figures 3 and 5 and paragraphs 25 to 28 above for details and how the accesses to the Manor Farm part of the application site would be used.

145 Under the current planning permissions at QMQ HGV traffic involved by the export of mineral arising from extraction, imports and exports associated with the recycling operation, and import of as raised mineral for processing and export of processed mineral is limited to a maximum of 300 movements per working day (150 two way movements).

146 So that the QMQ site 300 daily vehicle movement number limit is not exceeded the applicant proposes managing the imports to QMQ of as raised mineral for processing and construction and demolition waste for recycling and exports of product during the operational life of the proposed extraction at Manor Farm.

147 The anticipated traffic movements arising from the exports of processed mineral from Manor Farm (based on anticipated extraction rate of 300,000 tpa, the output from the concrete batching plant (20,000 m<sup>3</sup>) and sales of bagged aggregate (40,000 tpa), together with the ongoing recycling operation and import and processing of as raised mineral HGV traffic generated at the QMQ site for the duration of mineral extraction at Manor Farm would be in the region of 259 movements per day (130 two way movements), which is below the current permitted 300 maximum movements for the QMQ site, see table below:

<b>Predicted HGV Movements associated with the operation of Queen Mary Quarry for the duration of the proposed Manor Farm development</b>	
<b>Activity</b>	<b>Annual HGV Movements</b>
Import of ‘as-raised’ gravel (under Planning Permission SP07/1275)	10,000
Import and export of construction and demolition (C&D) waste for recycling (under Planning Permission SP07/1273)	19,000
Export of sand and gravel in bulk	31,200
Import of cement and export of ready-mix concrete from the proposed concrete batching plant	7,100
Export of bagged aggregates from proposed aggregate bagging plant	4,000
<b>Total Annual HGV Movements</b>	<b>71,300</b>
Working Days per Year	275
<b>Average Daily HGV Movements</b>	<b>259</b>

Source: Environmental Statement Volume 2a Table 14.1

148 As part of the scoping of the EIA it was agreed that as the Manor Farm proposal would be processing mineral at the existing QMQ site and HGV traffic generated by the export of mineral extracted at Manor Farm (in loose bulk or bagged loads of aggregate, or as concrete) would be replacing HGV traffic exporting mineral excavated from within the reservoir, it wasn't necessary for the application to be supported by a Transport Statement or Transport Assessment. Officers did not consider it necessary to require the applicant to assess alternatives to road based transport for removal of processed mineral.

149 The key development requirements for the Manor Farm preferred area in the SMP2011 Primary Aggregates DPD relating to access are:

*“permanent HGV access to the area is not desirable; temporary access to bring equipment and machinery on and off the site from Ashford Road should be explored; minerals should be moved by conveyor into Littleton Lane Quarry for processing; working of the preferred area should be phased and not occur simultaneously with any working of preferred area F Home Farm Quarry Extension, to avoid any increase in mineral HGV traffic on local roads.”*

Provision of vehicle access to enable export of mineral by road and importation of material to backfill the site was considered as part of the assessment of the site for inclusion as a preferred area in the minerals plan. Use of a conveyor system was considered to be the only realistic option for moving excavated material to a suitable processing plant. Access off either the Ashford Road or Worple Road was considered unacceptable by the Highway Authority due to difficulties in providing suitable sightlines, traffic calming measures on Worple Road and the environmental impact of HGV traffic on the roads to access the site.

150 When the land at Manor Farm was considered and allocated as a preferred area in the SMP2011 it was envisaged that the excavated mineral would be transported by conveyor to Shepperton Quarry, Littleton Lane for processing. The use of the Shepperton Quarry processing plant was proposed in the SP10/0173 planning application submitted in August 2010 by Shepperton Aggregates, a joint venture company between Brett Aggregates and Tarmac (now called Lafarge Tarmac), and referred to at the examination in public hearings held between October 2010 and January 2011. Since that time Shepperton Aggregates withdrew their planning application in June 2011 after their option to work the Manor Farm site expired and was not renewed, and the operator at QMQ has changed. QMQ is now operated by Brett Aggregates.

151 At the time the site was being considered for inclusion in the plan working of the Manor Farm site was envisaged to be undertaken concurrently with operations at QMQ (extraction if still ongoing, and waste developments) which had planning permission for operations to continue to 2033, and could generate up to 300 HGV movements per working day.

152 The current application by Brett Aggregates addresses the first three parts of the access key development consideration for the Manor Farm preferred area by proposing to transport the excavated mineral by conveyor to QMQ for processing, and use of accesses off the Ashford Road and Worple Road to bring equipment and machinery on and off the site. The access off the Ashford Road would be used to bring equipment and machinery onto Phase 1 (east of FP 30) for use in connection with extraction and restoration on Phase 1. Once restoration on Phase 1 had been complete and operations have moved to the west of the footpath the access would be used periodically in connection with maintenance of the conveyor. As well as bringing plant and machinery on to the land west of the footpath for working of Phases 2, 3 and 4, the Worple Road access would be used to access the site compound and as described in paragraph 27 above.



- 153 Mineral extracted at Home Farm Quarry and the extension area (land at Laleham Nurseries and Shepperton Studios) is taken by conveyor for processing at Shepperton Quarry (Littleton Lane). When preferred areas for inclusion in the SMP2011 were under consideration it was understood the mineral extracted at Manor Farm was going to be processed at Shepperton Quarry. So the two sites would not be worked and generate traffic from the Shepperton Quarry site at the same time, phasing the working so the Manor Farm and preferred area F Home Farm Quarry Extension sites were not worked simultaneously was considered appropriate.
- 154 There is no key development requirement for phased working at either the Manor Farm or the Home Farm Quarry Extension preferred areas, and permitted operations at the QMQ site, as no concerns were identified relating to traffic associated with simultaneous extraction at the sites and the QMQ site. No concerns about simultaneous working at Manor Farm with the Home Farm Quarry Extension, or working the remaining mineral at Shepperton Quarry have been raised by the County Highway Authority. In the circumstances Officers see no valid reason to look to control the phasing of working at Manor Farm as proposed under the current application so working at the Manor Farm and Home Farm Quarry Extension sites does not occur simultaneously.
- 155 The applicant proposes phasing the working at Manor Farm to follow on from extraction of mineral from beneath the baffle in the reservoir (due to be complete by the end of December 2016), and to manage the quantities of as raised mineral and construction and demolition waste imported to the QMQ during the life of extraction at Manor Farm so HGV traffic generated by the combined operations is within the 300 HGV movements per day limit. This could be secured by planning condition and a S106 legal agreement.
- 156 The County Highway Authority has raised no objection to the proposal subject to imposition of planning conditions relating to submission and approval of the detailed design of the accesses off Worple Road and Ashford Road; use of the accesses; removal of the Ashford Road and Worple Road accesses [removal of the Ashford Road access and returning the Worple Road access to its former status (agricultural access)]; timing of the construction of the conveyor tunnels under the Ashford Road and FP30 and removal on completion of extraction; removal of mineral from site by conveyor belt only; provision of parking spaces within the site compound and measures to prevent mud and material being deposited on the public highway.
- 157 As summarised in the Consultation and Publicity Section above the following concerns about highways and traffic have been raised by objectors in representations and by CLAG2: Congestion and impact on highway safety (from proximity of the Worple Road access to existing traffic calming measures; from traffic that will be generated and use of the accesses to Manor Farm by HGVs and low loaders; mud, sand and gravel on the road); impact from use of roads by HGVs which serve residential areas, two schools, children's nurseries, and a church on residents, pedestrians (in particular children going to and from school) and on other road users including cyclists. Damage that will be caused by the HGV traffic to: road surfaces, street lighting, road signs and buildings (residential properties and listed buildings). Driver behaviour and speeding and suitability of the highway network for mineral traffic (Worple Road, Ashford Road and roads through Laleham in terms of road widths, pavements, traffic calming measures and proximity to junctions), past and current restrictions on use of roads through Laleham for mineral related traffic and the extended period over which mineral related HGV traffic will impact on Laleham which is well beyond previous assurances; and impact from closure of the Ashford Road during construction of the conveyor tunnel.

- 7
- 7
- 158 As referred to above it is recognised in government guidance on mineral development and the SMP 2011 that lorry traffic generated by mineral developments is a major concern to the public and one of the most significant impacts of this type of development. Spelthorne Borough is heavily trafficked including HGV traffic travelling to and from development in the borough, and through the borough. The numbers of HGVs travelling on roads in the vicinity site are of concern to local residents. Not all HGV traffic travelling on local roads and through Laleham is associated with mineral and waste sites. Staines Road (B376), Ashford Road (B377), The Broadway and Shepperton Road (B376) form part of the classified road network intended to distribute traffic to and from the strategic road network and HGVs are not prohibited from travelling through Laleham.
- 159 The Surrey County Council and Surrey Police joint draft Drive SMART Road Safety and Anti Social Driving Strategy and Spelthorne Local Speed Management Plan is aimed at addressing speeding at the worst sites across the county by targeting resources at the sites where they are most needed. A number of roads in the vicinity Manor Farm and QMQ where speeding was of concern were identified for investigation as part of these initiatives, including the B377 Ashford Road from Kingston Road to The Broadway, Laleham, and Staines Road from The Broadway to Worple Road.
- 160 In relation to HGV traffic associated with sites operated by them, operators do not have responsibility for, or control over, the behaviour of individual drivers when they are driving on the public highway. The applicant, Brett Aggregates, and other operators try to ensure vehicle drivers are aware of local speed limits and local site requirements regarding routes etc. Brett company drivers are required to hold a Mineral Products Qualifications Council (MPQC) Driver Skills Card (previously called EPIC (Extractive Product Industry Council) Certificate) which involves attending a course and passing an exam covering safety awareness on site and on the road. However, concerns about speeding and anti social driving are not reasons to refuse planning permission for development.
- 161 The HGV traffic associated with transporting mineral from the site would use the existing accesses to QMQ. In via the A308 and Ashford Road accesses, and out via the A308 access direct onto the strategic road network. Traffic to and from the site would make use of the surrounding road network including the Ashford Road and roads through Laleham. The traffic arising from the development would not add to the HGV traffic already associated with the QMQ site which has planning permission to generate 300 HGV movements (150 two way HGV movements) on any working day. Use would be made of the existing in and out arrangements and wheel cleaning facilities at the QMQ site.
- 162 The Worple Road and Ashford Road accesses would be used periodically to transport heavy plant and machinery to the Manor Farm site to be used for soil stripping, bund construction, mineral extraction and restoration of the site (including removal of soil bunds and placement of soils). The application states that this traffic is likely to equate to 36 two way vehicle movements per annum. During extraction and restoration the Worple Road access would be used by employees, operatives, maintenance personnel and for deliveries of consumables, of which employee journeys are expected to equate to six two-way movements per day.
- 163 Objectors are concerned about the traffic using the Worple Road access adding to congestion, and the suitability of the accesses off the Ashford Road and Worple Road for the type of traffic which would use them. The number of vehicles using these accesses each day would be small with occasional use throughout the year associated with delivery and removal of heavy plant and machinery. Additional information about the design of the works to the Worple Road access and proposed new access off the Ashford Road including sightlines was requested and has been provided. This has been assessed by the County Highway Authority and no objection raised. Officers are satisfied the application contains sufficient detail, including vehicle track overlays showing use of these accesses by low loaders, to demonstrate they are suitable for the uses and intensity proposed.

- 164 There would therefore be some disruption to flow of traffic along the Ashford Road during the tunnel construction period. Closure of the Ashford Road is not expected during construction of the conveyor tunnel. Instead the application envisages traffic would be reduced to a single lane and controlled.
- 165 The environmental impact from traffic and suitability of the local highway network for the type and amount of traffic that would be generated by the minerals and waste developments at QMQ was assessed at the time the planning permissions at QMQ were granted, and again more recently in association with the three planning applications referred to in paragraph 16 above, and not found to be an overriding constraint to the development.
- 166 Officers consider this to still be the case with the Manor Farm proposal. Vehicle numbers using the QMQ access would remain unchanged. Whilst there would be a change in type of vehicle involved in export of mineral associated with delivery of extracted mineral as bagged aggregate and concrete, the type of traffic associated with the Manor Farm proposal in combination with the existing permitted waste developments at QMQ would not be materially different to the type of traffic generated at present with extraction of mineral from the reservoir.

*Conclusion on highways, traffic and access*

- 167 In, Officers consider the proposal is acceptable and subject to securing controls through planning conditions relating to access, vehicle numbers and protection of the public highway, and a S106 agreement to limit the number of HGV movements in combination with other planning permissions at QMQ to no more than 300 HGV movements (150 two way HGV movements) on any working day, that the proposal is acceptable and is consistent with the aims and objectives of the NPPF and relevant development plan policies relating to such matters.

**ENVIRONMENT AND AMENITY**

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

- Policy MC2 Spatial Strategy – protection of key environmental interests in Surrey
- Policy MC3 Spatial Strategy – mineral development in the Green Belt
- Policy MC14 Reducing the adverse impacts of mineral development
- Policy MC17 Restoring mineral workings
- Policy MC18 Restoration and enhancement

**The Minerals Site Restoration Supplementary Planning Document (DPD) (Restoration SPD)  
Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SB Core Strategy and Policies DPD 2009)**

- Strategic Policy SP6 Maintaining and Improving the Environment
- Policy EN3 Air Quality
- Policy EN4 Provision of Open Space and Sport and Recreation Facilities
- Policy EN5 Buildings of Architectural and Historic Interest
- Policy EN8 Protecting and Improving Landscape and Biodiversity
- Policy EN9 River Thames and its tributaries
- Policy EN11 Development and Noise
- Policy LO1 Flooding

**Spelthorne Borough Local Plan 2001 (saved policies) (SBLP 2011)**

- Policy RU11 Sites of Nature Conservation Importance
- Policy RU14 Sites of Nature Conservation Importance
- Policy BE 24 Archaeology, Ancient Monuments and Historic Landscapes
- Policy BE25 Archaeology, Ancient Monuments and Historic Landscapes

- 168 This part of the report deals with environmental and amenity matters under the headings: flood risk, water quality, groundwater and land drainage; landscape and visual impact; noise; air quality and dust; rights of way; biodiversity and ecology (species and designated areas); historic environment and archaeology, restoration and after-use, airport safeguarding/safety/infrastructure; lighting; and cumulative impact. Some of the development plan policies listed above relate to one of more of the issues, these are outlined here with any policies relevant to particular issues outlined under the relevant part.
- 169 As referred to in paragraph 95 above the NPPF and NPPG expect mineral planning authorities to ensure that mineral proposals do not have an unacceptable adverse effect on the natural or historic environment or human health. The NPPF states authorities should also take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. Guidance in relation to implementation of policy in the NPPF on development in areas at risk of flooding and in relation to mineral extraction (including in relation to proximity of mineral workings to communities, dust emissions, noise and restoration and aftercare of mineral sites) is provided in the NPPG. Some of the development plan policies listed above relate to one or more of the issues.
- 170 SMP 2011 Policy MC2 gives protection to key environmental interests in Surrey setting out the information and assessments for protection of areas of international importance for biodiversity; national designations of ecological importance and heritage designations. Surrey is a densely populated county and mineral resources, especially sharp sand and gravel (concreting aggregate), the mineral that would be extracted, are found in the north west most densely settled part of the county. The SMP 2011 recognises the difficulties in balancing meeting the need for mineral development and ensuring the impact from mineral working does not result in unacceptable impacts on local communities and the environment. SMP 2011 Core Strategy DPD Policy MC14 states that proposals for mineral working will only be permitted where a need has been demonstrated and sufficient information has been submitted to enable the authority to be satisfied that there would be no significant adverse impacts arising from the development and sets out matters to be addressed in planning applications.
- 171 Matters relevant to this application include:
- visual impact and impact on landscape (appearance, quality and character);
  - flood risk and effect on the flow and quality of groundwater, surface water, land drainage (of the site and adjoining land);
  - potential danger to aircraft and safe operation of airports from birdstrike and structures;
  - adverse effects on neighbouring amenity including noise, dust and transport impacts;
  - the loss or damage to flora and fauna and their respective habitats at the site or on adjoining land including the linear or other features which facilitate the dispersal of species;
- 172 SMP 2011 Core Strategy DPD Policy MC17 requires mineral working proposals to provide for restoration and post restoration management to a high standard. Sites should be progressively restored or restored at the earliest opportunity with the restoration sympathetic to the character and setting of the wider area and capable of sustaining an appropriate after-use. For mineral working in the Green Belt after-uses should be appropriate to that designation, these include agriculture, forestry, recreation and nature conservation. For nature conservation after-uses longer term management beyond the standard five year aftercare advised in national policy would be necessary, which the authority would look to secure through legal agreements. A key objective is for enhancement as well as restoration and through Policy MC18 the county council will work with operators and landowners to deliver benefits including enhancement of biodiversity interests at the site and, where appropriate, as part of a wider area enhancement approach.



- 173 Objectives of the SB Core Strategy and Policies DPD 2009 include “to protect and improve the quality of the environment, including improving the landscape, promoting biodiversity and safeguarding the Borough’s cultural heritage” through policies including Strategic Policy SP6 Maintaining and Improving the Environment and Policy EN8 Protecting and Improving the Landscape and Biodiversity. These policies seek to protect and improve the landscape and biodiversity and cultural heritage of the borough through:
- safeguarding sites of international and national importance;
  - working with others to develop and secure the implementation of projects to enhance the landscape and create or improve habitats of nature conservation value;
  - wherever possible ensure that new development contributes to an improvement in landscape and biodiversity and also avoids harm to features of conservation interests; and states planning permission will be refused where development would have a significant harmful impact on the landscape or features of nature conservation value. Supporting text to Policy EN8 identifies that mineral working has had a substantial impact on the landscape of the Borough and in some areas has resulted in a legacy of poorly restored land. The Borough Council will support measures to improve poorly restored mineral workings and look for the timely restoration to a high standard of current and proposed workings.
- 174 SB Core Strategy and Policies DPD 2009 Policy EN11 seeks to minimise the impacts of noise and sets out a series of criteria by which to achieve this including measures to reduce noise to acceptable levels and ensuring provision of appropriate noise attenuation measures. SB Core Strategy and Policies DPD 2009 Policy EN3 states the borough council aims to improve air quality and minimise harm from poor air quality by refusing development where adverse effects on air quality are of a significant scale, and are not outweighed by other important considerations or effects, and cannot be appropriately or effectively mitigated. SB Core Strategy and Policies DPD 2009 LO1 Flooding seeks to reduce flood risk and its adverse effects on people and property in Spelthorne through a range of measures including maintaining flood storage capacity within Flood Zone 3; maintaining the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain to both store water and allow the movement of fast flowing water.
- 175 SBLP 2001 saved policies RU11 and RU14 give protection to SNCIs. Policy RU11 states that proposals will only be permitted within SNCIs where there will be no adverse effect, either direct or indirectly on the ecological interest of the site or where the requirements of Policy RU14 are met. Policy RU14 provides for mitigation and compensation to be provided where exceptional circumstances justify a development which will adversely impact on an SNCI, and requires a demonstration that the harm is kept to a minimum.
- 176 SB Core Strategy and Policies DPD 2009 Strategic Policy SP6 Maintaining and Improving the Environment and Policy EN5: Buildings of Architectural and Historic Interest seek to preserve and protect the borough’s cultural heritage architectural and historic heritage including historic buildings and Conservation Areas. SBLP 2001 Policy BE24 states there is a presumption against development which would affect a scheduled or any other nationally important ancient monument or its setting and that development adversely affecting a site or monument of County importance will not be permitted. Policy BE25 requires that for development proposals in areas of high archaeological potential a field evaluation should be carried out where an initial assessment has shown that important archaeological remains may exist, and that conditions should be imposed to ensure that damage to any remains is minimal or avoided.

## Flood risk, land drainage, groundwater and water quality

- 177 The River Ash runs between the QMQ part of the application site and the Queen Mary Reservoir, which is to the east of the QMQ site. The River Thames runs to the south west of the land at Manor Farm. The Queen Mary Reservoir intake channel runs from the Thames along a route to the south of Manor Farm and the southern boundary of the QMQ site.
- 178 The application site is within a major aquifer and mostly within a groundwater source protection zone 3 for public water supply (Chertsey).
- 179 Associated with the Rivers Ash and Thames the majority of the Manor Farm part of the site (proposed extraction areas), and the lakes and parts of the land adjacent to the River Ash at QMQ are within a Flood Zone 3 (which for fluvial (river) flooding are areas which may be affected by a 1:100 year fluvial flood (high probability of flooding)) as shown on the Environment Agency's flood maps, Spelthorne Borough Core Strategy and Policies Development Plan Document (DPD) Proposals Map and Spelthorne Borough Council's Strategic Flood Risk Assessment (SFRA). (As the land in the application site is not within an area at risk of sea flooding no further reference will be made to flood risk from this source).
- 180 The majority of the processing plant site at QMQ, and land between the River Ash and the lake, and the northern parts of the Manor Farm part of the site are within a Flood Zone 2 (areas which may be affected by an extreme 1:1000 year (0.1% probability) fluvial flood (medium probability of flooding)). Small areas within the southern part of the processing plant site at QMQ and other small areas (the latter falling outside the application site boundary) are within Flood Zone 1 and are areas with a low probability of flooding. The land on which the proposed concrete batching plant and aggregate bagging plant and associated storage, new development within the processing plant site, is located in Flood Zones 1 and 2.
- 181 As well as flooding from rivers, the application area lies within part of an extensive area around the Queen Mary Reservoir identified as an area at risk from reservoir flooding. The reservoir is a potential source of flooding in the event of failure of the reservoir embankment. Flooding from sewers has occurred locally in the vicinity of the site, such as along the Ashford Road to the south west of Manor Farm.
- 182 The Environment Agency (EA) Flood maps show small areas within the Manor Farm and QMQ application site area, other land within Manor Farm, such as between the application site and Pavilion Gardens to the north and west of Brightside Avenue, and QMQ, and the surrounding residential areas and local roads including Northfield Road and Worple Road as having a low risk of flooding from surface water. The EA define surface water flooding as flooding which happens when rainwater does not drain away through normal drainage systems or soak into the ground and flows over or lies on the ground instead. As it is hard to forecast exactly where, or how much rain will fall the EA flood maps make it clear this type of flooding can be difficult to predict. Areas on the map shown at risk of surface water flooding are based on factors such as ground levels and drainage. For surface water flooding areas at low risk of flooding have a chance of flooding of between 1 in 1000 (0.1% probability) and 1 in 100 (1% probability) each year.
- 183 Surface water drainage within the Manor Farm site involves soakage into the ground or discharge into open ditches within the eastern part of the site, and parallel to FP30 on the western part of the site.

- 184 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). Guidance on how the policy should be implemented is set out in the NPPG published in March 2014 (ID7 Flood Risk and Coastal Change) which replaced the earlier NPPF Technical Guidance published at the same time as the NPPF in March 2012.
- 185 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/ development management and plan preparation; 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.
- 186 The approach in the NPPF is based on appraising, managing and reducing flood risk and land for development in flood risk areas. The sequential test is to be applied to all levels of the planning process (plan preparation and development management) with the general approach designed to ensure areas at little or no risk of flooding (from any source) Flood Zone 1 (low probability) areas are developed in preference to areas at higher risk of flooding. If there is no reasonably available site in Flood Zone 1, the flood vulnerability of development proposals in Flood Zone 2 (medium probability) and Flood Zone 3 can be taken into account. Flood Zone 3 is sub divided into Zones 3a - high probability and 3b - the functional floodplain. The functional floodplain consists of areas (land and water areas) where flood water has to flow or be stored in times of flood.
- 187 Different land uses are classified according to their flood risk vulnerability in Table 2 Flood risk vulnerability classification, of the NPPG (paragraph 066 ID7) with development classified as: essential infrastructure; highly vulnerable; more vulnerable; less vulnerable; and water compatible uses. Sand and gravel working is classified as a 'water compatible' use of land. Table 3 of the NPPG (paragraph 067 ID7) sets out Flood risk vulnerability and flood zone 'compatibility'. As a water compatible land use sand and gravel working is considered appropriate in all Flood Zone areas.
- 188 A site-specific flood risk assessment (FRA) is required for all development proposals in Flood Zones 2 and 3. The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how flood risk will be managed through the life of the development, take climate change into account and have regard to the vulnerability of its users. Development should be designed and constructed to remain operational and safe for users in times of flood; result in no net loss of floodplain storage; not impede flood flows; and not increase flood risk elsewhere.
- 189 The NPPG at ID7 paragraph 002 states that for the purposes of applying the NPPF "*flood risk is a combination of the probability and the potential consequences of flooding from all sources – including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources*".
- 190 In relation to water quality the NPPF looks to the planning system to contribute to and enhance the natural and local environment through preventing new development from contributing to or being put at unacceptable risk from unacceptable risks of water pollution (paragraph 109), and by taking decisions on planning applications prevent unacceptable risks from pollution by ensuring new development is appropriate for its location (paragraph 120). Where a proposed development has the potential to impact on water quality and is likely to be a significant planning concern, sufficient information should be provided in the planning application to identify the likely impacts, with a more detailed assessment undertaken where significant adverse impact on water quality is likely (NPPG ID34 paragraph 016).

- 191 Surrey Minerals Plan 2011 Policy MC14 requires planning applications to assess, and where necessary identify appropriate mitigation measures, of the effect of proposals on the flow and quality of groundwater, surface water, land drainage (of the site and adjoining land), and risk of flooding; and contamination of ground and surface water. The key development considerations identified in the SMP 2011 for the Manor Farm preferred area J relating to water issues require hydrogeological assessment to assess the impact of working on the aquifer and groundwater flows and to assess possible hydrological connectivity between the area and Thorpe No1 Gravel Pits SSSI; and provide sources of guidance for use in preparing the site specific/project level flood risk assessment covering all sources of flood risk, including a surface water drainage strategy covering the operational and post restoration phases of the proposed development.
- 192 Spelthorne Borough Core Strategy and Policies Development Plan Document (DPD) Policy LO1 Flooding seeks to reduce flood risk and its adverse effects on people and property in Spelthorne through a range of measures including maintaining flood storage capacity within Flood Zone 3; maintaining the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain to both store water and allow the movement of fast flowing water. The Spelthorne Borough Council Flooding SPD elaborates on Policy LO1 providing guidance on factors to be taken into account when preparing and determining planning applications in areas of flood risk and managing flood risk.

#### *Flood risk and land drainage*

- 193 A site-specific/project level flood risk assessment (FRA) has been undertaken and submitted as part of the ES. The FRA assessed the site and water catchment area and identified the potential flood risk impacts to, and as a result of, the proposed development (during operations and post restoration). The potential impacts from and on the proposal were assessed and mitigation measures identified.
- 194 The proposal involves sand and gravel mineral working classified in the NPPG as a water compatible development considered appropriate in all Flood Zone areas. The risks to the proposed development from different sources of flooding and potential flood risk were assessed. This identified potential flood risk at the site as high from fluvial flooding, groundwater flooding and the reservoir; medium from sewers, and low from pluvial (surface water). The FRA identified that any flooding from rivers or surface water that does occur at the site should not pose a risk to the operations being undertaken. On the Manor Farm part of the application site the two demountable buildings to be sited at the site compound would be sited outside the 1 in 100 year Flood Zone 3, the site would be registered with the EA Floodline flood warning service, and a Flood Warning Procedure put in place.
- 195 The FRA assessed the potential for flood risks from the proposal which could lead to increased risk elsewhere (off site impacts) and where necessary identified mitigation measures which have been incorporated into the planning application proposal. The potential risks identified and where necessary mitigation measures proposed were as follows:

#### *Disruption to existing land drainage regimes by truncating or removing existing drainage ditches/water courses*

- 196 The excavation of mineral and restoration of the land leaving waterbodies would impact on the existing surface water draining ditches on the land west of FP30. These watercourses and the area of land they currently drain would be excavated during working of Phases 3 and 4, and become part of the lake under the restoration proposals. After restoration the remaining unexcavated areas of land in this part of the site would drain into the waterbody. There is no connection with drainage off site from the ditches, so no off site impact from increased risk of flooding and mitigation was required as a result of removal of the existing ditches on this part of the site.



- 197 On the land at Manor Farm to the east of FP30 an existing watercourse runs along the length of the line of the footpath and continues southwards beyond the application site. The footpath and watercourse would not be affected by the proposed mineral extraction and off site drainage connectivity maintained during working and post excavation. After restoration the remaining unexcavated areas of land in this part of the site would drain into the waterbodies. No off site impact from increased risk of flooding and mitigation was required as a result of the mineral excavation or restoration proposals on this part of the site.

*Increased surface water run off by increasing impermeable areas within the site*

- 198 There would be no increase in impermeable areas/hardstandings at either the Manor Farm or QMQ parts of the application site so no increase in surface water run off, and therefore no mitigation required. (The surfacing of the site compound would not be impermeable)

*Loss of floodplain storage capacity*

- 199 The application has considered the potential for loss of floodplain storage capacity by reducing the area of land available for flood water storage from: stripping and storing soils in temporary bunds sited within the 1 in 100 year Flood Zone 3 floodplain within the Manor Farm part of the application site; and within the QMQ part of the application site from the route of the proposed causeway across the QMQ lake taking up existing flood storage capacity within the lake and the siting of the conveyor.
- 200 The assessment identified that the siting of the conveyor would not take up flood storage capacity, so no mitigation was necessary for this. There would be potential loss of flood storage capacity from the soil bunds and conveyor causeway during the time the soil bunds and conveyor causeway would be in place. The volume of floodplain which would be lost during each phase of working was calculated and compared to the volume of compensatory floodplain that would be created by the proposal.
- 201 To mitigate for the potential loss of flood storage capacity compensatory flood storage would be provided on a level for level basis, up to the 1:100 year plus allowance for climate change level. The loss of flood storage capacity at the QMQ site would be compensated for within the void area created at Manor Farm. The assessment identified that for each phase significantly more floodplain would be created than would be lost during the proposed extraction works.

*Impeding flood water flow by the presence of soil bunds within the floodplain and the causeway across the QMQ lake*

- 202 The general direction of flow of flood water from the River Thames across the application site was identified as being generally from south to north across the application site. For the River Ash the flood flow routes across the QMQ site would be generally from east to west.
- 203 No mitigation was identified as necessary associated with the River Ash flood water. Mitigation within the Manor Farm part of the application site would be provided by the soil storage bunds and overburden storage aligned (generally in a north to south direction) and where necessary the bunds formed with gaps so they would cause minimal disruption to flood flow routes across the land within the application site, or overland surface water flow routes. The bunds would be temporary and either removed or adjusted on completion of each phase of working.

- 7
- 7
- 204 The causeway across the lake in QMQ would be perpendicular to the flood flow routes and the presence of the causeway has the potential to impede water flow. As mitigation pipes would be placed through the bund below the existing water level to allow flows in a south to north direction, siting the pipes below the existing water level would allow flood water to return as the flood and water levels recede.
- 205 In terms of residual risks post extraction the FRA identified that post restoration the proposed sequencing and phasing of the excavation works would ensure that there is no net loss of floodplain storage volume (on a level for level basis) during any phase of the extraction and restoration at Manor Farm, and removal of all temporary soil bunding the proposed development would not cause any negative impact on the flood/drainage regime at the site.
- 206 Revisions and clarification provided in response to queries from the EA, the County Geotechnical Consultant and CLAG2 relating to the FRA resulted in confirmation about the impact of extraction in Phase 1 on surface water drainage, provision of compensatory flood storage capacity, and provision of gaps in bund A (Phase 1), bund B (eastern side of Phases 2, 3 and 4) and bund D (Phase 4 section of the bund on the western boundary from the south west corner up to a point adjacent to properties on Northfield Road) to enable flow of flood water and surface water drainage.
- 207 As set out in the Consultations and Publicity Section of the report above local residents, CLAG2 and the Manor Farm Residents' Association have objected to the proposal on flood risk grounds. In summary the representations refer to the local area being at risk already from flooding and experiences flooding of different types, raise concerns that aspects of the development will result in increased risk of flooding (disruption to drainage, impact on water flows from the construction of screen bunds and the conveyor causeway, loss of floodplain by creation of waterbodies instead of returning the site to land, how will the loss of the floodplain from the creation of water bodies be compensated? increased flood risk caused by presence of waterbodies); the flood risk assessment should be redone with modelling taking account of extreme conditions and high water table and the flood event at the end of 2013/beginning of 2014; concerns about the conveyor tunnel making flood risk worse and itself being at risk of flooding; climate change leading to wetter weather and more flooding.
- 208 No objection has been raised by the EA on flood risk grounds subject to imposition of planning conditions relating to flood risk (including the requirement to undertake the development in accordance with the FRA and mitigation measures proposed and submission of details for approval of the pipes through the causeway across the lake). The County Geotechnical Consultant is also satisfied on flood risk matters subject to imposition of a planning condition to secure submission and approval of details of the pipes through the causeway to ensure hydraulic connection between the two sections of the lake.
- 209 The application site is situated in an area at risk to flooding from a number of sources, including fluvial flooding from the River Thames which runs to the south west of the site and surface water flooding, and flood risk is a key concern to local residents and businesses, as evidenced by the objections received. The County Geotechnical Consultant has reviewed the submitted FRA and advised that the applicant has undertaken and submitted a detailed FRA undertaken following guidance in PPS25 (since replaced by the NPPF Technical Guidance and more recently the NPPG). Following national guidance the proposed development involving sand and gravel extraction is classified as a water compatible development. As such the proposed development is an acceptable form of development for the flood zones in which it would be located.

- 210 Following national policy in paragraphs 100 to 104 the FRA has addressed all sources of flood risk in an appropriate manner, assessed the impact of climate change and correctly identified the potential adverse impacts from the development on flood risk (short term loss of fluvial flood storage capacity due to temporary soil bunding around the working areas, temporary causeway across the QMQ lake and surface water run off in the processing plant site). Following clarification on some issues and amendments to the bunding (as referred to above) the consultant advises the mitigation measures proposed (subject to provision to further details of the pipes through the causeway) are appropriate and satisfactory.
- 211 Comments made in representations about the impact of the proposed bunding deflecting flood water towards residential properties, or the provision of gaps enabling flood water to reach properties are noted. The concerns reflect a misunderstanding about the purpose of the gaps which is to enable flood water flow routes to pass over the site without being impeded so the water doesn't back up or get deflected leading to increased risk of flooding elsewhere. For example, in this case the direction of flood water flow associated with the River Thames is from south to north. Without gaps in the southern part of bund D on the western boundary of Phase 4 adjacent to properties in Northfield Road and Staines Road the presence of the bund could hold back floodwater from flowing onto the land at Manor Farm leading to increased flood risk at properties in Northfield Road.
- 212 The action group and representations from people living on roads near the site including Northfield Road, Worple Road, Pavilion Gardens and Brightside Avenue and the Ashford Road refer to standing surface water on fields at Manor Farm, road surfaces and at properties, in some instances associated with sewage (which is understood in part to relate to the capacity of the sewerage infrastructure). Capacity of the local sewerage network is not an issue as no additional foul water drainage would be generated by the proposal. It does not present an increased risk of flooding from that source. The proposed conveyor tunnel is in the vicinity of the foul sewer and manhole in the Ashford Road and the applicant would need to contact the sewerage undertaker, Thames Water, regarding protection of the sewerage infrastructure during and after tunnel construction.
- 213 During the winter of 2013/2014 the UK was severely affected by an exceptional run of winter storms which culminated in widespread persistent flooding. A joint Met Office and Centre for Ecology & Hydrology (CEH) report "The Recent Storms and Floods in the UK" February 2014, documents that over the winter the clustering and persistence of storms was highly unusual with December and January being exceptionally wet in the south east. In addition flow rates on the River Thames remained exceptionally high for longer than in any previous flood event. The prolonged wet period and amounts of rainfall led to increasing saturation of the ground, such that following the major storm on 5 and 6 January widespread flooding from tidal, pluvial, fluvial and groundwater sources was inevitable. The report identifies that resulting floodplain inundations were inevitable.
- 214 As referred to above local roads, properties and land including at Manor Farm (areas within the application site and elsewhere) are at low risk from surface water (pluvial) flooding. Officers consider the source of the standing water on land within Manor Farm witnessed by residents whose properties adjoin the land, and local roads, over the 2012/2013 and 2013/2014 winter periods was likely to be surface water flooding resulting from high water table and saturated ground. Given the weather conditions experienced in December 2013 and January 2014 and saturated ground conditions surface water flooding was to be expected, including in locations not previously witnessed by residents.

- 7
- 7
- 215 CLAG2 are of the view the FRA should be redone in view of the weather conditions experienced in the country and flood event which impacted in the area local to the application site and elsewhere in Surrey at the end of 2013/beginning of 2014. The EA and the County Geotechnical Consultant Officers have confirmed the FRA remains sufficient to assess the flood risk impacts of the proposal and no further work or modelling is necessary. The EA confirmed that the flooding was a lesser event (probably the 1 in 20 year event) than the 1 in 100yr plus climate change for both fluvial and surface water flooding used by the applicant to assess the impact of the development. As the impact had been assessed on a more extreme event the FRA remained in line with current national flooding policy and both the EA and the consultant were satisfied the impacts had been assessed appropriately and further assessment work was not required.
- 216 The presence of waterbodies on the restored site leading to increased flood risk in the local area is an area of great concern to CLAG2 and local residents. Objectors consider waterbodies have lower water storage capacity than unworked land overlain by soil, the presence of a water body putting adjoining areas and properties at greater risk from flooding (providing examples cited in news reports about flood water coming from former mineral workings). The potential for increase flood risk from the restored site was assessed in the EA and the risk found to be low.
- 217 Both the EA and the County Geotechnical Consultant have confirmed that in general the creation of new lakes following extraction for gravel provides much more storage than land, particularly where the ground is not very permeable and infiltration rates are poor. Waterbodies therefore have potential to create additional flood storage capacity than existed prior to extraction or where a site is backfilled and restored to land. The additional flood storage is provided between the normal standing water level in the surrounding land (which reflects the groundwater level in the area) and the previous ground level. This is because the volume of the air space in the void left between the standing water level and previous ground level is greater than the air space in soil which will be taken up by water as the ground becomes saturated. Overflow of water from rivers and lakes can be a source of flooding. The local area, including the application site is already at risk from fluvial flooding associated with the River Thames and River Ash. In this case the project level FRA undertaken, and assessment of impact on hydrology, did not identify the proposed restoration with waterbodies as being of concern in terms of flood risk.

#### *Groundwater and water quality*

- 218 The proposed development has the potential to impact on groundwater flows and levels, and on surface and groundwater quality. The ES identified that groundwater flows across the QMQ site (within the lake and through adjoining ground) site are generally in a north east to south west direction. The potential impacts could arise from alterations to the hydrogeological regime in the vicinity of the site from the removal of vegetation, soil stripping, excavation of mineral, construction of the conveyor causeway across the QMQ lake, and landform and waterbodies formed on completion of extraction.
- 219 Potential impacts on water quality arise from the mineral extraction and processing activities by polluting groundwater and surface water (rivers and waterbodies) during excavation, from discharge of mineral processing water, surface water run off and spillages of oil, fuel or other potentially polluting substances. The impact on of the proposed development on groundwater and water quality is assessed in the ES submitted with the planning application, and where necessary mitigation measures proposed.



- 220 The assessment identified that as the site would not be dewatered but mineral worked wet, and with restoration to landscape lakes, the potential to impact on groundwater levels and flows is low. The potential impact from the presence of the causeway across the lake on groundwater levels and flow which was assessed and identified there would be minimal impact on levels and no impact on flows and no mitigation was required. Any impact during extraction and restoration would be localised and short term and, given the distance between the application site and local groundwater or surface water abstractions the risk of impact on abstractions was low.
- 221 To mitigate potential impacts on water quality a number of measures were identified which are proposed in the planning application. These include adoption of good working practices and strict adherence to the Environment Agency's Pollution Prevention Guidelines (PPG), in particular numbers 1 General guide to the prevention of water pollution; 2 Above ground storage tanks; 5 Work in, near or liable to affect a watercourse; and 6 Working at demolition and construction sites.
- 222 A groundwater monitoring programme of water within and adjacent to the site to be developed would be implemented throughout the development, during and following the restoration. Details of the monitoring programme to be agreed in consultation with Surrey County Council and Environment Agency.
- 223 CLAG2 and local residents are concerned about the effect of the excavation, which would fill with water, affecting water flows and levels locally leading impacting on surrounding properties (leading to settlement), boreholes and aquifers and pollution risk to groundwater.
- 224 The EA have raised no objection on groundwater or water quality grounds. Affinity Water raise no objection subject to appropriate monitoring and remediation methods being undertaken to deal with any existing pollution being found on site. The County Geological Consultant comments that the operational phase and long term post restoration groundwater impact risks of the proposal are minimised as the site: is to be worked wet and dewatering is not required; and only relatively small areas of the gravel aquifer will be replaced by restoration soils or silt disposal, leaving a large area of lake in hydraulic continuity with the regional groundwater table.
- 225 The County Geological Consultant has reviewed the assessments undertaken relating to impacts on hydrogeology and groundwater and the groundwater modelling report in the ES. The assessments are considered to be robust and the consultant agrees with the results and conclusions that the proposals will have negligible effect on the sensitive receptors. They recommend, secured by planning condition, implementation of a comprehensive groundwater monitoring plan with additional boreholes to those identified in the plan proposed by the applicant and including monitoring of water levels and groundwater chemistry with annual data reviews, and contingency mitigation measures in the event that unexpected impacts occur. For pollution control the County Geological Consultant recommends provision of a site operational management plan, secured by planning condition, and extended to include ground and surface water management of water pollution control in accordance with EA Pollution Control Guidance.

*Conclusion on flood risk, land drainage, groundwater and water quality*

- 226 In conclusion having carefully taken into account concerns of residents and CLAG2, Officers consider that subject to the mitigation measures proposed in the application and recommended in the Environmental Statement and through the imposition of planning conditions and additional controls available through other regimes and regulations relating to the water environment, the proposed development would not result in a materially adverse impact in terms of these and the proposal satisfies the requirements of relevant national and development plan planning policy.

## Landscape and Visual impact

- 227 Included in the core planning principles of the NPPF is the requirement for planning (plan making and decision taking) 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.
- 228 The Surrey Minerals Plan 2011 (SMP 2011) acknowledges that mineral working can result in significant changes to landscape character, both during the operational life of sites and following restoration. Policy MC14 of the SMP 2011 requires proposals to assess and where necessary mitigate the visual impact of proposals and impact on landscape (appearance, quality and character) and any features that contribute to its distinctiveness. The visual impact on nearby residents and need to phase working to minimize the impact, assessment of the visual impacts of the conveyor required to move minerals off-site are included in the key development considerations for the Manor Farm preferred area.
- 229 As set out at the start of this Environment and Amenity Section, Spelthorne Borough Council objectives and development plan policies include protecting and improving the quality of the environment, including the landscape and that planning permission will be refused where development will have a significant harmful impact on the landscape (Strategic policy EN8). The contribution mineral working has had on the landscape in some parts of the borough, and legacy of poorly restored minerals workings, is identified as an issue with the borough council looking for timely restoration to a high standard of current and proposed workings.
- 230 Landscape character assessments have long been promoted by the Countryside Agency (now part of Natural England), who published their final guidance on “Landscape Character Assessment” in 2002 and National Map identifying broad landscape character areas throughout the whole country, of which seven are identified in Surrey. Detailed landscape character assessment work undertaken by the county council published in the 1997 “The Future of Surrey’s Landscape and Woodlands” identified and described 25 County Landscape Character areas within the seven national broad landscape character areas.
- 231 The application site is within the National Countryside Character Area 115, Thames Valley, and within this the Thames Floodplain Landscape Character Area. Included in the key characteristics of the character area are the River Thames and its tributaries; areas of land reshaped by mineral working, with reclamation of former mineral workings resulting in large expanses of lake and wetland providing recreational areas and wildlife habitat, and presence of large reservoirs, many above ground with steep grassed embankments, and in the Greater London fringe area expanded towns with villages and areas of dispersed settlement with housing interspersed with open land elsewhere, and remnant areas of agriculture or market gardening.
- 232 The land at Manor Farm is situated between Laleham village and the southern extent of the urban area of Staines upon Thames. As can be seen in Figures 1, 2 and 6 to 8 the landform at Manor is generally uniform and flat. It comprises mainly open fields of semi improved grassland, with some fragmented hedgerows and tree belts dividing parts of the site into smaller areas. The application site and land within Manor Farm beyond is enclosed by fencing and perimeter tree (deciduous and evergreen) and hedgerow vegetation, or a combination of both along the boundary which restricts views into the application site from the surrounding area and residential properties backing onto the application site or land beyond to the west, north/north west, east and south west in Brightside Avenue, Pavilion Gardens, Abbot Close, Ashford Road, New Farm Close,

Greenway Drive, Staines Road and Northfield Road. The fencing and boundary planting between the land at Manor Farm and residential properties is of varied heights and types. Within the application site advance planting was undertaken in 2008 along the boundary with FP29 and to the rear of properties on the Ashford Road, New Farm Close, and Greenway Drive.

- 233 Local residents and the CLAG2 action group have raised various concerns and objections about the landscape and visual impacts of the proposed development and restoration scheme and after-use including:
- Visual impact from the soil bunding and impact on light at adjoining properties and gardens.
  - Visual impact and impact on light at adjoining properties and gardens from tree planting (height of trees and use of coniferous species), in areas of advanced planting and restoration planting.
  - Loss of outlook and views to rear of properties during operations and post restoration from loss of views over agricultural fields.
  - Visual impact at properties (including that from views over the screen bunds from upper floors of properties), public footpaths and adjoining areas used for recreation from the proposed extraction operations and machinery involved, screen bunds, conveyor belt, new access onto Ashford Road, access and site road from Worple Road, the site compound and lighting, concrete batching plant and aggregate bagging plant at QMQ, and impact of creation of further waterbodies of which there are already enough/too many in Spelthorne.
  - The amenity value of the land, impact on local footpaths and substantial visual impacts from the proposed noise attenuation bunding and conveyor bridge over FP30 reasons for refusal/dismissal of the appeal in 1978 remain, though local circumstances have changed as there is now more housing surrounding the site.
- 234 A Restoration Management and Maintenance Plan have been submitted and included in the ES submitted with the planning application is a Landscape and Visual Impact Assessment (LVIA). The LVIA considered the landscape and visual impact of the proposed mineral working and restoration and development at QMQ within the local area and landscape setting.
- 235 The LVIA assessed the impact of the proposed development in terms of landscape impact on landform, landuse, landscape structure, roads and public rights of way and the visual impact on settlements and properties including Buckland School, roads and the transport network, public rights of way, areas of public open space and the sports ground to the west. The LVIA assessed the landscape character of the area to be of low to medium sensitivity to the type of development proposed, largely due to the scale and pattern of landform and close proximity of the urban fringe characteristics that exert a strong influence over much of the area. The LVIA identified there was limited visibility of the site from the surrounding area due to the local landscape characteristics and features (generally flat topography, features, and vegetation pattern including along roads and public rights of way and property boundaries), and both the Manor Farm and QMQ parts of the application site being enclosed by vegetation and adjoining development. The nature and extent of visual receptors was very limited, restricted to receptors situated in close proximity to the site at adjacent properties, land and public rights of way.
- 236 The LVIA assessed the potential visual impacts that would be generated by the different aspects of the proposal: the phased mineral extraction and restoration at Manor Farm, processing at QMQ and transport of mineral by conveyor between the two. This included assessing the sensitivity of a location or receptor, the overall magnitude of the impacts, and overall significance of the changes in relation to the existing baseline situation. Where views are possible the LVIA identified there would be short term impacts generated by the mineral extraction process and associated features such as screen bunding, site

compound, vehicle accesses and the conveyor route within the Manor Farm site, and long term impacts associated with the creation and management of the restoration proposals comprising the formation of water bodies and landscaped edges, removal of existing trees and new planting in gaps in the existing along the route of FP30 and perimeter boundaries.

- 237 Whilst there would be views into the southern part of the QMQ site in the vicinity of the conveyor tunnel and conveyor route the LVIA identified that there are no views from outside the QMQ site of the existing mineral processing plant, and there would be no views of the proposed concrete batching plant or aggregate bagging plant building, which would not exceed the height of the existing plant.
- 238 The LVIA identified the extent of potential visual impacts upon settlement and properties as being limited to the south of Staines upon Thames and north of Laleham. As well as assessing the impact at properties adjoining the Manor Farm site the potential impact on other sensitive receptors including Buckland School, the Greenfield Recreation Ground public open space areas (both parts), SALSAL , public rights of way and roads and the transport network.
- 239 The impact on properties on Brightside Avenue adjacent to the northern boundary of the application site and adjacent to the remaining land at Manor Farm between the application site and towards Pavilion Gardens to the north would be influenced by the phase of extraction, orientation of the property, intervening development and vegetation along the route of FP30, advance planting adjacent to FP29. Views of the application site from properties on the eastern, Buckland School side, of the road would be limited by the orientation/aspect of the properties. Views from properties at the southern end of the road would be limited as views are screened by an existing linear belt of trees and vegetation which runs from the line of FP30 westwards to the boundary with the sports ground. Views of Phase 1 at these properties would be further screened by advance planting along FP29 and temporary screen bunding erected along the northern boundary of Phase 1. Screen bunding along the northern boundary of Phase 2 would screen views of the extraction area from these properties and properties on the western, Worple Road side, of Brightside Avenue during Phases 2 to 4. The western section of the existing tree screen along the northern part of Phase 2 would be reduced in length during working of Phase 2.
- 240 Properties on the southern and on the western part of Brightside Avenue would have views from the side and rear of the properties towards the site compound, vehicle access off Worple Road and site road. Properties between the application site and Pavilion Gardens to the north would get partial views of Phases 2 to 4 from the upper floors of properties, more limited and oblique closer to Pavilion Gardens, and further screened by existing vegetation and the temporary screen bunding around the extraction area. Although the western section of the screen bund would remain in place to screen the site compound the remainder of the screen bunds to the north of Phase 2 would be reduced or relocated as extraction moved south during Phases 3 and 4.
- 241 Properties in Pavilion Gardens and between Pavilion Gardens and the northern part of the land at Manor Farm (on the eastern side of Worple Road) would have views towards the application site across the land in the northern part of Manor Farm lying outside the application site. From this direction there would be views towards the Worple Road access, access route, site compound and Phase 2, 3 and 4 extraction areas, with what could be seen influenced by distance, property location and orientation relating to the application site and floor of the property, intervening development, vegetation and screen bunding.



- 242 Views of the site from Buckland School, the part of the Greenfield Recreation Ground and properties in Berryscroft Road and to the north of the application site and Abbot Close, Bingham Drive and Honnor Road to the north east would be limited. Where they occur views from properties would be limited by intervening land/development, vegetation (including the advance planting block adjacent to FP29) and property orientation. There would be no views of Phases 2 to 4 due to intervening vegetation and views of Phase 1 would be of the advance screen planting and temporary screen bund. Views from the school and recreation area
- 243 To the east views from properties on the Ashford Road to the north east would be screened by intervening vegetation between the application site and Greenfield Recreation Ground (eastern section between the site and the Ashford Road. The boundary vegetation screens views of the site from the recreation ground. To the east properties on Ashford Road, New Farm Close and Greenway Drive have potential views to Phase 1. Views of the extraction area would be limited to the rear and upper floors and partially screened by established vegetation at the properties, trees and hedgerow on the boundary and advance planting undertaken in 2008. Further south along the Ashford Road and The Broadway in Laleham and south east of the application site there would be partial and distant views with screening provided by intervening trees and vegetation on the Manor Farm boundary and along the route of FP30.
- 244 Properties on the Ashford Road in the vicinity of the conveyor route and new access would be affected by removal of vegetation, the new access off the Ashford Road and the building of the conveyor tunnel under the Ashford Road and into the QMQ site opposite. Numbers 133, 151 and 155 Ashford Road share a boundary with the field for the route of the conveyor and access off the Ashford Road. Views of the field and conveyor route would be from the rear and upper floors of properties, with views screened by intervening vegetation at the properties and along the boundary. On the southern side of the field where boundary vegetation doesn't extend up to the Ashford Road there would be direct close up views from the side and rear of Number 133. The applicant has amended the application to move the proposed access to the northern part of the field away from 131 and the post and wire fence along the unvegetated section would be replaced with a 1.8m high close boarded fence.
- 245 To the west potential views are of Phases 2 to 4, the site compound and the access and road off Worple Road from properties on Staines Road, Worple Road, Northfield Road and the SALSAL facility. The site compound would be largely screened to view by the boundary vegetation between the site and the sports ground although glimpsed views would be possible from within the sports ground. Due to property orientation potential views from properties in Northfield Close would be limited to the rear and upper floor windows. Boundary vegetation and erection of a seeded screen bund along the length of the boundary would reduce the impacts of extraction during Phases 3 and 4. Potential views from the front of properties on the western side of Worple Road opposite the sports ground and land at Manor Farm up to Pavilion Gardens, and rear of properties on Staines Road would be partial and glimpsed across established vegetation (trees and hedgerows along the roads, and the western boundary of the application site) intervening land, and restricted to upper floors. For properties on Staines Road backing onto the field in the south west corner of the site (where no operations are proposed), potential views of Phase 4 from the rear of the properties would be screened by the existing line of evergreen trees and soil screen bund on the western edge of Phase 4.
- 246 There would be limited views from the Ashford Road, Staines Road and Worple Road of the proposed development at Manor Farm. Any views would be glimpsed through gaps in vegetation and gateways. Views would be limited by boundary hedgerows and vegetation, vegetation along the roads and intervening buildings and development.

- 7
- 7
- 247 Brightside Avenue, Beresford Road, Abbott Close to the north west, north and north east; The Broadway and Ashford Road to the south and south east; Worple Road, Staines Road and Northfield Close to the west, would be limited to varying degrees by the phase of development; distance from the mineral extraction, screen bunding and conveyor route; property orientation; and intervening vegetation and land uses. Views of the QMQ are screened along the Ashford Road by an existing screen bund within the site and the established vegetation within the site.
- 248 Potential views from FP 28 which runs north to south from Berryscroft Road are limited. Potential views across the Buckland School grounds towards Phase 1 would be screened by the school fencing, advance planting and screen bunding. Views of Phases 2 to 4 would be screened by vegetation along the route of FP30 and between the site and Brightside Avenue. Views of Phase 1 would be possible from FP29 as it runs along the northern boundary Phase 1. Along this section mineral extraction operations in Phase 1 would be partially screened by the advance planting along the boundary and screen bunding. Views of Phases 2 to 4 would be screened by the vegetation along the route of FP30. Views from the section of FP29 to the east of the application site as the route crosses the Greenfield Recreation Ground to the Ashford Road would be screened by boundary vegetation and vegetation at properties on the Ashford Road to the south.
- 249 FP30 runs through the centre of the site. The footpath is lined on both sides by established mixed coniferous and deciduous vegetation, comprising a mature tree belt on the western side and a mature hedge and tree belt on the eastern side. The existing vegetation forms an effective screen to Phases 2 to 4 and a partial screen to Phase 1 along much of the route. However, along the route the nature of the vegetation varies and occasional gaps in the hedgerow and beneath the canopy of trees on both sides allow views into the site. From these locations there are clear views of the application site. Bunding would be erected between the footpath route and Phases 2, 3 and 4 (on the western side of the path) to screen operations and reduce the extent of the view. Views in would be possible through gaps in the bunding and vegetation where the conveyor route runs (crossing in a tunnel under the path) and plant and machinery crossing point. Where views in are possible across Phase 1 these would not be screened by bunding.
- 250 Visual impacts of the proposed development were identified in the LVIA as being limited to:
- Glimpsed views to either side from FP30 of the mineral extraction at Manor Farm. Given the proximity of the footpath to proposed workings and views in the LVIA assessed the impacts from extraction operations in Phase 1 as being substantial adverse on FP29, reducing to slight to moderate beneficial following restoration apart from adjacent to the proposed nature conservation area where the fencing would screen views of the water bodies and restoration planting. For FP30 the impact on views from extraction operations in Phase 1 would be very substantial adverse, and moderate adverse from Phase 2 to 4. Following restoration, which includes replanting missing sections of hedgerow, the impact on views from Phase 1, would reduce to moderate beneficial and substantially beneficial for Phases 2 to 4.
  - Glimpsed views of the conveyor route and temporary access from FP30, properties on the Ashford Road in the vicinity of the conveyor crossing tunnel, and users of the Ashford Road. The significance of the impacts was assessed as short term slight to moderate adverse on these receptors.
  - Views (partially screened by existing vegetation) from residential properties located directly adjacent to the west (Northfield Road), and north west (Pavilion Gardens), east and south west boundaries (Ashford Road, New Farm Close, Greenway Drive) of the Manor Farm site. Mitigation measures include a 100m standoff between the limit of extraction and grassed temporary screen bunds. The significance of the impact on these receptors was assessed as short term between slight to moderate adverse.

- 251 Post extraction restoration works include for the removal of the remaining section of the tree screen adjacent to properties in Brightside Avenue, and phased removal of non native species within the advance planting areas and existing hedgerow and boundary vegetation. The removal of tall established trees would result in moderate adverse impact improving to moderate beneficial as the restoration planting establishes.
- 252 Mitigation measures to minimise the scale of the landscape and visual impact during the operational life of the site have been incorporated into the scheme design. These include blocks of advance tree planting carried out, phased working and restoration of the site, a 100 metre standoff between the edge of extraction and residential properties, erection of temporary soil screen bunds, grass seeded to reduce landscape and visual impacts around the perimeter of the extraction phases, which would be reduced, relocated or removed when no longer required to screen operations, and placing the conveyor in a tunnel across the route of FP30.
- 253 The County Landscape Consultant has reviewed the landscape and visual effects of the proposed development and concludes that the development is acceptable in landscape and visual terms and raises no objection. The consultant suggested giving consideration to placement of temporary screen bunds either side of the access from the Ashford Road and along the northern side of the site access road from Worple Road to provide some visual screening to the works from adjoining residential properties, planting details (species and density), post restoration management.
- 254 The proposed mineral working and restoration proposals on the Manor Farm part of the application site would result in a permanent impact on the physical landscape of the site and its setting. The landscape impact would vary during the different operational stages of the phased working and restoration. During the operational life of the site there would be short term landscape impacts generated by the removal of trees and hedgerows in advance of extraction, the mineral extraction process and restoration works, conveying the excavated mineral to the processing site, and associated features such as the screen bunding, modifications to the Worple Road access, site access road, site compound, and formation of the Ashford Road access.
- 255 Officers agree with the conclusions in the applicant's LVIA that due to the restricted views into the site from surrounding roads the impact in the wider landscape setting is limited.
- 256 In the local landscape setting where there are unrestricted and partially limited views of the site the landscape impact of the proposed development on the Manor Farm part of the application site would be greater and there would be short term harm to landscape interests which would impact on the amenity of residents, the Buckland School community and people using adjoining recreation and leisure facilities and users of the public footpaths in the vicinity of the site and their enjoyment of this secluded area of open countryside situated between Laleham and Staines upon Thames. The short term harm would be limited in duration and has to be balanced against the need for the mineral and the noise and visual screening purposes of the soil screen bunds and environmental benefits arising from transporting the mineral excavated at Manor Farm to the existing processing plant at QMQ.
- 257 There would be short term visual impacts at residential properties, Buckland School and adjoin leisure and recreation areas and on users of the public rights of way, in particular users of FP30. The duration of the impact would be short term and change over the operational life of the mineral extraction and transport by conveyor and restoration operations. The visual impact would be mitigated by the measures proposed in the application, which include erection of three metre high soil bunds for visual and noise attenuation purposes.

- 258 It is acknowledged that screen bunds can be intrusive and cause harm to visual and landscape interests. Objectors have referred to the impact of soil screen bunds included in the reasons for refusal in 1978 of an earlier planning application for mineral extraction at Manor Farm. The nature and scale of the proposal refused in 1978 was different to the current proposal and involved extraction from a more extensive area within the wider area of land at Manor Farm, processing of the mineral in processing plant sited at Manor Farm, export of mineral and importation of waste materials for use in backfilling the site by road via an access off the Ashford Road.
- 259 The impact of the proposed screen bunds in this case has been assessed. Although in some locations the bunds would be in close proximity to footpaths and residential properties, and visible in views impacting on local amenity and the appearance of the area, Officers consider any adverse impact and harm caused by their presence would be short term, and is outweighed by the noise attenuation and visual screening benefits of the bunds and does not justify refusal on grounds of landscape or visual impact.
- 260 In the longer term post restoration the landscape impact would be significant as the use and character of the land would change from open agricultural grazing land, divided into smaller units by lines of trees and hedgerows, to a nature conservation use with waterbodies and landscaped edges. The concerns expressed by CLAG2 and local residents, in particular those sharing a common boundary with the land at Manor Farm and have direct views over the site, or use of the adjoining land for leisure and recreational uses and users of the public footpaths are acknowledged. In the longer term post restoration there would still be views over, or towards the restored site, but the nature and character of those views in the local landscape setting, and people's amenity and enjoyment of the local landscape would be changed. The applicant's LVIA concluded that the change would be beneficial in landscape terms. Officers agree with this conclusion and consider there would be no significant adverse harm to landscape interests and amenity value of the site in the longer term.
- 261 On the QMQ site there would be short term landscape impact associated with the construction of the conveyor under the Ashford Road, installation of the conveyor through the site, removal of existing trees and vegetation in the southern part of the site in the vicinity of the Ashford Road and construction of the causeway across the southern part of the existing lake to facilitate this, and operation of the conveyor. Following completion of extraction the conveyor and conveyor tunnel and causeway would be removed and restoration and landscaping undertaken in accordance with the details provided for in this application and the restoration and landscaping scheme for the wider QMQ site approved under ref SP07/1276.
- 262 Subject to imposition of planning conditions limiting the use of the plant to the same duration as the existing permitted recycling facility and importation and processing of imported as raised minerals operating at QMQ and removal of the plant by 31 December 2033, Officers consider there would be no impact in terms of landscape or visual impact arising from the siting and operation of the concrete batching plant and aggregate bagging plant as these would be sited within the existing processing plant site and not be visible to view from publically accessible areas outside the site due to screening provided by the existing vegetation within the QMQ site, the reservoir embankment and intervening development.



## Conclusion on landscape and visual impact

- 263 In conclusion Officers consider that subject to the implementation of the mitigation measures proposed in the application and recommended in the Environmental Statement, implementation of the Restoration Management and Maintenance Plan, and long term management of the restored site, which could be secured by a S106, the proposal complies with national and development plan planning policy relating to landscape and visual impact matters.

## Noise

- 264 The NPPF (paragraphs 109 and 123) expects mineral planning authorities, through policies in plans and in determining planning applications, to ensure that noise from new development does not have an unacceptable adverse effect on the natural environment, human health and quality of life. And when determining planning applications ensure that any unavoidable noise is controlled, mitigated or removed at source, and appropriate noise limits established for extraction in proximity to noise sensitive properties (paragraph 144).
- 265 The March 2014 NPPG (and previous Technical Guidance to the NPPF) provides guidance and advice on how to assess and manage the noise impact of new development with specific guidance for assessing noise emissions from minerals extraction (part ID 27 Paragraphs 019 to 022). The NPPG states that applicants should carry out a noise impact assessment which identifies all sources of noise taking into consideration noise levels and characteristics, the proposed operating locations, procedures, schedules and duration for each noise source, the life of the proposed development, and likely impact on the surrounding neighbourhood. The guidance sets out matters to be considered for proposals for the control or mitigation of noise emissions. These include: considering the characteristics of the local neighbourhood; assessing the existing noise environment around the application site including background noise levels at nearby noise sensitive properties; and estimating the likely noise to be generated and its impact on the neighbourhood.
- 266 Guidance is provided on how mineral planning authorities should determine the impact of noise. The NPPG provides noise emission standards and guidance on establishing noise limits, set through planning conditions, for day time 0700 to 1900 operations (normal working hours), evening operations (0900 to 2200) and night time operations (2200 to 0700) at noise-sensitive property. Limits are set for both the day to day normal operations such as extraction, movement of mineral between the working area and processing plant, mineral processing, and short term noisier activities such as soil stripping and replacement, screen bund construction and removal and works associated with construction and maintenance of site roads.
- 267 For normal operations noise limits should not exceed the background noise level ( $L_{A90,1h}$ ) by more than 10 decibels (dB) during normal (day time) working hours (0700 to 1900). In circumstances where a limit not exceeding the background by more than 10dB ( $L_{A90,1h}$ ) will be difficult to achieve without imposing unreasonable burdens on the mineral operator the limit should be set as near that level as possible. In any event the total noise from operations should not exceed 55dB(A)  $LA_{eq, 1h}$  (freefield).
- 268 For the noisier short term activities involved in essential site preparation and restoration work temporary daytime noise limits, for periods up to eight weeks in a year at specified noise sensitive properties, of up to 70dB(A)  $LA_{eq, 1h}$  (freefield), can be considered. This is regarded as the normal maximum for periods of up to eight weeks. If the short term activities are likely to take longer than eight weeks a lower limit over a longer period can be considered.

- 7
- 7
- 269 Surrey County Council has produced its own 'Guidelines for Noise Control Minerals and Waste Disposal 1994' (Surrey Noise Guidelines). The Surrey Noise Guidelines are based on the approach set out in national guidance at the time, Mineral Planning Guidance Note 11 (MPG11). This was subsequently replaced by Mineral Planning Statement 2 Controlling and Mitigating the Environmental Effects of Mineral Extraction in England March 2005 (MPS2) and Annex 2: Noise, and more recently the NPPF and associated guidance. The advice in the NPPF in terms of noise emissions and control of noise from mineral working, including noise standards/limits, although less detailed, remains broadly consistent with the Surrey Noise Guidelines.
- 270 The Surrey Noise Guidelines set out noise levels and limits that would normally be appropriate at any noise sensitive area or development arising from different activities at a mineral site including different limits for temporary activities such as soil stripping and bund construction. The guidelines reflect the national maximum levels of 55dB(A) LA<sub>eq</sub>, 1h (freefield) and 70dB (A) LA<sub>eq</sub>, 1h (freefield). Within these upper limits and over the 24 hour period time, varying levels are set out for day, evening and night time periods, which operators should look to achieve with an upper limit set by planning condition.
- 271 Surrey Minerals Plan 2011 (SMP 2011) Policy MC14 requires assessment of the impact of noise, including that related to traffic, to be assessed and for proposals to demonstrate that there would not be an adverse effect on local communities and the environment. The key development considerations identified in the SMP 2011 for the Manor Farm preferred area J require the potential environmental impact of noise to be assessed. Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 Policy EN11 Development and Noise seeks to minimise the impacts of noise and sets out a series of criteria by which to achieve this including measures to reduce noise to acceptable levels and ensuring provision of appropriate noise attenuation measures.
- 272 As summarised in the Consultation and Publicity Section above, CLAG2, Manor Farm Residents' Association and local residents have raised concerns and objected to the proposal on noise grounds. These queries and grounds of objection relate to the potential impact from noise and vibration and disturbance to residents, Buckland and Laleham schools and impact on the learning environment, users of local footpaths and neighbouring recreation and sports grounds from proposed activities on both the Manor Farm and QMQ parts of the application site. Issues raised include the proximity of mineral extraction to residential properties, days of the week operations would be undertaken and hours of operation, noise from the mineral conveyor, traffic, reversing beepers, the disturbance already cause by noise from activity at the existing QMQ site and concern this would be made worse, damage to property from traffic noise and vibration, and adequacy of the applicant's noise assessment for assessing the impact in the local area.
- 273 Spelthorne Borough Council object on the grounds insufficient information has been provided on noise as given the concerns expressed by local residents the borough council feel information that would normally be required by planning condition should be submitted prior to determination of the application to give residents more confidence that noise will not be an issue.
- 274 The noise implications of the proposed development have been assessed and submitted as part of the ES. The detailed assessment work and modelling is in two parts (to be referred to in this report as the mineral extraction and plant site assessments). For the extraction operations at Manor Farm the mineral extraction assessment covered the proposed mineral extraction and restoration operations at Manor Farm and the transport of mineral by conveyor to the QMQ processing plant. The mineral processing activity at QMQ and transport of mineral by road from the QMQ was not included in this assessment as these activities are ongoing at the QMQ site and no changes are proposed in the application in terms of traffic numbers generated by the QMQ site, access to and from the public highway or use of the local highway network to access the site. The plant site part of

the detailed assessment work addressed the proposed concrete batching plant and aggregate bagging plant at the QMQ mineral processing plant site. The plant site assessment included assessing the cumulative noise impacts of these new elements with the ongoing permitted mineral processing and recycling activities.

- 275 The mineral extraction noise assessment was undertaken in accordance with national guidance (at the time the March 2012 NPPF Technical Guidance) in consultation with the County Noise Consultant (CNC). The assessment involved undertaking noise surveys at locations in the area surrounding the application site (both the Manor Farm and QMQ parts) picked to be representative of residential properties and Buckland School. The noise surveys were undertaken to establish background noise levels in the locality.
- 276 The assessment identified the sources of noise, including levels and characteristics, associated with the different activities and phases of development, and plant and equipment that would be involved in the mineral extraction, transport of mineral by conveyor to the QMQ processing plant, restoration, and production of concrete and aggregate bagging operations at the QMQ site. This together with the background noise level information was used to calculate noise levels at each of the representative locations used in the noise survey.
- 277 For the Manor Farm part of the site the stages of development assessed were initial soil stripping and bund construction, mineral extraction and transfer of mineral onto the conveyor and operation of the conveyor and conveyor switch/transfer points adjacent to properties on Ashford Road (numbers 131, 151 and 155). The proposed development would involve phased working and progressive restoration so activity would be taking place on different parts of the Manor Farm site, for example mineral extraction on phase 2 at the same time as restoration on Phase 1. To obtain levels representative of the highest noise levels that could result at the noise sensitive locations the worst case scenario of all three activities and pieces of plant and equipment being undertaken and operating simultaneously.
- 278 Predicted noise levels were then calculated for the different phases and assessed against the background noise levels to determine the noise impact on the neighbourhood and any mitigation measures necessary to enable noise guideline limits to be met. Mitigation measures identified were use of acoustic screens (soil bunds formed using soil stripped in advance of mineral extraction) and localised enclosure using straw/hay bales around the conveyor change point sited to the west of Numbers 131, 151 and 155 Ashford Road, with the final details relating to height and location to be agreed, which could be secured by planning condition.
- 279 The application is proposing to work and progressively restore the land at Manor Farm in four phases. The applicant has designed the scheme for the site so that margins of at least 100 metres would remain unworked between the limit of extraction and residential properties. There would be activity within this 100 metre unworked zone associated with the construction and removal of screen bunds using soils stripped in advance of extraction, and works associated with restoration and landscaping following extraction. The extraction of mineral, transport by conveyor to the QMQ processing plant and restoration would be undertaken between 7.30am and 1800 Monday to Friday only. Mineral processing operations at QMQ would take place Monday to Friday and on Saturday mornings. The minimum amount of machinery would be used at any one time and all plant and vehicles used would be serviced regularly, maintained in good working order and fitted with effective silencers. White noise or other approved device would be use on wheeled plant operating at the site instead of audible reversing beepers.

- 7
- 7
- 280 The mineral extraction noise impact assessment concluded that the proposed phased working and restoration of the land at Manor Farm and conveying the mineral to the processing plant together with the identified mitigation measures would not lead to noise levels at noise sensitive receptors (residential properties and Buckland School) in excess of the NPPG 70dB(A) LA<sub>eq</sub>, 1h (freefield) level for short term activities, nor background plus 10dB for normal operations during normal day time working hours.
- 281 As set out in the Flood risk, land drainage, groundwater and water quality section of the report the design of the proposed soil bunds has been amended since the application was submitted. The change involved placing gaps in bunds A, B and C and had regard to the need to maintain the noise attenuation and visual screening properties of the bunds. The CNC is satisfied adequate noise attenuation would still be provided by the bunding.
- 282 The plant site noise assessment work related to the use of the QMQ processing plant and proposed new concrete batching plant and aggregate bagging plant. The plant site assessment had been initially been undertaken in support of the proposals for a concrete batching plant and aggregate bagging plant at QMQ referred to in paragraph 14 above. An update to the original plant site assessment was submitted in November 2012.
- 283 The update arose out of complaints made in October 2012 about noise from the site and recycling facility from a local resident living opposite QMQ on the Ashford Road (between Gloucester Crescent and Charles Road). Following the complaints noise monitoring was undertaken by the operator, Brett Aggregates Ltd and used to update the plant site noise assessment. The County Council's Noise Consultant (CNC) investigated the complaint and undertook monitoring. The applicant's updated assessment included monitoring at two new monitoring locations, both on the Ashford Road, one outside 317 near the junction with Gloucester Crescent (opposite the current mineral processing plant site) and the other outside 281 near the junction with Shaftesbury Crescent (opposite the location of the recycling facility which is currently sited in the south western part of plant site). Noise levels were also measured at the two previous monitoring points west of the site (Bingham Drive and Charles Road) used in the original assessment.
- 284 Cumulative noise generated by the existing permitted mineral and waste developments at QMQ is limited by planning condition as follow:
- "Except for temporary operations, the level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2m at least 3.6m from the façade of a residential property or other a noise sensitive building that faces the site shall not exceed: 55 LAeq for any 0.5 hour period during 0730 to 1800 hours Monday to Friday and 0730 to 1300 hours Saturdays."*
- 285 The applicant's monitoring identified that whilst noise from the QMQ site could be heard at properties on the Ashford Road during lulls in traffic, the noise generated was within the limits set by planning condition. The CNC informed planning officers that he did not think there was a problem with noise from the site and concluded that the site was operating in compliance with the noise limit set for the site.
- 286 Having regard to the existing site noise limits, the plant site assessment followed the approach set out in national guidance as referred to above with noise measurements taken at locations west of the existing mineral processing plant site and recycling facility processing plant site to establish background noise limits. The noise impact assessment identified that with the existing mineral and waste development plus the proposed concrete batching plant and aggregate bagging plant operating at the QMQ site, the 55 LAeq for any 0.5 hour period noise limit would be slightly exceeded at the two monitoring locations (outside No 281 Ashford Road near the junction with Shaftesbury Crescent and on Bingham Road) further south opposite the recycling facility.



- 287 To mitigate this impact a four (4) metre high bund erected on the western boundary of the existing recycling plant site would be necessary to ensure noise from the existing and proposed plant operations would be within the 55 LAeq for any 0.5 hour period noise limit for the site. Work commenced constructing the bund in late 2012 and the bund would need to be retained and maintained at 4m high. This could be secured by planning condition.
- 288 The Manor Farm Residents' Association made enquiries in February 2014 about monitoring of the QMQ site and stated that a number of their residents had indicated high levels of noise and dust problems during the summer of 2013. Although objections to this planning application have been received from local residents on the grounds that noise can be heard from the QMQ site, the only complaint received by the county council about noise since the current permitted development at the QMQ site permitted under SP07/1269, SP07/1273 and SP07/1275 have been operational was in late 2012. As reported above when this was investigated the site was not found to be operating in breach of the noise limit set by planning condition. The fact noise from activity and operations being undertaken on the QMQ site is noticeable outside the site boundary does not mean the site is operating in breach of the noise limit.
- 289 With regard to the effects from traffic this proposal does not involve a change to the access and traffic that would be associated with the QMQ site. When granting planning permission for the existing developments at QMQ in 2009 and in connection with the three applications reported to the June 2011 meeting, the environmental impact of and suitability of the local road network for the type and volume of traffic that would be generated was assessed and not considered an overriding constraint.
- 290 The applicant has undertaken a noise impact assessment in line with Government policy and guidance in the NPPF and NPPG and Surrey Noise Guidelines. Incorporated into the proposed extraction and restoration at Manor Farm and mineral processing operations at QMQ are a number of best practice measures which would remove or reduce noise emissions at source. In addition mitigation measures are proposed, including erection of noise bunds around working areas, to ensure the proposals would be undertaken within national and Surrey Noise Guideline limits for mineral development on noise sensitive receptors (residential properties and Buckland School). The measures would reduce noise impacts on other receptors using the public rights of way at Manor Farm, the Greenfield Recreation Ground and SALSA L facility. No further information is required prior to determination of the application to assess the noise implications of the proposed development.
- 291 Noise has the potential to adversely affect the amenity of users of FP 29 and FP30, particularly during extraction and restoration within Phase 1. Officers consider the impact on users of FP29 would be mitigated appropriately by the measures incorporated into the proposal and use of soil bunding. For users of FP30 adequate mitigation would be possible during working in Phases 2, 3 and 4 to the west of the footpath as soil bunding would be erected between the operational area and FP30. However, noise during operations on Phase 1 would be noticeable and intrusive or potentially disruptive to some users adversely impacting on the amenity of users of the path. The degree of disturbance would vary depending on where within Phase 1 relative to the footpath operations were being undertaken and this harm is acknowledged. However, as the extraction and restoration operations within Phase 1 would be of limited duration (10 months extraction), the harm has to be balanced against the need for the mineral.
- 292 The County Noise Consultant has assessed the proposal and the applicant's noise assessment. He is satisfied the assessment of the noise impact of the proposed development has been undertaken correctly, that the proposed development has been designed with appropriate mitigation measures proposed and incorporated into the proposal such that it can be carried out within the provision of the Surrey Noise Guidelines.

## Conclusion on noise

- 293 In conclusion on noise matters Officers consider that noise can be adequately controlled and the proposal is acceptable and subject to securing controls through planning conditions the proposal is consistent with the aims and objectives of the NPPF, NPPG and relevant development plan policies.

## Air Quality (Dust)

- 294 The whole of Spelthorne Borough is designated as an Air Quality Management Area (AQMA) due to levels of nitrogen dioxide, mainly attributable to road traffic and Heathrow Airport. The AQMA does not apply to PM<sub>10</sub> particulate matter. Air quality from existing mineral workings and landfill sites in the borough are not identified as a source of emissions and concern in terms of air quality.
- 295 This section of the report addresses dust. In consultation with the County Air Quality Consultant consideration of air quality impacts arising from traffic was scoped out of the matters to be assessed in connection with the proposal as mineral would be taken to the QMQ for processing and the HGV traffic generated by the export of mineral extracted at Manor Farm (in bulk, as concrete or bagged aggregates) would be replacing HGV traffic exporting mineral excavated from within the reservoir and all HGV movements would remain within the limit set by the extant planning permissions at the site. Therefore there is no need for an air quality assessment of particulates from traffic from the proposal.
- 296 Dust is a generic term used to describe particulate matter of different sizes, shapes and compositions in the size range 1–75 µm (micrometres) in diameter. Small particles that are less than or equal to ( $\leq$ ) 10 µm in diameter are commonly referred as PM<sub>10</sub>. There are two issues concerning airborne dust from surface mineral workings: the impact upon residential amenity by causing a nuisance; and the impact upon health.
- 297 Small particles (PM<sub>10</sub>) are associated with effects on human health and only make up a small proportion of the dust emitted from most mineral workings. These are deposited slowly and may travel 1000m or more from the source but their concentration will decrease rapidly on moving away from the source due to dispersion and dilution. Larger particles (greater than 30µm ( $\mu$  = microgram)) make up the greatest proportion of dust emitted from mineral workings, including sand and gravel sites, and will largely deposit within 100m of sources, with intermediate particles (10 - 30µm) being likely to travel up to 200-500m. Large and intermediate particles are often referred to as *nuisance dust*.
- 298 Dust impacts from mineral workings are a source of concern to surrounding communities and SMP 2011 Core Strategy DPD Policy MC14 requires sufficient information to be submitted to enable the authority to be satisfied that there would be no significant adverse dust impacts. Included in the key development requirements for the Manor Farm preferred area is the need to assess the impact on air quality and objectives of the Spelthorne Borough Council Air Quality Management Plan.
- 299 As summarised in the Consultation and Publicity Section above, CLAG2, Manor Farm Residents' Association and local residents have raised concerns and objected to the proposal on air quality grounds. The concerns and grounds of objection relate to the potential impact from nuisance dust, additional impact on air quality which is already an issue and cause of ill health in the local area, proximity to housing and local schools, health impacts in particular on children, the elderly and those with pre existing health conditions, impact on growing fruit and vegetables.

- 300 Spelthorne Borough Council object on the grounds insufficient information has been provided on air quality as given the concerns expressed by local residents the borough council feel information that would normally be required by planning condition (e.g. potential for nuisance arising from wind-blown dust) should be submitted prior to determination of the application to give residents more confidence that air quality will not be an issue.
- 301 The NPPF and guidance in the NPPG expect mineral planning authorities, through policies in plans and in determining planning applications, 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 air pollution”* (paragraph 109). 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 take account of the potential sensitivity of the area to adverse effects from pollution (paragraph 120). In relation to dust emissions from mineral development policy in the NPPF is that unavoidable dust emissions should be controlled, mitigated or removed at source (paragraph 144).
- 302 The March 2014 NPPG (and previous Technical Guidance to the NPPF) provides guidance and advice on how to assess and manage the dust impact of new development, with specific guidance for assessing dust emissions from minerals extraction (part ID 27 Paragraphs 023 to 032). The NPPG states that where dust emissions are likely to arise, applicants should prepare a dust assessment study which should be undertaken by a competent person/organisation with acknowledged experience for undertaking such assessments. Under the previous guidance residential areas, glasshouses and (plant) nurseries and horticultural land are viewed as being medium sensitivity in relation to dust emissions and their sensitivity to nuisance dust.
- 303 The guidance advises that additional dust controls relating to suspended fine particulates (PM<sub>10</sub>) might be necessary if a dust source at the proposed site is in close proximity to any residential property, or other sensitive use. Where residential properties or other sensitive receptors are within 1000 metres of the dust source, assessment of the likelihood of the additional PM<sub>10</sub> contribution from the development leading to PM<sub>10</sub> levels likely to exceed national Air Quality Objectives should be undertaken (ID 27 Paragraphs 30 and 32). If not then good practice mitigation and control measures would be appropriate.
- 304 Dust can be generated at mineral sites from a range of activities and processes including site preparation (soil stripping and bund construction), excavation, stockpiling, loading and transport of excavated mineral to the processing plant, minerals processing and restoration. Other factors such as weather conditions, including wind, precipitation and temperature will also influence dust generation and movement. Dust emissions can impact on adjoining land uses and the natural environment.
- 305 The ES submitted with the application contains an assessment of the health and nuisance dust implications of the proposal on air quality standards and dust sensitive receptors (residential properties and Buckland and Laleham Schools) within 1000 metres/1 km of the site. The assessment followed guidance in Technical Guidance to the NPPF which was current at the time.
- 306 The ES concluded that although there were large numbers of dust sensitive properties within 1km of the site, based on the prevailing PM<sub>10</sub> Air Quality in Spelthorne borough, there was no real likelihood of the current PM<sub>10</sub> Air Quality Objective being exceeded in which case further assessment work was not required in relation to PM<sub>10</sub>. The assessment concluded there would be no adverse health impacts on health from any increases in PM<sub>10</sub>

arising from the development. The ES identified the main potential sources of airborne dust associated with the proposed development to include:

- soil stripping and bund formation
- overburden excavation
- sand and gravel extraction
- site haulage – e.g. at Manor Farm the movement of vehicles and plant on internal haul routes and use of loading shovel at the extraction working area to load mineral into the conveyor hopper and at QMQ internal movement within the mineral processing plant site area
- transport of extracted sand and gravel by field conveyor system
- mineral processing
- bund removal and soil replacement

- 307 A 100 metre stand-off would be maintained between the limit of extraction and residential properties and the Buckland School, though there would be activity associated with construction and removal of soil bunds and restoration works within the 100 metres standoff. The ES assessed the risk of dust impacts at the identified dust sensitive receptors and concluded that with implementation of dust control and mitigation measures appropriate for the potential sources of airborne dust there would be insignificant dust impacts on properties and local schools. The application proposes adoption and implementation of the mitigation measures.
- 308 The County Air Quality Consultant reviewed the applicant's dust assessment study and considers it had covered all of the areas recommended in the NPPF Technical Guidance and they are in broad agreement with the findings of the assessment. In line with the NPPF which states that any unavoidable dust and particle emissions should be controlled, mitigated or removed at source, the consultant advises that, if implemented, the proposed control and mitigation measures (by means of design/layout, management, equipment and other controls) are likely to give a good level of control and avoid significant adverse impacts. These can be secured by planning condition.
- 309 The consultant recommends imposition of condition(s) requiring the implementation of a Dust Action Plan (DAP) which is a documented site specific operational plan to prevent or minimise the release of dust from the site; and a Dust Monitoring Plan (DMP) providing for a programme of ongoing dust monitoring to validate the outcome of the dust assessment study and check on the continuing effectiveness of the proposed control and mitigation measures. Details of both the DAP and DMP should be submitted to the CPA for approval.
- 310 The Manor Farm Residents' Association made enquiries in February 2014 about monitoring of the QMQ site, and stated that a number of their residents had indicated high levels of noise and dust problems during the summer of 2013. Although objections to this planning application have been received from local residents about potential dust impact from the proposal, with some referring to dust from the QMQ site, no complaints about dust from the site have been received by the Planning Enforcement Team since the planning permissions for the current mineral extraction, mineral processing and waste recycling operations permitted in 2009 commenced.

#### *Conclusion on air quality (dust)*

- 311 The concerns of local residents are acknowledged. Officers are satisfied that an appropriate dust assessment study has been undertaken and sufficient information provided at this stage to assess the dust implications of the proposed development, and nothing further information is required prior to determination of the application. A phased programme of working and restoration is proposed with at least a 100m standoff/unworked margin between the extraction residential properties and Buckland School. This distance, together with the dust control and mitigation measures proposed, should ensure there would be no significant adverse impact from nuisance dust on nearby sensitive receptors,



or health from suspended dust. As such Officers consider the proposal is consistent with the aims and objective of national policy and guidance and relevant development plan policy relating to dust.

7

7

### **Rights of way, leisure and recreation**

- 312 As shown on Plan 1 Public Right of Way Footpath 30 (FP 30) crosses the application site at Manor Farm from the Ashford Road in the south to link up with FP 28 and FP29, both of which lie outside the application site. The route of FP 30 is lined with vegetation, a mature belt of trees on the west and a mature hedge and tree belt on the east. FP28 runs in a north south direction between the Buckland School and properties on Brightside Avenue to connect up to Berryscroft Road to the north adjacent to the entrance to Buckland School. FP29 runs along the northern boundary of proposed Phase 1 working area then runs south eastwards crossing the Greenfield Recreation Ground to link up to the Ashford Road. There are no public rights of way crossing the QMQ part of the application site.
- 313 As well as the Greenfield Recreation Ground, which in the part to the east includes an enclosed children's play area, other leisure and recreation areas adjoining the site are the Buckland School playing fields to the north of Phase 1 and the Staines and Laleham Sports and Leisure (SALSAL) Ground which lies to the west of the proposed Phase 2 working area and site compound. The SALSAL facility is home to a number of different sport and leisure clubs for all ages. External facilities used for different sports all year round include archery targets and grass playing fields, cricket pitches and floodlit all weather multi use pitches.
- 314 The public rights of way are well used and form access links between residential areas in Laleham and Staines upon Thames and to Buckland School. Although secured around the perimeter by fencing, gates and hedgerows the majority of the land at Manor Farm forms one large field with tree belts and hedgerows within it crossed north to south by FP30, which is lined on both sides by mixed tree and hedgerow vegetation and parts of the path are on an embankment raised above the surrounding land. Gaps through the trees and hedgerow at various points along FP30 enable access across to the fields either side of the path.
- 315 Unauthorised use is made of the fields at Manor Farm by dog walkers and others. There is a history of problems caused by people using the land for unsocial activity including riding motorbikes. This is understood to have reduced since cattle have been grazing the land.
- 316 Objections have been raised by CLAG2 and residents about the impact of the proposal on the public rights of way and users. The issues raised by objectors include concerns about closure of FP30, the adverse impact on amenity and use of the right of way that would result from various activities associated with the proposed development obstructing the footpath and impacting from noise, dust, visual intrusion, health and safety risks (from proximity to the excavation and water areas) resulting in the path becoming unusable and leading to a negative impact on recreational and leisure activities of the local population and its use as a means access on foot and bicycle to Buckland School. In view of the potential impact on the footpath CLAG2 question how the path could remain open.
- 317 The County Rights of Way Officer raises no objection to the application subject to a number of requirements to protect the right of way and its use: public access along FP30 being maintained throughout the period of extraction and restoration. If this is not possible an official temporary closure order is required. No obstruction of the public right of way at any time, including on a temporary basis by placing of plant or machinery. Any damage to rights of way surfaces must be repaired. Warning signs must be erected where site operations involve the route of the public right of way to be used or crossed, and such signs must not discourage public use.

- 318 National policy in the NPPF identifies the planning system as playing an important role in promoting healthy communities. The NPPF looks for planning decisions to guard against the unnecessary loss of valued facilities with access to opportunities for sport and recreation identified as important in contributing to the health and well-being of communities. SMP 2011 Core Strategy Policy MC14 seeks to protect public open space, the rights of way network and outdoor recreational facilities from significant adverse impacts arising from proposed mineral development. Included in the key development considerations for the Manor Farm preferred area is retention of FP30 and making provision for suitable unworked margins to protect users.
- 319 SB Core Strategy and Policies DPD 2009 identifies recreation as a significant land use in the borough. Sport and recreation facilities are recognised as having an important part to play in people's well being and quality of life with continued and increased participation in sport and recreation recognised as contributing towards the Government's aim of improving the general health of the nation. Protection of existing facilities is seen as important and through Policy EN4 the borough council seeks to ensure there is sufficient, well sited and suitable open space to meet a wide range of outdoor, recreation and open space needs.
- 320 The route of FP30 would remain open during the life of mineral extraction and restoration. Working is proposed either side of the path. Mineral extracted from Phases 2, 3 and 4 would be transported by conveyor to the processing plant and the conveyor would cross over the route of the footpath. Rather than constructing a bridge over the path the conveyor would pass under the path in a tunnel. Plant and machinery would need to cross the path to gain access to the different parts of the site, for example during soil stripping from Phase 1 to transport soils to the storage bund (Bund B) which would run parallel on the western side of the footpath between it and Phases 2 and 3 and the northern part of Phase 4.
- 321 The application proposes to construct the conveyor tunnel under the path in sections so the path could remain open. Apart from removal of some trees on either side of the path where the conveyor tunnel would be constructed and to enable access for vehicles and plant and machinery, the existing vegetation along the remainder of the length of FP30 would be unaffected. The routes of FP28 and FP29 lie outside the application site boundary so would not be affected by the proposed development.
- 322 Granting planning permission for development does not allow the stopping up/closure or diversion of a public right of way whether on a short term temporary basis whilst works adjacent to or on the line of the public right of way, or for longer periods whilst the development is carried out. Stopping up (closure) or diversion of a public right of way to enable the development to take place (for example if the land beneath a footpath was being worked, or a building or other development constructed along or across it), even if the right of way was only impacted for a temporary period, would require an official stopping up or diversion order.
- 323 In this case, a public right of way, FP30, runs through the proposed mineral site, and is to remain open during the life of extraction and restoration operations. The route would be crossed over by plant and machinery and vehicles to enable access to the different parts of the site. Crossing the route of the footpath to enable access between different parts of the application site would be possible, and lawful, without the need for the footpath to be closed; in the same way that vehicles and equipment involved in the agricultural use of the land can at present and as happens across the country where public rights of way run across agricultural land, or across developed land and premises where different landuses uses are being undertaken. The same would apply to works to vegetation or fencing along the route of the footpath.

- 324 Subject to imposition of conditions as recommended by the County Rights of Way Officer, there is no need for FP30 to be closed or diverted whilst the site is operational. The route of the footpath and surface would need to be protected and users have right of way over site traffic. Should it be necessary for the footpath to be temporarily closed, for example to construct the conveyor tunnel, a stopping up or diversion order would be required.
- 325 Whilst the proposed development would not lead to loss of public open space, or existing facilities used for sport or leisure, it has the potential to impact on use of the facilities adjoining the site, including external areas at Buckland School, and the public rights of way network. It would impact on the unauthorised use of the fields at Manor Farm by local people and dog walkers.
- 326 As is clear from the objections received there is great concern locally about impact on local amenity, loss of the area at Manor Farm for recreational activity and the impact on potential use for recreation and sport of the external areas at Buckland School, inside and outside uses at the SALSAL facility and public open space areas at the Greenfield Recreation Ground.
- 327 The local landscape, amenity and recreational value of the land and public rights of way at Manor Farm is acknowledged, and the impact on these interests during the operational life of the mineral site was included in the reasons for refusal of a proposal for mineral extraction in 1978. The proposal subject of this application has the potential to impact during the operational life of the mineral extraction and post restoration at the Manor Farm part of the site on these interests. There would be no impact from the aspects of the proposed development at QMQ.
- 328 Dealing first with potential long term impacts, the proposed restoration scheme would change the character of the land at Manor Farm from the existing open agricultural land to an area of lakes with landscaped wooded edges and a nature conservation after-use.
- 329 The 2010 planning application by Shepperton Aggregates included proposals to open the restored site up to the public by creating additional footpaths to link with existing ones and roads to the west. In response to local residents concerns about security (raised in objections to the 2010 application and during the pre application community consultation undertaken by the applicant, Brett Aggregates in connection with this application), and for reasons relating to aerodrome safeguarding to address concerns about increased bird strike hazard, the restoration scheme does not now proposed to increase public access to the site.
- 330 Post restoration the nature and character of the land in the local landscape would be changed. The public rights of way network would be unaffected. The impact of the restoration proposals on landscape and amenity interests has been assessed in the Landscape and visual impact section of the report. This identified there would be no significant adverse long term impact to landscape interests and the amenity value of the land at Manor Farm and in the surrounding area. The proposed restoration and after-use would not impact on the use or availability of public rights of way at Manor Farm, land at Buckland School, or existing areas of public open space and sport and leisure facilities adjoining the site, and opportunity they provide for sport and recreation in the local community.
- 331 For the duration of the phased mineral extraction removal of extracted mineral by conveyor and restoration, the development has the potential to result in short term impact from changes in the nature and character of the land, noise and visual intrusion impacting on amenity and use of the public right of way network and adjoining areas of public open space and facilities used for sport and recreation. Measures designed to reduce or mitigate the impact of the proposed development include phased working and restoration, working

Monday to Fridays only between 0730 and 1800, use of soil bunds for noise and visual screening purposes, removing excavated mineral by conveyor.

- 332 These impacts have been assessed in the landscape and visual impact and noise sections of the report. In the wider landscape setting impacts would be small due to the enclosed nature of the site. Impact would be greater in the local landscape setting where there are unrestricted and partially limited views of the site, these and noise impacts are capable of being adequately controlled and mitigated such that, apart from the impact on FP30, the proposed development would not adversely impact on amenity at or the enjoyment and use of external space at residential properties and Buckland School, the FP28 and FP29, or existing areas of public open space and sport and leisure facilities adjoining the site and opportunity they provide for sport and recreation in the local community.
- 333 There would however be adverse impact on FP30 during extraction and restoration operations, and transport of mineral by conveyor to QMQ, with the harm greatest during operations on Phase 1 to the east where operations would be visible through the gaps in the existing vegetation, and from noise emissions. The proposed development has the potential to affect users enjoyment and amenity of users and undermine the value of FP30, which links to the local public footpath network (FP28 and FP29), in providing the opportunity for people to access the open countryside at Manor Farm and as a means of access between the developed areas of Laleham and Staines upon Thames.
- 334 However, as concluded in the sections on these matters any adverse impact and harm would be short term and limited in duration, and has to be balanced against the need for the mineral and environmental benefit of mitigation measures such as soil bunds on the western side of the path, and transporting mineral by conveyor to the processing plant. Officers do not consider the scale of the impacts and harm on FP30, for the duration of the proposed phased extraction and restoration at Manor Farm, is so great as to justify refusing the application on grounds of impact on the amenity of users of the footpath.
- 335 In conclusion, Officers are satisfied that whilst there would be temporary impact on users of FP30, this would be limited both in the duration and scale of impact and not an overriding constraint to the development. Taken as a whole, and with the measures proposed to avoid, reduce and mitigate any adverse effects on local amenity, Officers consider no significant adverse impact would be caused in terms of to the enjoyment and use of external space at residential properties and Buckland School, the FP28 and FP29, or existing areas of public open space and sport and leisure facilities adjoining the site and opportunity they provide for sport and recreation in the local community. Officers are satisfied the proposal is in accordance with relevant national and development plan planning policy on such matters.

### **Biodiversity and ecology (species and designated areas)**

- 336 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 policy 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). Guidance is provided in the NPPG with further guidance on the application of the law relating to planning and nature conservation as it applies in England contained in Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and their impact within the planning system (Circular 06/2005).
- 337 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.*” Plans should aim to minimise adverse effects on the natural environment and set criteria based policies against



which development proposals on or affecting protected wildlife sites will be judged, with policies distinguishing between the hierarchy of designations and protection commensurate with their status giving appropriate weight to their importance and the contribution made to wider ecological networks.

- 338 The NPPF sets out principles to apply in determining planning applications including: refusing planning permission where significant harm resulting from the proposed development cannot be avoided, adequately mitigated or, as a last resort, compensated for; development likely to have an adverse effect on an SSSI should not normally be permitted, where an adverse effect is likely an exception should only be made where the benefits of the development clearly outweigh the impact on the SSSI and any broader impacts on the national network of SSSI sites; and encourage opportunities to incorporate biodiversity in or around developments.
- 339 SMP 2011 Core Strategy Policy MC14 requires proposals for mineral working to provide sufficient information on and assess the impact on the natural environment and biodiversity, and where necessary the impact to be minimised, mitigated and any loss compensated for. The key development requirements for the Manor Farm preferred area require sufficient information to enable an Appropriate Assessment in respect of the South West London Waterbodies to be undertaken, if required; and sufficient information provided to identify baseline ecology and protected species and species of principal importance, assess impact and mitigate potential impacts.
- 340 Spelthorne Borough Core Strategy and Policies DPD Policies SP6 Maintaining and Improving the Environment and EN8 Protecting and Improving the Landscape and Biodiversity seek to protect and improve the landscape and biodiversity of the Borough through safeguarding sites of international and national importance; working with others to develop and secure the implementation of projects to enhance the landscape and create or improve habitats of nature conservation value; wherever possible ensure that new development contributes to an improvement in landscape and biodiversity and also avoids harm to features of conservation interests; and states planning permission will be refused where development would have a significant harmful impact on the landscape or features of nature conservation value. Spelthorne Borough Local Plan 2001 saved policy RU11 gives protection to SNCIs.
- 341 As set out in the Consultation and Publicity Section above CLAG2 and local residents have raised objections on biodiversity grounds. In summary the grounds of objection relate to loss of the existing habitat at Manor Farm and impact on existing wildlife at the site and surrounding area, querying the need for additional waterbodies and wetland habitat in the area at the expense of the existing habitat; impact on bats and birds (species already present and those returning to the area) from loss of pasture habitat; adequacy of the bat survey work and mitigation, dust impact on trees at QMQ which act as a good screen to the industrial development at the site and loss of a variety of established trees and habitat they provide.
- 342 The ES accompanying the application included an assessment of the potential impact on biodiversity and nature conservation interests at the site (land at Manor Farm and QMQ) and surrounding area, including statutory (e.g. SPA and SSSI) and non statutory nature conservation sites e.g. SNCIs) designated sites. An addendum to the ES was submitted in June 2013 and provides further information relating to the potential impact of the conveyor route and operation of the conveyor on the land West of Queen Mary SNCI. The ES describes the baseline ecological conditions at both parts of the application site in terms of designated sites, types of habitat and plant and animal species present on the site. An extended Phase 1 Habitat Survey was undertaken (now referred to as Preliminary Ecological Appraisal (PEA) which was used to determine what further plant and species survey work was required. Botanical surveys for the area within the application site and

breeding bird, bat, amphibian and reptile surveys were carried out, and existing habitats at the site and in the surrounding area evaluated.

- 343 The potential impact from the different elements of the proposed development (extraction at Manor Farm, transport of mineral by conveyor from Manor Farm to QMQ, mineral processing at QMQ and restoration of the land at Manor Farm to waterbodies) on habitats and species was assessed, and mitigation or compensation measures identified. With the mitigation/compensation the overall residual impacts on habitats and species were assessed as negligible and not significant, with the new habitat at Manor Farm assessed as positive and significant at the local level in the longer term.
- 344 The assessment identified that the vast majority of the land at Manor Farm comprises improved grassland of negligible ecological value, currently used for cattle grazing. The field system at Manor Farm is delineated by fences and defunct hedgerows, crossed by a public footpath (FP30) running approximately north to south delineated by a relatively species rich hedgerow and tree belt. In the western part of the land are a strip of woodland, lines of trees and several scattered trees and standing wood. The land within QMQ (land and water areas) comprises a range (mosaic) of habitat types with the main ecological value attributed to the areas around the waterbodies which have been designated as a SNCI principally for its breeding bird assemblage. The assessment identified the key ecological receptors as: the mosaic of habitats at QMQ, mature trees, hedgerows, breeding birds and bats.
- 345 The trees and hedgerows at Manor Farm were identified as providing foraging and breeding habitat for birds as well as offering biological connectivity to the wider area. The hedgerows also provide foraging habitat for bats. The bat survey identified common pipistrelle and soprano pipistrelle bats using the hedgerow/tree belt alongside the footpath and field to the east for foraging, and common pipistrelle bats identified foraging along the boundary hedgerow along the western (SALSAL facility, garden centre and Northfield Road) boundary of the site, and defunct hedgerow on land west of FP30. 19 trees and standing deadwood were identified as having potential to support bat roosts, and further investigation was undertaken (tree climbing survey) where possible.
- 346 The QMQ bird survey identified 39 bird species (associated with different habitat types within the wider site), along the route of the proposed conveyor. The bird species included species protected under the Wildlife and Countryside Act 1981, species, National Biodiversity Action Plan species, Species of Principal Importance (further to section 41 of the National Environment and Rural Communities Act 2006) and Red/Amber list species.
- 347 The assessment concluded that, subject to the identified mitigation measures being taken, the proposed extraction, transport of mineral by conveyor, mineral processing and restoration would not have a significant adverse impact on designated sites or protected species and habitats. Mitigation measures proposed, which form part of the application proposals, include: construction of new habitats through the restoration at Manor Farm site with an emphasis on nature conservation; retention of hedgerows and features of ecological value where possible; careful routing of the conveyor with QMQ; clearance of vegetation for the construction of the conveyor outside the bird breeding season; retention of deadwood on site, replanted where possible, installation of species specific bird and bat boxes; working practices to minimise disturbance outside operational areas including implementation of dust control and mitigation measures and pollution control measures.

- 348 No objection has been raised by Natural England in relation to protected species or designated sites (the South West London Waterbodies Special Protection Area (SPA) and RAMSAR site or the seven Sites of Special Scientific Interest (SSSI) which are entirely within or part of the SPA/RAMSAR site). They welcome the inclusion of bat boxes which are known to be used by pipistrelle bats known to be using the site. As bats use the site for foraging commuting lines should be maintained e.g. via boundary hedges to alternative local foraging areas.
- 349 The Surrey Wildlife Trust raise no objection but have concerns about the potential impact from the construction of the conveyor route on the SNCI. The County Ecologist and Biodiversity Manager raises no objection and considers there would be no significant adverse effect on ecology and the restoration scheme should provide a biodiversity enhancement through the creation of new habitats.
- 350 The proposal would result in permanent loss of the existing grassland habitat on the area of land excavated for mineral and adjoining areas. Restoration would be to a nature conservation end use involving creation of new habitats comprised of three new waterbodies planted with reed beds and other marginal planting, and adjacent land areas planted with willow and native scrub, woodland belts and hedgerows. Subject to agreement with the school a conservation study area would be provided on land adjacent to the Buckland School. The restoration scheme would deliver biodiversity enhancement.
- 351 The potential impact on bats and birds has been assessed and mitigation proposed. This includes retention of hedgerows and features of ecological value where possible and provision of bat and bird breeding boxes. Retention of hedgerows together with the existing tree and hedgerow vegetation around the Manor Farm boundary, together with the hedgerow along the route of FP30 would continue to provide foraging commuting lines for use by bats known to use the site. In addition in the longer term the new habitats created would offer additional foraging opportunities for bats. Additional survey work would be required in advance of vegetation clearance, or works to remove or lop of trees and standing wood, to check for breeding birds and bat roosts; and if necessary measures taken to protect any bats identified and roosts and breeding birds. This can be secured by planning condition.

*Conclusion on biodiversity and ecology (species and designated areas) matters*

- 352 The proposal has the potential to impact on biodiversity interests including habitats and species at both the Manor Farm and QMQ parts of the site and in the surrounding area. Apart from the loss of the grassland habitat at Manor Farm these impacts are temporary. Subject to implementation of the mitigation and protection measures outlined in the ES during extraction and processing operations, and the land restored, landscaped and managed in accordance with the Restoration Management and Maintenance Plan, and long term management of the restored site, which could be secured through a legal agreement, Officers consider no material adverse impact would result on biodiversity and nature conservation interests. In the longer term the new habitats created and nature conservation after-use at the restored site offer the opportunity for biodiversity enhancement on the site and surrounding area. Accordingly, Officers consider the aims, objectives and requirements of national policy in relation to conserving and enhancing the natural environment and, relevant development plan policies have been met.

## Historic environment and archaeology

- 7
- 7
- 353 One of the core land-use planning principles in the NPPF to underpin planning decisions is to “*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*”. National policy on conserving and enhancing the historic environment, including archaeology is set out within part 12 (paragraphs 126 to 141) of the NPPF, including information and assessment requirements, and matters local planning authorities should take account of in determining planning applications, with further guidance provided in the NPPG.
- 354 Applicants are required to describe the significance of any heritage assets affected, providing information proportionate to the asset’s importance sufficient to enable the potential impact of the proposal on their significance to be understood. For heritage assets with archaeological interest an appropriate desk-based assessment and, where necessary, a field evaluation should be submitted.
- 355 Surrey Minerals Plan 2011 Policy MC14 requires the impacts in relation to the historic landscape, sites or structure of architectural and historic interest and their settings, and sites of existing or potential archaeological interest or their settings to be considered. The policy requires sufficient information and assessment to be submitted on the loss or damage to archaeological resources such that appropriate mitigation measures can be identified so as to minimise or avoid any material adverse impact and compensate for loss. Key development requirements for the Manor Farm preferred area require proposals to demonstrate no unacceptable impacts on the character and setting of Laleham Conservation Area and prior archaeological assessment and evaluation as the site is within an area of high archaeological potential.
- 356 Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 Strategic Policy SP6 Maintaining and Improving the Environment and Policy EN5: Buildings of Architectural and Historic Interest seek to preserve and protect the borough’s cultural heritage architectural and historic heritage including historic buildings and Conservation Areas. Spelthorne Borough Council Local Plan 2001 Policy BE24 states there is a presumption against development which would affect a scheduled or any other nationally important ancient monument or its setting and that development adversely affecting a site or monument of County importance will not be permitted. Policy BE25 that for development proposals in areas of high archaeological potential a field evaluation should be carried out where an initial assessment has shown that important archaeological remains may exist, and that conditions should be imposed to ensure that damage to any remains is minimal or avoided.
- 357 The area in which the application site at Manor Farm and QMQ is situated is rich in archaeological and cultural heritage terms. The part of the application site at QMQ has been previously disturbed by mineral working, so destroyed in archaeological terms and excluded from the need for assessment. Therefore, in the remainder of this section of the report any reference to the site is the land at Manor Farm.
- 360 The ES submitted with the application has assessed the potential impact of the proposal on archaeology and cultural heritage interests at the site and surrounding area, taken as an area approximately 1 kilometre (km) radius from the site boundary (search area). The ES identified that there are 74 heritage assets recorded within the search area. Whilst there are no Scheduled Ancient Monuments or Listed Buildings within the application site, there is one Scheduled Ancient Monument and 25 Listed Buildings (one Grade 2 \*, the rest Grade 2) within the search area. The Laleham Conservation Area lies some 400 metres to the south. Within the site is one non-designated Historic Environment Record (HER) asset, with another immediately adjacent to the site which may contain remains extending into the site, designated as Areas of High Archaeological Potential (AHAP).



- 361 On the basis of the HER and analysis of information from the search area the ES established that there was a moderate to high potential for the site to contain archaeological remains. As a result trial trenching was undertaken within the boundary of the site in 2008 involving a total of 149 trenches representing 5% of the proposed mineral extraction area. This identified a high density of archaeological features and deposits, evidence for settlement activity, dating from the early Neolithic and Middle Bronze Age onwards.
- 362 English Heritage advised as part of the scoping that the proposed mineral extraction at Manor Farm would have no implications for the setting or archaeological integrity of any designated heritage asset. The applicant's assessment identified there would be no physical impact on the SAM, Laleham Conservation Area or Listed Buildings from the proposed development (mineral extraction and transport by conveyor) at Manor Farm. Nor would the proposed development affect the village setting of the Listed Buildings. As the application site and Laleham Village are not inter visible there would be no visual impact on the setting of the Conservation Area and no noise or traffic effect. No mitigation was required.
- 363 Information from the assessment undertaken and trial trenching work, indicate there is the potential that further associated archaeological remains would be present within the application site at Manor Farm (areas to be excavated and other areas which would experience disturbance as part of the proposed development). The ES concluded the proposed extraction had the potential to have an impact of moderate adverse significance on buried archaeological remains and would require some form of mitigation. The scope and extent of the mitigation would need to be agreed with the Surrey County Council Archaeological Officer but may comprise strip, map and record exercises across all areas where disturbance is proposed.
- 364 As set out in the Consultation and Publicity Section of the report local residents have objected to the proposal on grounds that the proposal would lead to loss of the heritage of Laleham (loss of the fields and wildlife which form the historic setting of the village, and destruction of the archaeology in the site) and adverse impact from traffic travelling through the village and extraction activity on the site and conveyor belt, on historic interests in Laleham (Conservation Area and Listed Buildings).
- 365 Based on the results of the archaeological evaluation undertaken and reported in the ES, the County Archaeological Officer is of the view that heritage assets with archaeological significance, revealed and suspected to be present across those parts of the site at threat from destruction by the proposed development, are not of significance as to warrant their preservation *in situ*.
- 366 The County Archaeological Officer considers the mitigation proposed to undertake programme of archaeological work comprising a Strip, Map and Sample exercise is appropriate mitigation in this case. This would need to encompass an archaeologically controlled strip with contingent excavation and recording of any assets present and would preserve by record and advance understanding of the significance of any heritage asset that would be lost as a result of the proposed development.
- 367 The strip, map and search archaeological work would have to be undertaken across all areas of the Manor Farm part of the application site where extraction and groundworks (construction of bunds, site compound, conveyor belt etc) are proposed which have the potential to impact on archaeological assets. As preservation by record would be appropriate mitigation the necessary programme of archaeological work does not need to be carried out prior to determination of the planning permission, and could be secured by imposition of a planning condition should planning permission be granted.

## Conclusion on historic environment and archaeology

368 In conclusion Officers consider an appropriate assessment has been undertaken of the potential impact on heritage assets and where necessary mitigation measures identified which can be secured by planning condition such that the proposal is consistent with the aims and objectives of national and development plan policy relating to the historic environment and archaeology.

### Restoration and aftercare

- 369 CLAG2, Buckland School and local residents object/raise concerns about the restoration and after-use proposals. Issues:
- Creation of waterbodies isn't restoration as the site would not be returned to land
  - Water and nature conservation is not a beneficial after-use so application does not comply with Policy MC3.
  - Duration
  - Creation of additional waterbodies (issues: enough already in Spelthorne, safety concerns, nuisance from swarms of insects, flood risk)
  - Who will manage in the long term?
  - Public access (some support, some opposed to)
  - Have put forward what they consider is a feasible and acceptable method of importation of material to backfill the site which would enable an alternative restoration option to be considered
  - Object to loss of high quality agricultural land; agricultural land needs to be retained to food security
  - The small areas of agricultural land left at Manor Farm won't be viable, so will fall out of agricultural use, difficulties with access
- 370 The existing mineral processing plant site at QMQ has planning permission for use in connection with the import and processing of as raised minerals and the waste recycling facility until 2033. The application is seeking planning permission for the proposed concrete batching plant and aggregate bagging plant for the same duration. The processing plant site would remain in place after the proposed working and processing of mineral from Manor Farm has been completed. The restoration of the application site at QMQ is addressed through the restoration scheme and after-use approved under reference SP07/1276 referred to in paragraph 13 above.
- 371 The approved after-use of QMQ is nature conservation. The application proposes to work and progressively restore the land at Manor Farm site in phases to a nature conservation after-use. Nature conservation uses are appropriate to the designation and objectives for the use of land in the Green Belt. Green Belt issues are assessed in more detail later in the report.
- 372 The NPPG guidance on Minerals (ID 27 Paragraph 221) defines restoration as "*the return of land following mineral extraction to an acceptable condition, whether for resumption of the former land use or for a new use*". The SMP 2011 Core Strategy Glossary defines restoration as the "*process of returning a site or area to its former or future use following mineral extraction. It includes processes that take place before and during mineral extraction (stripping and protection of soils) and operations after extraction up until the after-use is established on the site*".
- 373 Government policy relating to restoration of mineral workings looks to planning authorities to put in place policies in plans to ensure land where mineral working has taken place is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare takes place for a range of after-uses, which include agriculture and biodiversity. (NPPF Section 13 paragraph 143). In determining planning applications authorities should provide, through application of conditions as appropriate, for restoration

- and aftercare to high environmental standards at the earliest opportunity (NPPF Section 13 paragraph 144).
- 374 The NPPG (ID 27 paragraphs 036 to 049) provides more detailed guidance on restoration and aftercare of mineral workings. Paragraph 40 advises on the level of detail required and states that for proposals involving *“the best and most versatile land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer term capability, though the proposed after-use need not always be for agriculture”*.
- 375 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 after-use. For short term working detailed conditions relating to restoration and aftercare requirements are appropriate. In relation to financial guarantees the guidance states that the responsibility for the restoration and aftercare of mineral sites lies with the operator. Applicants should demonstrate how they propose to make provision for restoration etc during the operational life of mineral working sites and demonstrate with their applications what the likely financial and material budgets for restoration, aftercare and after-use will be.
- 376 Minerals can only be worked where they are found. In Surrey exploitable sand and gravel resources are concentrated in north west Surrey, impacting on communities and the landscape in Spelthorne Borough. Proximity to residential areas and need to protect local communities from adverse effects of working, airport safeguarding, flood risk, water supply and biodiversity constraints has influenced restoration and aftercare proposals at current and former mineral extraction sites. These matters also affect the allocation of land in the minerals plan and sequencing of when land identified as suitable for working is worked.
- 377 The SMP 2011 Core Strategy 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, 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.
- 378 To facilitate the objective of achieving a high standard of restoration and land is brought back into use, the Minerals Site Restoration Supplementary Planning Document (SPD) 2011 provides best practice advice and indicative restoration schemes for the preferred areas identified in the minerals plan. In addition to restoration, a key objective of the minerals plan is environmental enhancement. This involves looking for opportunities to secure a range of different environmental enhancements before, during, and after restoration such as enhancing the setting of heritage assets or public access, or meeting biodiversity targets.
- 379 To assist in delivery of enhancement SMP 2011 Core Strategy Policy MC18 provides for the county council to work with mineral operators and others to identify and deliver benefits. Where appropriate account should be taken of relevant guidance and strategies and a wider area enhancement approach developed, for example, by linking restoration proposals for mineral sites. North west Surrey is identified as an area in Surrey where the restoration and enhancement of land can contribute to wider strategic projects.
- 380 The restoration key development requirement for the Manor Farm preferred area identifies that restoration opportunities are restricted by the lack of suitable access for HGVs for the importation of inert fill material so, unless a feasible and acceptable method of importation of fill can be found enabling an alternative restoration option to be considered, restoration will involve creating of areas of open space and open water. Other factors identified in the indicative restoration for the site and key development requirements which influence

restoration proposals at Manor Farm include: flood risk, aerodrome safeguarding (birdstrike), public access, agricultural grade of the land and biodiversity.

- 381 The applicant's proposed restoration to a nature conservation end use, comprising a mix of waterbodies, reedbed and woodland is in line with the key development requirement for restoration, and the Minerals Site Restoration SPD indicative restoration scheme. To address aerodrome safeguarding issues the physical design of the waterbodies (lake edges, size and dimensions of areas of open water), proposed marginal planting and tree planting around the lake edges has taken account of the need to minimise attractiveness of the site and its subsequent use by birds, and no provision made for public access to the waterbodies.
- 382 The reference to alternative methods of importing fill was retained in the key development considerations to enable an alternative restoration option to be considered, if proposed in a future application proposal.
- 383 CLAG2 have put forward what they consider to be a feasible and acceptable method of importing fill and so enabling restoration to agriculture. This would involve fill material being delivered to QMQ, treated in the existing concrete crusher on site (which operates at the recycling facility) so it would be a suitable shape and size to enable transport by conveyor to the Manor Farm site.
- 384 This the action group consider now possible given the shorter distance involved in conveying material between Manor Farm and the mineral processing plant at QMQ, than the previous Shepperton Aggregate proposal which involved transporting to mineral for processing at Shepperton Quarry.
- 385 The option of transporting waste of the type, and quantities required, which would be suitable for use in backfilling the excavated void at Manor Farm was discussed at the Examination in Public (EIP) into the Primary Aggregates DPD in 2010/2011. At the EIP the applicant informed the Inspector technical means of satisfactorily bringing fill material in this way to sites did not exist.
- 386 Although transport of materials by conveyor, and over long distances, is a well established practice used by the minerals industry, and in other industries, it is not widely used in connection with transport of waste for use in backfilling mineral voids. There have been no examples of use of conveyors in this way in Surrey, or to the best of Officers' knowledge, anywhere else in the country. Use of conveyors was proposed to transport spoil waste the Crossrail project from the landing point on Wallasea Island, Essex to the disposal site on the island (transported by barge to Wallasea Island). The project encountered technical difficulties due to the varying nature of the material.
- 387 The county council has to determine the current application, involving restoration to landscaped lakes and a nature conservation after-use, based on the merits of the proposal as submitted, not an alternative hypothetical proposal.

#### *Agriculture and soils*

- 388 There is no key development consideration relating to agriculture and soils. The published Agricultural Land Classification map for the area shows the land at Manor Farm as a mix of non-agricultural, urban and grade 2. (Land within grades 1, 2 and 3a are referred to as best and most versatile (bmv) land.) Information held by the county council used to inform the SMP2011 identified the land as half grade 2 (southern half) with the remainder grade 3a.



- 389 In connection with the planning application a detailed assessment of the 33.4ha area of land within Manor Farm was undertaken to establish the Agricultural Land Classification, and submitted as part of the ES. The applicant's assessment of the agricultural land quality within the application area showed that application site is predominantly graded 3a (19.7ha), with a smaller area of 3b (11ha) and a very small area of grade 2 (1.6ha). The small area of grade 2 land is in the south west of site, and lies outside the area to be worked.
- 390 Of the remaining land some 16.4 ha would be affected by the mineral extraction of which some 9.5ha is grade 3a and 6.9ha grade 3b. The rest of the application area would comprise unworked margins used for soil storage, the conveyor route and access.
- 391 Soils stripped from the areas where mineral would be worked, and become waterbodies, would be retained on site, and used in restoration of the land and placed above the water, around the waterbodies. Although the after-use of the site affected by mineral extraction would not be agriculture, and the restoration proposals involve loss of best and most versatile land, using the soils above water would conserve the soils. All soils would be retained on site.
- 392 The importance of protecting land capable of supporting agricultural and forestry uses in order to meet current and future needs, in particular the best and most versatile land classified as grades 1, 2 and 3a, is acknowledged in the SMP 2011 Core Strategy (paragraph 6.29). The plan looks for proposals to work mineral on higher grade land to return land to a state suitable for agriculture even when not possible for land to be restored to its original agricultural classification.
- 393 This proposal would involve permanent loss of an area of best and most versatile land. Due to constraints associated with importation of fill material, the principle of the nature conservation after use and loss of the best and most versatile land at Manor Farm was accepted when the minerals plan was adopted. Outside of the land restored to landscaped lakes, the remaining areas within the application site together with the rest of the land within the applicant's landholding at Manor Farm would still be available for agricultural use. Though, as objectors have identified, the size and degree of connectivity between the remaining land parcels may impact on the way the land is used compared to the current use for grazing. The applicant's farm manager has confirmed the areas would be viable for cattle grazing with stock transported by road vehicle as and when necessary.
- 394 No objection has been raised by Natural England, the statutory consultee on agriculture and soils. Natural England, have confirmed that due to the inaccessibility of the site for HGVs it would be extremely difficult to either import inert fill to restore to agricultural use, or export topsoil, the most appropriate after-use for the site would be the proposed landscaped lakes for nature conservation purposes.

#### *Duration and aftercare/long term management*

- 395 Concerns have been raised about the timescale to complete extraction and restoration. The application proposes to work and restore the land at Manor Farm progressively in four phases with extraction commencing after extraction of mineral from beneath the baffle in QMQ is complete. Working and restoration is anticipated to take five years to complete. The rate of extraction would be dependent on market conditions, and could be quicker or slower than the anticipated average annual extraction rate and five year extraction period stated in the application.

- 7
- 7
- 396 In this case as a wet restoration is proposed, restoration progress would not be dependent on availability of suitable fill material, so would be able to follow on closely after extraction. Details of restoration and a Restoration Management and Maintenance Plan has been provided designed to ensure short term (years 1 to 5) and longer term (6 to 25 year) establishment, protection and management of the landscape features identified within the restoration plan.
- 397 The applicant is experienced in working and restoring sand and gravel sites in the county and elsewhere in the country, to nature conservation and other after-uses, and achieving high standards of restoration. Information on likely financial and material budgets for restoration, aftercare and after-use and how provision will be made for such matters during the operational life of the proposed extraction has been provided.
- 398 Officers have no reason to doubt the application site would not be restored to a high standard and subsequently managed.

#### *Conclusion on restoration and aftercare*

- 399 Some of the land within the application site at Manor Farm is Grade 2 and Grade 3a land (referred to as “best and most versatile” (bmv) agricultural land). The proposed restoration to a nature conservation use meets the key development requirements for the Manor Farm preferred area. The application would involve extraction on 9.5 ha of Grade 3a land, the remaining 6.9ha area to be extracted is Grade 3b. The proposal would therefore involve permanent loss of some 9.5ha of Grade 3a land to lakes and marginal areas. The application proposal includes details for soil stripping, handling, storage and replacement of soils stripped from the areas affected by extraction, thereby conserving the soils.
- 400 The proposal involves a relatively short term working and restoration timescale. Officers consider restoration to a nature conservation after-use is appropriate.
- 401 Subject to implementation of the mitigation and protection measures outlined in the ES during extraction and processing operations and the land restored, landscaped and managed in accordance with the Restoration Management and Maintenance Plan which provides for the long term management of the restored site and could be secured by planning condition and through a legal agreement, Officers consider adequate information has been provided in the application to show how the site would be progressively restored and managed such that the site would be capable of being returned to an acceptable after-use at the earliest practicable date. In the longer term the new habitats created and nature conservation after-use at the restored site offer the opportunity for biodiversity enhancement on the site and surrounding area. The proposal is considered to accord with national minerals planning policy and development plan policy regarding restoration and aftercare following mineral extraction.

#### **Airport safeguarding/power transmission equipment**

- 402 The site lies within the 13km identified birdstrike safeguarding zone for Heathrow Airport. National Grid and Esso Petroleum gas pipelines and National Grid electricity overhead lines transmission equipment run through the QMQ site.
- 403 Matters of concern raised by objectors include: risk of birdstrike from the proposed afteruse, dangers and increased risk of drowning from the presence of the extraction site and waterbodies post restoration in proximity to schools, public footpaths and residential properties, proximity of the concrete batching plant and aggregate bagging plant to electricity power lines at QMQ.

- 7
- 7
- 404 The NPPF requires planning authorities when determining planning applications for mineral working to ensure that there are no unacceptable adverse impacts on aviation safety. Government Circular 01/03 "Safeguarding aerodromes, technical sites and military explosives storage areas" sets out the importance of safeguarding certain civil aerodromes to ensure their operation and development are not inhibited or placed at risk. The Circular states that the primary aim is to guard against new or increased hazards caused by development.
- 405 Surrey Minerals Plan 2011 Policy MC14 states that proposals for mineral working will only be permitted where a need has been demonstrated and sufficient information has been submitted to enable the authority to be satisfied that there would be no significant adverse impacts arising from the development. Potential impacts to be considered include the need to manage the risk of birds striking aircraft, and the key development requirements for the site include the need to assess the potential hazard to birdstrike from birds attracted to the site during extraction, restoration and from the proposed afteruse.
- 406 As referred to in the section on restoration the proposed restoration scheme and afteruse has been designed to take account of this issue. The statutory consultee, Heathrow Airport Safeguarding, has raised no objection subject to a Bird Hazard Management Plan (BHMP), secured by planning condition, to minimise the attractiveness of the restored site and its subsequent use to birds. This would need to apply in perpetuity.
- 407 Esso Petroleum Co Ltd (Fisher German) and National Grid have been consulted. No objection has been raised, so long as the operators follow their respective requirements and advice relating to safe working when planning and undertaking the development is adhered to. Information will be provided to the applicant and dealt with by way of informative. National Grid confirmed they have considered all aspects of the proposed development including the location and dimensions of the proposed aggregate bagging plant building at QMQ in relation to their overhead transmission line.

### Lighting

- 408 Residents living in the vicinity of the proposed site compound at Manor Farm have raised concerns about lighting and potential nuisance at night from the lighting shining into bedrooms affecting sleep, and being triggered by animals. The only lighting would be downward directed, sensor activated, lighting for security purposes at the site compound, which would be on the boundary with the SALSAL facility
- 409 Vegetation along the boundary and the SALSAL site in between would screen views from residential properties some 200 metres to the west on Worple Road. Properties to the north (Pavilion Gardens) and on Brightside Avenue to north east and east would be some 160, 230 and 130 metres away from the compound. From these locations there are uninterrupted views across the fields. The proposed soil screen bund to the north and east of the compound would screen views from the north during phases 2 to 4, and from the north east and east during Phase 2 and 3. Given the purpose of the lighting and distances between the site compound and residential properties, Officers consider disturbance due to light spillage outside the site impacting on properties would be unlikely. The lighting would be visible and it is acknowledged triggering of the security lighting could be a source of annoyance and concern to residents. The presence of screen bunds (when in place) around Phase 2 would help mitigate any impact. Further information about the security lighting, including siting would be appropriate, which could be secured by planning condition.

## Cumulative impact

- 7
- 7
- 410 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.
- 411 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.
- 412 The application site at Manor Farm and QMQ is located in an area of Surrey with a long history of mineral working, with current operational sites at Hengrove Farm and Hengrove Park (access onto the A30) and Home Farm Extension/Shepperton Quarry (access onto Shepperton Road) within 2km of the site. Potential future areas for mineral extraction from preferred areas identified in the SMP 2011 Primary Aggregates DPD within 5km of the QMQ site include Homers Farm (access onto the A30) and Watersplash Farm (access onto the A244 Gaston Bridge Road).
- 413 The key development criteria (KDC) for the Manor Farm preferred area identifies the need for phased working of the preferred area with the Home Farm Extension to minimise cumulative traffic impacts on the communities of Laleham and Shepperton Green. The KDC criteria for the Home Farm Extension site, also a preferred area in the plan, referred to the phased working with the Manor Farm preferred area. There are currently undetermined planning applications for mineral extraction from the Homers Farm and Watersplash Farm preferred areas, which subject to planning permission being granted, could be worked concurrently with the Manor Farm site and ongoing mineral and waste developments at QMQ.
- 414 The potential impact of the proposed development has been assessed in the ES, and in consultation with statutory and non statutory consultees, during the consideration of the planning application. Issues assessed include transport, flood risk, hydrology and hydrogeology, noise, dust and air quality and biodiversity. These are issues which in combination with impacts from other mineral development in the area could result in “*the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality*”.
- 415 None of the impacts assessed are considered on their own likely to lead to significant adverse impact. No issues of concern were identified by Technical Consultees relating to potential cumulative effect. Given the nature of the existing mineral developments and preferred areas referred to above, relative locations of the sites and distance separating them from the Manor Farm/QMQ site, Officers conclude there would be no cumulative effect of multiple impacts from the Manor Farm proposal.



## OTHER MATTERS

### *Public safety*

- 416 The concerns raised about public safety and risk of drowning or accidents are noted. Health and safety issues associated with unauthorised access to the site during operations, and post restoration are matters the applicant would need to address under their responsibilities as landowner and operating the site. The applicant has stated they would fence the working area at Manor Farm to prevent access. The restoration scheme and after-use excludes public access. Measures incorporated into the design of the site to restrict access to the waterbodies include fencing, tree and scrub planting, and planting up existing gaps in hedgerows.
- 417 Provision and maintenance of barriers to secure an operational mineral site, or parts of a site, with suitable barriers such as fencing or hedgerows (and maintaining them) to discourage unauthorised access to an operational site, is addressed through other legislation relating to health and safety and quarrying operations, and related regulations such as the Quarries Regulations 1999.

### **GREEN BELT**

#### **Surrey Minerals Plan 2011 Core Strategy Development Plan Document (SMP 2011 Core Strategy DPD)**

Policy MC3 – Spatial Strategy – mineral development in the Green Belt

Policy MC17 – Restoring mineral workings

#### **Spelthorne Borough Local Plan 2001 (saved policies) (SBLP 2011)**

Policy GB1 Development proposals in the Green Belt

- 418 Objections raised by CLAG2 and local residents relating to Green Belt include: the amenity and recreational value of the land at Manor Farm, adjoining school and leisure and recreation areas and use made of these areas by the local community; the important Green Belt function served by the site by separating Staines upon Thames and Laleham and value of the land in providing a sense of being on the urban fringe (as referred to in the reasons for refusal for mineral working at the site in 1978); loss of Green Belt land as not being returned to agriculture; nature conservation not an appropriate afteruse/beneficial afteruse; contrary to Surrey Minerals Plan Policy MC3; impact of mineral working in the area and amount of water; concerns about the ability of applicant to restore the site; lack of agreed timescale for completion; and environmental standards (noise, dust, traffic) not being of the highest level.
- 419 The application site at Manor Farm and QMQ lies within the Metropolitan Green Belt where policies of restraint apply. Government policy on Green Belt is set out in part 9 'Protecting Green Belt land' (paragraphs 79 to 92) of the NPPF. Government policy and guidance in relation to minerals planning is set out part 13 'Facilitating the sustainable use of minerals' (paragraphs 142 to 149) and the minerals section of the NPPG.
- 420 Protecting Green Belts around main urban areas is included in the core planning principles of the NPPF. Paragraph 79 states that the "*fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*". The Green Belt is seen as serving five purposes including to check the unrestricted sprawl of large built up areas and assisting in safeguarding the countryside from encroachment.

- 7
- 7
- 421 The NPPF states at paragraph 87 that “*inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances*” and paragraph 88 goes on to state that when considering “*any planning application*” authorities should ensure that “*substantial weight is given to any harm to the Green Belt*” and that “*very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*”
- 422 Minerals can only be worked where they are found and mineral working is a temporary use of land. Mineral extraction is included in the forms of development listed in paragraph 90 that are not inappropriate in Green Belt “*provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*’. When determining planning applications paragraph 144 of the NPPF states local planning authorities should “*provide for restoration and aftercare of mineral workings at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary*”.
- 423 Except for a limited range of circumstances, set out in paragraph 89 of the NPPF, the construction of new buildings in the Green Belt is inappropriate development. Buildings associated with packaging of mineral for sale, or industrial processes (which would include secondary processing of mineral such as production of concrete or mortar) are not specifically referred to.
- 424 Surrey Minerals Plan 2011 Policy MC3 states that ‘*Mineral extraction in the Green Belt will only be permitted where the highest environmental standards of operation are maintained and the land restored to beneficial after-uses consistent with Green Belt objectives within agreed time limits*’. This would apply to both the extraction and initial processing (primary treatment) of excavated mineral.
- 425 The policy goes on to state that proposals for other forms of mineral development (secondary processing or treatment of processed mineral) in the Green Belt, will only be permitted where an applicant has demonstrated very special circumstances to outweigh the harm by inappropriateness and any other harm. Other forms of mineral development would include concrete batching plant, industrial development involving secondary processing of mineral, and aggregate bagging plant (packaging mineral for sale).
- 426 The supporting text at paragraph 3.47 refers to how land in the Green Belt can make a positive contribution to providing opportunities for, amongst other matters, securing nature conservation interests and how restoration of mineral workings should have regard to these objectives; and give particular attention to any priorities in the area in which a site is situated.
- 427 Surrey Minerals Plan 2011 Policy MC17 requires mineral working proposals to provide for restoration which is sympathetic to the character and setting of the wider area in (which it is situated), and capable of sustaining an appropriate afteruse. Mineral working will only be permitted where the mineral planning authority is satisfied that the site can be restored and subsequently managed to a high standard. The final part of the policy states that restoration should be completed at the earliest opportunity, and where appropriate progressively restored, with applicants expected to agree a scheme with the mineral planning authority detailing how the land will be restored and managed before, during and after working.

- 428 The supporting text at paragraph 8.6 refers to the majority of mineral workings in Surrey being in the Green Belt, and that mineral sites can be appropriately restored to a range of after-uses including nature conservation. Paragraph 8.7 refers to the need for applicants to show they have both technical and financial competence to undertake the proposed restoration scheme. For some types of after-use, such as nature conservation, periods of management longer than the five year period advocated in national policy is appropriate, and should be secured by use of legal agreements.
- 429 Spelthorne Borough Local Plan 2001 Saved Policy GB1 Green Belt advises that development located within the Green Belt which would conflict with the purposes of the Green Belt and maintaining its openness will not be permitted.
- 430 Given the Green Belt location it is necessary to assess whether the proposed development would cause harm to the Green Belt; consider whether high standards of operation would be maintained during operations (SMP 2011 Core Strategy Policy MC3), and provisions for restoration and afteruse.
- 431 The application is for phased extraction of sand and gravel from land at Manor Farm and restoration to a nature conservation after-use; transporting the extracted mineral by conveyor to the existing QMQ mineral processing plant for processing, use of site infrastructure (site offices, weighbridge, wheel cleaning facilities, access etc.) at QMQ, and for the siting and use of a concrete batching plant and aggregate bagging plant, housed in a building at QMQ.
- 432 The applicant proposes that the concrete batching and aggregate bagging plants would remain after extraction at Manor Farm had been completed to be used in association with the importation and processing of as raised sand and gravel and recycling facility together with the existing QMQ mineral processing plant, until replaced by low level mobile plant (see paragraph 15), and site infrastructure which have planning permission to the end of 2033. The plant would use sand and gravel from these operations, primarily derived from the processing of as raised sand and gravel/excavation waste. (Recycled aggregate derived from the recycling facility could be used as a raw material provided it is produced to the specification and quality suitable for use.) The SMP2011 refers at paragraph 3.23 to the importance of transportation of materials both before and after processing in developing a spatial strategy for the location of aggregates recycling facilities. The strategy is driven by the need to reduce haulage distances and associated vehicle emissions.
- 433 After 2033 the applicant intends that the batching and bagging plant would be removed with the mobile processing plant, buildings etc. and that the area would be restored as the last phase of restoration at QMQ. The approved restoration is to a nature conservation afteruse in accordance with details approved under reference SP07/1276 for the restoration of QMQ site.
- 434 The previous sections of the report have assessed the potential impacts on the environment and local amenity including landscape and visual impact, noise and dust, and provision for restoration and aftercare. These confirm that subject to the control and mitigation measures identified being implemented the proposal, including the concrete batching plant and aggregate bagging plant at QMQ, would be capable being undertaken at the highest environmental standards.

Mineral extraction (at Manor Farm) and primary processing (at QMQ)

- 7
- 7
- 435 For the duration of operations the mineral extraction and restoration works and associated perimeter soil screen bunds, site facilities (access road and site compound) at the Manor Farm site, conveyor system and existing mineral processing plant and site infrastructure at QMQ would impact on openness. In addition there would be some harm to the visual amenities of the Green Belt during working and restoration from (on the Manor Farm part of the site) the presence of the screen bunding which would interrupt views during working and restoration; and the limited and glimpsed views from public rights of way and surrounding land and properties of the access and site compound, extraction and restoration operations and the conveyor system.
- 436 The land at Manor Farm would be progressively worked and restored to a nature conservation after-use, and subsequently managed in accordance with details provided. This could be secured by planning condition and a S106 relating to the long term management of the site. Provisions are already in place relating to cessation of the use of the mineral processing plant and site infrastructure at QMQ, and subsequent restoration to a nature conservation after-use and aftercare. Nature conservation is an appropriate after-use for land within the Green Belt. Officers have no reason to doubt the application site would not be restored to a high standard and subsequently managed.
- 437 The proposed development at Manor Farm, and use of the processing plant and site infrastructure at QMQ, are temporary uses of the land, and would therefore preserve the openness of the Green Belt in the long term. Any harm to the visual amenities of the Green Belt from the mineral extraction at Manor Farm would be limited in extent and duration.

Concrete batching plant and aggregate bagging plant

- 438 Historically, as an exception to Green Belt policy, Surrey County Council has accepted the siting of concrete batching plant at operational mineral sites and granted temporary planning permission or approved details, tied to the life of the mineral extraction permission provided:
- the plant uses indigeneous material,
  - is capable of being operated without harm to environmental or amenity considerations, and
  - serves a local need.
- 439 In 2008 temporary planning permission was granted in the Green Belt for concrete production and an aggregate bagging plant at Hithermoor Quarry as part of a package of proposals. In that case the raw materials for the plant would come from indigenous mineral extracted at Hithermoor, as raised mineral imported to Hithermoor for processing and recycled aggregate from the onsite recycling facility. The indigenous mineral at Hithermoor would supply the plant for less than half of the 11 year life of the development.
- 440 Officers consider the plant proposed at QMQ as part of the current application comprise other mineral development and constitute inappropriate development in the Green Belt which, under SMP2011 Policy MC3 and national policy in the NPPF, requires demonstration by the applicant that very special circumstances exist to outweigh the harm. In order for planning permission to be granted for this element of the development the Authority must be satisfied that there are factors which amount to very special circumstances, which clearly outweigh the harm to Green Belt and any other harm.



441 The applicant's consideration of very special circumstances for siting the concrete batching plant and aggregate bagging plant are:

- i) they are conditionally permitted development (PD) by virtue of Class B of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO). When publishing the GDPO no caveat was added by Government to the effect that such development is not permitted in the Green Belt.

The conditional permission granted under PD rights requires prior written approval of detailed proposals for the siting, design and external appearance of the building, plant or machinery. Such approval should

*"not be refused or granted subject to conditions unless the authority are satisfied it is expedient to do so because:*

*(a) the proposed development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or*

*(b) the proposed development ought to be, and could reasonably be, sited elsewhere."*

PD rights at QMQ have not been withdrawn under an Article 4 Direction, nor has the county council withdrawn permitted development rights on the planning permissions granted for mineral extraction at QMQ, though conditions imposed on the planning permissions for extraction of mineral from beneath the baffle in QMQ ref SP07/1269, and the importation of as raised mineral for processing at QMQ ref SP07/1275 require details of siting, detailed design, specifications, and appearance of the plant, buildings or machinery to be submitted and approved in writing before plant, buildings or machinery (fixed or mobile) are erected on site.

The reasons for imposing the conditions read:

*"To enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with Surrey Structure Plan 2004 Policy SE1 and Surrey Minerals Local Plan 1993 Policy 1."*

The applicant considers that as no reference has been made to the potential impact on the Green Belt, the county council clearly accepts that development "ancillary" to mineral extraction in the Green Belt is not inappropriate development in the Green Belt.

- ii) The plant would be sited in a location within the existing QMQ plant site which makes best use of space available in relation to the backdrop of the reservoir embankment and the storage of processed mineral it would need as raw material. It would be completely screened from view from outside the QMQ site and the submitted noise assessment demonstrates noise generated would be within Government noise criteria.
- iii) Locating the plant within the existing and long established processing plant area at QMQ obviates the need for an alternative location for the concrete production and aggregate bagging (probably within industrial development) and eliminates the need for additional haulage (of raw material) to such a location and the attendant financial and environmental implications.

- 442 In recognition of location constraints on extraction and the primary processing of mineral, which can only take place where the mineral is found, SMP2011 Core Strategy Policy MC3 makes a distinction between this and other mineral development.
- 443 By locating concrete batching and bagging plant at QMQ the plant would have a ready supply of mineral from Manor Farm, and sand and gravel mineral which had been imported and processed under the existing planning permissions (and subject to correct specification, recycled aggregate material from the recycling facility).
- 444 In relation to openness the plant would be sited within the QMQ processing plant site on existing hardstanding and within a site on which large structures and pieces of equipment and buildings are already located. As such it would not lead to further encroachment into the countryside, though there would be an impact on openness.
- 445 The impact on openness would come from the presence of the aggregate bagging and associated stockpiles and the concrete batching and aggregate bagging plant and associated parking on the existing hardstanding. Although this would be limited in the context of the rest of the development at the processing plant site, it would involve additional development, industrial in nature, within the Green Belt. Whilst the impact on openness from the processing plant site would be reduced when the existing mineral processing plant site is removed and replaced with mobile plant under the existing planning permissions at QMQ, Officers consider the proposed concrete batching and aggregate bagging plant would have a moderate impact on openness for the duration of the development to the end of 2033.
- 446 The moderate harm to openness would be temporary following which the plant, along with the remainder of the existing development at the processing plant site would be removed and the land restored. The timetable for restoration of the processing plant site would not be affected. Under the approved scheme the restoration of the processing plant site is final phase of the restoration and landscaping of the QMQ site and due to be completed by the end of 2038. There is adequate provision through the restoration and landscaping scheme approved under ref SP07/1276 for the restoration to a nature conservation use and aftercare of the QMQ plant site, a use appropriate in the Green Belt.
- 447 Despite the proposed duration of the siting and operation of the plant at QMQ to the end of 2033, the openness of the Green Belt would be preserved in the long term and the plant would not conflict with the purposes of the Green Belt and fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.
- 448 In relation to very special circumstances the applicant has put forward three reasons. The first relates to PD rights. Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO) sets out PD for a range of development categories and uses. None are caveated by Government to the effect that such development is not permitted in the Green Belt. The county council does not, as a matter of practice, refer to Green Belt in the reasons for imposing conditions restricting permitted development rights. Factors such as Green Belt can not be considered under the procedures for prior written approval.
- 449 The production of concrete production and aggregate bagging are not directly related to extraction or primary processing of mineral which would be extracted at Manor Farm. In addition they would remain in place after completion of extraction, and not be removed after completion of extraction at Manor Farm which would be required by condition B3 Class B of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted

Development) Order 1995 (GDPO) if the plant were located at QMQ under PD rights associated with extraction at Manor Farm.

7

- 450 Class 19 Part B provides for development such as concrete batching plant and aggregate bagging plant, provided they are used in connection with mineral “won” at the mine. QMQ qualifies as a relevant mineral site/mine, in connection with extraction from beneath the baffle in the reservoir under permission ref SP07/1269 (and SP13/01236 if granted, see paragraph 15 above), to end of 2016 if SP07/01236 is granted, but not in connection with the importation and processing of as raised mineral, as the mineral would not be being won or brought to the surface at QMQ. Once extraction from beneath the baffle has ceased mineral would no longer be being “won” from the QMQ site.
- 451 To benefit from PD rights planning permission for mineral extraction has to have been granted. In this case the applicant is applying for planning permission to extract mineral from Manor Farm and has included the plant in the application proposals. Therefore, the PD argument is premature in connection with Manor Farm. Officers do not consider it relevant anyway at QMQ as the application proposes commencing extraction at Manor Farm after completion of extraction from within the reservoir has been completed.
- 452 Officers do not accept that the GPDO rights referred to by the applicant have any locus in the consideration of very special circumstances in connection with this planning application. In order for planning permission to be granted for this element of the development the Authority must be satisfied that there are factors which amount to very special circumstances, which clearly outweigh the harm to GB and any other harm.
- 453 The applicant’s second factor concerns the siting of the plant within existing QMQ plant site, which is one of the considerations in assessing prior approval submissions made relating to Class B Part 19, and the condition imposed on the QMQ baffle extraction permission (SP07/1269 (SP13/01236)). The justification focuses more on the benefit of where within the plant site it is located relative to the reservoir embankment and other features and to the processed mineral stockpiles which would be the prime raw material, rather than any environmental benefits from being co located at QMQ. Reference is made to the lack of visual impact and noise impact.
- 454 The impact of the siting and operation of the concrete batching and aggregate bagging plant has been assessed in the ES and planning application in respect of noise, dust, landscape and visual impact. These issues are considered in earlier sections of the report. In relation to landscape and visual impact the QMQ processing plant site is well screened due to screening provided by the existing vegetation within the QMQ site, the reservoir embankment and intervening development, and no harm would result to the visual amenities of the Green Belt from siting the plant within the processing plant site.
- 455 No objections have been received from technical consultees, and as concluded earlier in the report no material adverse impact would arise and the siting and operation of the plant at QMQ would be acceptable and comply with the NPPF and relevant development plan policy in relation to these matters.
- 456 However, the lack of harm from visual impact, noise or some other harm does not overcome harm to the Green Belt by reason of inappropriateness. No further detail has been provided on benefits of siting the plant at QMQ.
- 457 The third factor concerns the financial, operational and environmental benefits from using land within an established processing plant site located at the source of the raw material.

7

- 7
- 7
- 458 Officers consider that there is a need in the locality for facilities of the type proposed which adapt the mineral for sale. Minerals extraction sites in north west Surrey have supported such facilities and there are advantages in locating plant at the mineral source in terms of sustainable distribution. While there may be alternatives in terms of site location, siting the plant at QMQ would assist in reducing haulage distances.
- 459 The local area as a whole is subject to Green Belt constraint and accordingly Officers agree with the substance of the applicant's third factor and consider that there are good reasons to accept further processing of the mineral won locally at Manor Farm, and imported to the QMQ site under the existing planning permissions which have planning permission to the end of 2033. It is acknowledged the latter would involve importation for use of the all the raw materials for production of concrete or to be packaged in the bagging plant. In the case of the bagging plant the kit is simply used to package the product for the market place. Minerals per se can only be worked where they occur and therefore to an extent the location of plant to assist in the adaptation for sale is restricted.
- 460 There would be environmental benefits due to reduction in transport of aggregate to a location, such as on an industrial estate. Siting the plant at the QMQ site would reduce overall vehicle movements, and vehicle emissions, compared to the plant being located elsewhere. Plant located elsewhere would generate traffic associated with transporting the raw material to the plant and transporting the product to the customers. Financial implications and commercial benefits to an operator do not amount to very special planning circumstances.

#### *Conclusion on Green Belt*

- 461 In respect of these aspects of the proposed development Officers conclude the concrete batching plant and aggregate bagging plant amount to inappropriate development in the Green Belt. The presence of the plant on the existing processing plant site would cause moderate harm to openness when considered in the context of the other development. However, no permanent harm to openness would result following removal of the plant and restoration of the land for which an approved restoration and aftercare scheme is in place. No other harm has been identified.
- 462 While Officers do not accept two of the factors put forward by the applicant, they nevertheless consider that factors which amount to very special circumstances exist in the form of need and the sustainable location of associated activities making use of the mineral reserve extracted at Manor Farm, and suitable waste materials imported to the QMQ under the permissions for importation and processing of as raised sand and gravel and construction and demolition waste facility.
- 463 Subject to imposition of planning conditions to ensure relevant standards of working, restoration and management of the land, and entering into a legal agreement to secure the long term management of the restored site, Officers are satisfied that the proposed extraction and primary processing of minerals is not inappropriate development in the Green Belt and complies with national policy in the NPPF and relevant development plan policies.

---

#### **HUMAN RIGHTS IMPLICATIONS**

- 464 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.



- 465 The proposal involves extraction of mineral at Manor Farm and restoration to landscaped lakes for nature conservation afteruse, transporting the mineral by conveyor to QMQ for processing and a concrete batching and aggregate bagging plant. It is recognised the development has the potential to impact on the local environment and local amenity in terms of traffic, flood risk, local landscape and visual amenity, noise, dust, rights of way and people's enjoyment of the countryside at Manor Farm and lighting. Issues and concerns have been raised by objectors on these matters concerned about the impact on residents, Buckland School and users of the public rights of way at Manor Farm and adjacent leisure and recreation facilities.
- 466 These issues are acknowledged and have been assessed and discussed in the body of the report. It is recognised that there would be some short term impact in terms of visual impact and noise on the local landscape and the amenity and recreational value of the land and public rights of way, in particular users of FP30. The scale of the 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 controlled or mitigated by the measures incorporated in the planning application proposal, planning conditions, and secured through a S106, and controls available through other regulatory regimes. As such this proposal is not considered to interfere with any Convention right.
- 467 In considering this planning application and framing the recommendation Officers have considered both individual interests of objectors and those in the wider community. Having taken account of all the facts Officers consider that the wider community needs and benefits that would result from extraction of mineral at Manor Farm and supply of aggregates for which a need exists outweighs any impact on individuals.

---

## CONCLUSION

- 468 The proposal involves extraction of mineral at Manor Farm and restoration to landscaped lakes for nature conservation afteruse, transporting the mineral by conveyor to QMQ for processing and a concrete batching and aggregate bagging plant. Related to this application, application ref SP13/01003 proposes a partial realignment of the route and siting of the conveyor belt within the QMQ site. The two developments are interdependent and, if permitted, would be implemented as one. An environmental assessment has been undertaken and an overarching ES submitted with the applications.
- 469 The application site lies within the Green Belt where policies of restraint to development apply. Minerals can only be worked where they are found. The NPPF indicates that development involving mineral extraction (and processing) in the Green Belt is not inappropriate provided openness is maintained and the development does not conflict with the purposes of including land in Green Belt. Mineral working should provide for restoration and aftercare to be carried out to high environmental standards at the earliest opportunity. Other mineral development such as concrete batching plant and aggregate bagging plant constitute inappropriate development in the Green Belt and require very special circumstances to be demonstrated, which outweigh the harm by reason of inappropriateness and any other harm, before planning permission can be granted.
- 470 The land at Manor Farm is identified in the Surrey Minerals Plan 2011 as a preferred area for the extraction of sand and gravel. Aggregate minerals are essential to support sustainable economic growth and quality of life which includes maintaining and repairing existing development and infrastructure such as houses, schools and roads. Assessment of the current landbank position has demonstrated a strong case of need for additional reserves of primary land won sand and gravel to be permitted in order to help towards maintaining security of supply.

- 7
- 7
- 471 The development has been assessed in terms of Green Belt. The proposed development at Manor Farm, and use of the processing plant and site infrastructure at QMQ, are temporary uses of the land, and would therefore preserve the openness of the Green Belt in the long term. Any harm to the visual amenities of the Green Belt from the mineral extraction at Manor Farm would be limited in extent and duration and so are not considered significant by Officers. The proposed restoration is to a nature conservation use, a use appropriate to the designation and objectives for the use land in the Green Belt.
- 472 Officers are satisfied that subject to the imposition of conditions and securing by a legal agreement the long term management of the site, restoration and aftercare of the can be carried out to a high environmental standard. The proposed extraction and primary processing of minerals is not inappropriate development in the Green Belt and complies with national policy in the NPPF and relevant development plan policies. The concrete batching plant and aggregate bagging plant amount to inappropriate development in the Green Belt, and for the duration on site and operational would result in a moderate impact on openness. There would be no permanent harm to openness and adequate provision exists through the approved restoration scheme for the QMQ site for restoration of the land to an appropriate after-use. No other harm has been identified. Officers consider very special circumstances exist to justify the grant of temporary planning permission for siting and use of the plant at QMQ for the duration of mineral extraction at Manor Farm and thereafter in connection with the existing planning permissions for importation and processing of as raised sand and gravel and recycling of construction and demolition waste at QMQ.
- 473 The implications of the proposed development have been assessed in terms of impacts on the local environment and amenity. Issues assessed include highways, traffic and access; flood risk, water quality, groundwater and land drainage; landscape and visual impact; noise; air quality and dust; rights of way; biodiversity and ecology (species and designated areas); historic environment and archaeology, restoration and after-use, airport safeguarding/safety/infrastructure; and lighting. Issues raised on these matters by objectors have been taken into consideration. No objections have been received from technical consultees.
- 474 In summary the proposal to extract minerals is in accordance with a DPD allocation and otherwise satisfies a clear need with regard to a national policy requirement to maintain a landbank and so maintain a steady and adequate supply of aggregates. The Manor Farm site can be worked and restored in a manner which does not conflict with Green Belt policy or lead to any other harm. The concrete batching plant and aggregate bagging plant may be permitted as an exception to policy given the very special circumstances which exist and the lack of any other harm to residential amenity and the purposes of the Green Belt in the long term.
- 475 Having had regard to the environmental information contained in the Environmental Statement, national and development plan policy, consultee views and concerns raised by local residents objecting to the proposal, Officers consider, subject to imposition of conditions, and a section 106 legal agreement to secure the long term management of the restored site and limit HGV vehicles numbers in combination with all planning permissions at QMQ to a maximum of 150 per day (300 movements), for which draft heads of terms are set out in the Annex, together with controls through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and the development is consistent with the NPPF and the development plan.

## RECOMMENDATION

The recommendation is that, subject to the prior completion of a S106 legal agreement to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273 and SP07/1275 to no more than 300 HGV movements (150 two way HGV movements) on any working day for which draft Heads of Terms are set out in the Annex, to PERMIT subject to conditions and informatives.

### Conditions:

- 1 From the date of this decision until the cessation of the development to which it refers, a copy of this decision including all documents hereby approved and any documents subsequently approved in accordance with this decision, shall be displayed at the offices on the site, and shall be made known to any person(s) given the responsibility for the management or control of operations.
- 2 The development hereby approved shall be carried out in accordance with the following approved plans and drawings:

Drawing No.	Drawing Title	Date
PA1	Location Plan	March 2012
PA2	1000m Location Plan	March 2012
PA3	Existing Use Plan	March 2012
PA4	Borehole Location Plan	March 2012
PA5	Phasing Plan	March 2012
PA6	Phase 1 with Cross Sections – Rev F	24/04/14
PA7	Phase 2 with Cross Sections – Rev D	24/04/14
PA8	Phase 3 with Cross Sections – Rev C	24/04/14
PA9	Phase 4 with Cross Sections – Rev C	24/04/14
PA10	Conveyor Tunnel General Arrangement – Rev B	12/02/13
PA11	Queen Mary Quarry Batching Plant	March 2012
PA12	Queen Mary Quarry Aggregate Bagging Plant	March 2012
PA13	Restoration Detail Plan	March 2012
PA14	Restoration Elevations	March 2012
PA15	Approved Restoration Plan for QMQ Site	March 2012
PA16	Proposed Worple Road Access – Rev C	12/02/13
PA17	Proposed Ashford Road Access – Rev C	12/02/13
PA18	Queen Mary Quarry Proposed Site Layout – Rev B	20/07/12
EIA 6.2	Public Rights of Way Plan	20/07/12
EIA 8.1	Heritage Assets and Potential Disturbance	March 2012
EIA 8.2	Historic Maps	March 2012
ST12377-SK1	Floodplain compensation and Causeway Drainage Proposal	04/11/13
QMQ/016	Overhead Power Cables above Proposed Conveyor	19/11/2013
ST13443-PA2	Application Area (proposed conveyor route)	09/04/13
EIA 9.3	Summary of proposed level for level flood compensation - Phase 1 Rev E	13/01/14
EIA 9.4	Summary of proposed level for level flood compensation Phase 2 Rev C	23/04/2014
EIA 9.5	Summary of proposed level for level flood compensation Phase 3 Rev B	23/04/2014
EIA 9.6	Summary of proposed level for level flood compensation Phase 4 Rev B	23/04/2014
EIA 9.8	Conveyor Route Details Rev B	March 2012
EIA 9.8	Conveyor Route Details (Annotated copy with pipe	March 2012

Drawing No.	Drawing Title	Date
	details and spacings)	(received with letter dated 1 November 2013)
EIA 9.9	Existing Surface Water Features Prior to Sand & Gravel Extraction at Manor Farm	March 2012

### Commencement

- 3 The development hereby permitted shall begin before the expiration of three years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of development.

### Time Limits

- 4 Extraction of mineral from Manor Farm shall not commence until the mineral extraction from Queen Mary Quarry 'baffle' permission (ref. SP07/1269 dated 15 January 2009 ) has finished. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of extraction.
- 5 Extraction of mineral from Manor Farm, transportation by conveyor to Queen Mary Quarry and processing of extracted mineral shall be for a period of 5 years from the date of commencement of extraction. On completion of extraction the conveyor belt shall be removed from land at Manor Farm and Queen Mary Quarry, and the land at Manor Farm shall be restored within 6 years of the commencement of extraction, by which date all buildings, fixed plant or machinery, internal access roads and hardstandings, together with their foundations and bases and conveyor tunnels shall be removed from the land and the site shall be restored in accordance with the approved restoration plans.
- 6 The use of the concrete batching plant and aggregate bagging plant hereby permitted on land at Queen Mary Quarry shall cease either upon cessation of the developments permitted under planning permission refs SP07/1273 and SP07/1275 dated 15 January 2009 or otherwise no later than 31 December 2033 following which all buildings, fixed plant or machinery, internal access roads and hardstandings, together with their foundations and bases shall be removed and the land restored in accordance with the details and timescales approved under SP07/1276 dated 15 January 2009, and any approved variations to the detail and timing.

### Restriction of Permitted Development Rights

- 7 Notwithstanding the provisions of parts 4 and 19 of Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, (or any Order amending, replacing or re-enacting that Order):

no plant, buildings or machinery whether fixed or moveable, shall be erected on the site, without the prior written approval of the County Planning Authority in respect of the siting, detailed design, specifications and appearance of the plant, buildings or machinery.



## Access, Traffic and Protection of the Public Highway

- 8 a) Before any other operations are commenced, the temporary access to Ashford Road as shown on Drawing PA17 Proposed Ashford Road Access – Rev C dated 12/02/2013 shall be designed, constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The Ashford Road access shall be used in connection with extraction and restoration operations within Phase 1 as shown on Drawing PA5 Phasing Plan dated March 2012 for transport of plant and equipment and maintenance of the conveyor system only and thereafter during extraction operations on Phases 2 to 4 in connection with maintenance of the conveyor system only. On completion of extraction the access shall be permanently closed and any kerbs, verge, footway fully reinstated by the applicant, and hedgerow replanted in a manner to be agreed in writing with the County Planning Authority, upon the completion of Phase 1.
- b) (i) Before any other operations are commenced details of the current design of the Worple Road agricultural access (width, surface and gates) and proposed design of the Worple Road access as shown on Drawing PA16 Proposed Worple Road Access – Rev C dated 12/02/2013, including visibility splays and trees and hedgerow to be lopped/cut back or removed, protection measures for trees affected, and details of tree and hedgerow replanting shall be submitted to and approved in writing by the County Planning Authority.
- b) (ii) Prior to commencement of extraction in Phase 2 the construction of the modified Worple Road access shall be completed and provided with visibility splays in accordance with the approved details.
- b) (iii) The Worple Road access shall be used in connection with extraction and restoration operations within Phases 2 to 4 as shown on Drawing PA5 Phasing Plan dated March 2012 for transport of plant and equipment and maintenance of the conveyor system, and access to the site compound only.
- b) (iv) Within six years of commencement of extraction any kerbs, verge, footway shall be removed and the Worple Road access shall be reinstated to its previous design (width, surface and gates) and hedgerow and trees replanted in accordance with the details approved under part a) of this condition.
- 9 Prior to commencement of the development a Section 278 agreement shall be entered into with the County Highway Authority for the construction of the tunnels and the placing of the conveyor under FP30 and Ashford Road, their removal on completion of extraction, and reinstatement of the highway and public footpath.
- a) Before extraction is commenced in Phase 1, construction of the conveyor tunnel under Ashford Road shall be completed. The conveyor tunnel shall be constructed generally in accordance with the approved plans Drawing numbers EIA9.8 Conveyor Route Details Rev B dated March 2012, PA10 Conveyor Tunnel General Arrangement Rev B dated 12/02/2013 and ST12377-SK1 Flood Plain compensation and Causeway Drainage Proposal dated 04/11/13, as modified through details to be provided and agreed in connection with the Section 278 agreement to be completed relating to works to the highway.
- b) Before extraction is commenced in Phase 2, construction of the conveyor tunnel under Footpath 30 shall be completed. The conveyor tunnel shall be constructed generally in accordance with the approved plans Drawing numbers EIA9.8 Conveyor Route Details Rev B dated March 2012 and PA10 Conveyor Tunnel General Arrangement Rev B dated 12/02/2013, as modified through details to be provided and agreed in connection with the Section 278 agreement to be completed relating to works to the highway.

c) The conveyor tunnels shall be permanently removed once sand and gravel extraction at Manor Farm has ceased, and the highway/footway and public footpath shall be fully and permanently reinstated in accordance with details provided to, and agreed by, the County Planning Authority.

- 10 The means of access for vehicles to the development shall be via the Ashford Road and Worple Road accesses only as set out Condition 8 a) and 8b) above. There shall be no other vehicular means of access to the site.
- 11 a) Prior to commencement of extraction in Phase 1 east of Footpath 30 the conveyor route shall be provided to Phase 1, and between Manor Farm and the Queen Mary Quarry processing plant along the route shown on Drawing numbers EIA9.8 Conveyor Route Details Rev B dated March 2012 and PA6 Phase 1 with Cross Sections Rev F dated 24/04/14, as modified by the conveyor route permitted under planning permission ref SP3/01003 dated [insert date] and shown on Drawing ST13443-PA2 Application Area (proposed conveyor route) dated 9/4/13.
- b) Prior to commencement of extraction in Phase 2 the conveyor route shall be extended to provide access to the land west of Footpath 30 as shown on Drawing numbers EIA9.8 Conveyor Route Details Rev B dated March 2012 and PA7 Phase 2 with Cross Sections Rev D dated 24/04/14. The conveyor route shall be modified in accordance with the details shown on Drawing numbers PA8 Phase 3 with Cross Sections Rev C dated 24/04/14 and PA9 Phase 4 with Cross Sections Rev C dated 24/04/14 prior to commencement of extraction in Phases 3 and 4. The conveyor route shall be maintained for the duration of extraction in each phase along the route shown on the approved drawings and used for transport of extracted mineral to the processing plant site at Queen Mary Quarry. All sand and gravel extracted at Manor Farm shall be exported to the Queen Mary Quarry processing plant site via conveyor. There shall be no export of material from Manor Farm by HGV. All sand and gravel extracted at Manor Farm shall be exported from the Queen Mary Quarry site via the existing access onto the A308.
- 12 a) Before any operations in respect of the development Manor Farm are commenced details shall be submitted to and approved by the County Planning Authority of measures to be taken and facilities provided in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway associated with the use of the Ashford Road and Worple Road accesses. The agreed measures shall thereafter be retained and used in connection with site preparation, extraction and restoration operations at Manor Farm.
- b) The existing approved wheel cleaning facilities and method for keeping the public highway clean in operation at Queen Mary Quarry shall be maintained and used in connection with the export of mineral extracted at Manor Farm, and thereafter following completion of extraction at Manor Farm in connection with the operation of the concrete batching plant and aggregate bagging plant hereby permitted.
- 13 Neither extraction of minerals from Phase 2, nor use of the site compound shown on drawings PA6 Phase 1 with Cross Sections – Rev F dated 24/04/14 and PA16 Proposed Worple Road Access – Rev C dated 12/02/13, shall commence until space has been laid out within the site compound in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority for the parking and loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

- 14 When measured in combination with all planning permissions for Queen Mary Quarry, the development hereby permitted shall give rise to no more than 300 HGV movements (150 two way HGV movements) on any working day. The site operator shall maintain accurate records of the number of HGV vehicles accessing and egressing the site daily and shall make these available to the County Planning Authority on request.

### **Construction Management Plan**

- 15 Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the County Planning Authority. The Construction Management Plan shall set out procedures for managing the construction of the buildings, plant, equipment and conveyor and the preparation of land to ensure that movements and deliveries are adequately controlled during this phase of the development. The Construction Management Plan shall be implemented as approved.

### **Hours of Operation**

- 16 In connection with Manor Farm operations and operation of the conveyor between Manor Farm and the processing plant in Queen Mary Quarry:

No lights shall be illuminated nor shall any operations or activities authorised or required by this permission be carried out except between the following times:

0730 - 1800 Mondays to Fridays

There shall be no working on Saturdays, Sundays, Bank Holiday or National Holidays. Neither shall any servicing, maintenance or testing of plant be carried out between 1800 - 0730 Monday to Fridays.

This condition shall not prevent the following activities:

- a) emergency repairs to plant and machinery
- b) lighting for security purposes

- 17 In connection with Queen Mary Quarry operations:

No lights shall be illuminated nor shall any operations or activities authorised or required by this permission be carried out except between the following times:

0730 - 1800 Mondays to Fridays

0730 - 1300 Saturdays

There shall be no working on Sundays, Bank Holiday or National Holidays. Neither shall any servicing, maintenance or testing of plant be carried out between:

1800 - 0730 Monday to Fridays, 1300 Saturdays - 0730 Mondays.

This condition shall not prevent the following activities:

- a) emergency repairs to plant and
- b) lighting for security purposes

### **Noise Control**

- 18 All vehicles plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times and where necessary shall be fitted and used with effective silencers and/or noise insulation.

- 7
- 7
- 19 Other than vehicles involved in exporting aggregate product from the Queen Mary Quarry or delivery of consumables to the site compound at Manor Farm, all other vehicles and mobile plant operating at the Manor Farm and Queen Mary Quarry site under the control of the operator (which shall include plant and equipment hired by the operator or used by contractors), must be fitted with, and use, a white noise type vehicle alarm or switchable system.
- 20 Except for temporary operations, the level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2m at least 3.6m from the façade of a residential property or other a noise sensitive building that faces the site shall not exceed 55 LAeq for any 0.5 hour period during 0730 to 1800 hours Monday to Friday and 0730 to 1300 hours Saturdays.
- 21 For temporary operations such as site preparation, soil and overburden stripping, bund formation and final restoration, the level of noise arising when measured at, or recalculated as at, a height of 1.2 metres above ground level and 3.6 metres from the facade of a residential property or other noise sensitive building that faces the site shall not exceed 70LAeq, during any 1 hour period. Such activities shall not take place for a total period greater than eight weeks in any twelve month period.
- 22 Prior to the extraction of minerals and use of the conveyor, details of the location and height of the noise barriers for the conveyor switch points as specified in Planning Supporting Statement paragraph 7.149 and Table 7.12, Wardell Armstrong dated 13/11/2012 (not 2013 as on letter), Environmental Statement paragraphs 11.6.16 and 11.7.3, paragraphs 2.13 to 2.18 of the June 2013 Addendum to the Environmental Statement and plan ST13443-PA2 Application Area (proposed conveyor route) dated 09/04/13, shall be submitted to and approved in writing by the County Planning Authority. The noise barriers are to be constructed in accordance with the approved details and maintained in good condition until completion of extraction and use of the conveyor system to transport mineral to the Queen Mary Quarry processing plant, with the monitoring and maintenance of the barriers to be included within the site integrated management system.
- 23 The 4 metre high bund erected on the site boundary of the recycling facility within the Queen Mary Quarry as described in the W A Hines & Partners Report dated 2.11.12 and shown on the Aerial in that report shall be retained and maintained at 4m high at all times until cessation of the use of the concrete batching plant and aggregate bagging plant in accordance with condition 6.

#### **Dust**

- 24 a) Prior to the commencement of development a Dust Action Plan (documented site-specific operational plan to prevent or minimise the release of dust from the site) (DAP) ; 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, shall be submitted to and approved in writing by the County Planning Authority.
- b) The dust control and mitigation measures set out in the planning application (including paragraphs 7.23, 7.149 and Table 7.12 and Chapter 12 of the Environmental Statement) shall be implemented and the Dust Action Plan and monitoring scheme approved pursuant to Condition 23 (a) shall be implemented as approved throughout the duration of the development.



## Water environment and pollution controls

- 25 The development hereby permitted shall only be carried out in accordance with the planning application (including paragraph 7.149 and Table 7.12) and approved Flood Risk Assessment (FRA) (July 2012) (Chapter 9 and Appendix 9.1 of the Environmental Statement), as modified by the June 2013 Addendum to the Environmental Statement and subsequent letters and emails), and the following mitigation measures detailed within the FRA:

There is no increase in impermeable area on the site and no increase in surface water run-off volume.

- 26 Full level for level compensation for all elements being built within each phase will be provided at the start of each phase prior to any bunding or overburden storage in the floodplain in accordance with the following plans and documents:

Drawing EIA 9.3 Summary of proposed level for level flood compensation - Phase 1 Rev E revision E dated 13/01/14 and point 1 of letter dated 3 December 2013 from Wardell Armstrong, reference JG/ST12377/016,  
Drawing EIA 9.4 Summary of proposed level for level flood compensation Phase 2 Rev C dated 23/04/2014,  
Drawing EIA 9.5 Summary of proposed level for level flood compensation Phase 3 Rev B dated 23/04/2014,  
Drawing EIA 9.6 Summary of proposed level for level flood compensation Phase 4 Rev B dated 23/04/2014.

- 27 All bunds shall be constructed in accordance with the following:

Drawing PA6 Phase 1 with Cross Sections – Rev F dated 24/04/14,  
Drawing PA7 Phase 2 with Cross Sections – Rev D dated 24/04/2014,  
Drawing PA8 Phase 3 with Cross Sections – Rev C dated 24/04/2014,  
Drawing PA9 Phase 4 with Cross Sections – Rev C dated 24/04/2014.

- 28 Prior to commencement of development a scheme to ensure that the causeway does not form a barrier across the floodplain shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include:

- a) detailed drawings of the proposed pipes within the causeway,
- b) calculations demonstrating that the size, location and number of pipes are sufficient to allow flood waters to pass through the causeway unhindered for all flood events up to the 1 in 100 plus climate change flood event,
- c) measures to ensure that the pipes will be maintained as open within the causeway for the lifetime of the causeway,
- d) measures for removal of the causeway to at least normal water level at the end of the development.

The development shall be carried out in accordance with the approved details.

- 29 The bunds and causeway shall be removed in accordance with the restoration plans; Drawing PA13 Restoration Detail Plan dated March 2012 and Drawing PA14 Restoration Elevations dated March 2012.

- 30 The development hereby permitted shall be carried out in accordance with the approved drawing No.ST12377 SK1 Floodplain compensation and Causeway Drainage Proposal dated 04/11/13 and the following measures as detailed:
- a) provision of level for level floodplain compensation for the causeway up to the 1 in 100 plus climate change flood level
  - b) compensation to be provided before the causeway is put in place and maintained as open for the life of the causeway.
- 31 Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.
- 32 Prior to the commencement of development a groundwater monitoring plan shall be submitted to and approved in writing by the County Planning Authority. The groundwater monitoring plan shall include:
- a) additional monitoring boreholes to the north, east and west of the extraction area, and existing off-site wells to the east and south should be included,
  - b) water level monitoring and groundwater chemistry should be undertaken, with annual data reviews,
  - c) contingency mitigation measures

The groundwater monitoring plan shall be implemented as approved.

### **Programme of Working**

- 33 The working of minerals from Manor Farm shall be carried out in accordance with the approved phasing drawing PA5, with the bund construction in accordance with drawing nos. PA6, PA7, PA8 and PA9 as listed above under Condition 2.

### **Rights of Way**

- 34 Public access must be maintained throughout the period of mineral extraction and restoration. If this is not possible whilst work is in progress then an official temporary closure order will be necessary, the cost of which is to be borne by the applicant. The operator must ensure that:
- a) There are no obstructions to the public rights of way at any time, including on a temporary basis by the placing of plant or vehicles,
  - b) Any damage to the rights of way surfaces must be reinstated to the satisfaction of the County Council's Countryside Access Officer,
  - c) Warning signs must be erected where contractors' vehicles are using or crossing the right of way, the wording of such signs not to discourage public use.

### **Archaeology**

- 35 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 County Planning Authority.

## Bird Management Plan

36 Development shall not commence until a Bird Management Plan has been submitted to and approved in writing by the County Planning Authority. The submitted plan shall include details of:

- a) monitoring of any standing water or wetland within the site temporary or permanent

The Bird Management Plan shall be implemented as approved, on commencement of the extraction and shall remain in force for the operational life of the site, including the restoration and thereafter in perpetuity.

## Ecology

37 Prior to the construction of any buildings and erection of plant and equipment, or removal of vegetation the site at (Manor Farm and Queen Mary Quarry) in advance of operations or during restoration shall be inspected by a suitably qualified ecologist to check for breeding birds. No trees shall be felled or vegetation removed during the bird nesting season (1 March – 31 August) unless they have been inspected by a suitably qualified ecologist who has certified that there are no active nests which might be disturbed or destroyed by those activities. If an active nest is identified as being so affected by the development, no further works shall take place in that area until all nesting activity has concluded.

38 Prior to the commencement of development, a biodiversity mitigation scheme to include the type and number of bat and bird boxes proposed shall be submitted to and approved in writing by the County Planning Authority, and thereafter implemented as approved.

## Soil Movement and Placement

39 Soils shall only be moved when in a dry and friable condition; and handling, movement and replacement of soils shall not be carried out between the months of November to March inclusive, or during the bird breeding season unless the area concerned has been shown to be free of nesting birds, following an inspection by a suitably qualified ecologist, immediately prior to such works commencing. Soils should be handled in accordance with Defra's 'Good Practice Guide for Handling Soils'.

40 Bunds for the storage of soils shall be in accordance with the following criteria:

- a) Topsoils, subsoils and subsoil substitutes should be stored separately.
- b) Where continuous bunds are used dissimilar soils should be separated by a third material, previously agreed with the County Planning Authority.
- c) Topsoil and subsoil (or subsoil substitute) bunds should not exceed 3 m in height.
- d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

## Landscaping and Restoration

41 The height of stockpiles within the Queen Mary Quarry processing plant shall not exceed 16 metres.

42 The restoration of the Manor Farm site shall be carried out in stages, progressively as the extraction proceeds in accordance with the approved Quarry Phasing Plans (Drawings PA5 – PA9, as detailed in Condition 2 above) and the approved Drawing PA13 Restoration Detail Plan for Manor Farm dated March 2012.

- 43 The restoration of the Queen Mary Quarry site shall be in accordance with the restoration and landscaping scheme for the site approved under reference SP07/1276 dated 15 January 2009, as reproduced on Drawing No. PA15 – ‘Approved Restoration Plan for QMQ Site’ dated March 2012.
- 44 Prior to the extraction of each of the phases of working within Manor Farm, detailed landform and planting design proposals shall be submitted to and approved in writing by the County Planning Authority.
- 45 Prior to commencement of development a vegetation survey of the Manor Farm site following the guidance and recommendations in BS 5837:2012 (Trees in relation to design, demolition and construction – recommendations) shall be undertaken and a tree and hedgerow protection plan submitted to and approved in writing by the County Planning Authority. The tree protection plan shall include details of:
- a) identification and assessment of the trees and hedgerows that are required to be removed,
  - b) measures for the protection of the trees and hedgerows that are to be retained during the construction and operation of the site.

The tree and hedgerow protection plan shall be implemented as approved and all existing hedges, trees, saplings, shrubs along the boundaries and such vegetation within the site shown as being retained in the tree protection plan submitted pursuant to this condition shall be retained and protected from damage during the process of extraction and subsequent restoration.

- 46 The management and maintenance of the restoration plan for Manor Farm shall be for a period of 25 years in accordance with the ‘Restoration Management and Maintenance Plan’ dated March 2012 (Appendix 7.1 RevA Planning Statement).

Reasons:

- 1 To ensure that the management and staff responsible for the day-to-day operation of the site are fully acquainted with the approved schemes and conditions in the interests of proper planning and to assist the County Planning Authority exercise control over the development hereby permitted and minimise the impact of the development in accordance with all the relevant policies of the Development Plan.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To comply with Section 91 of the Town and Country Planning Act 1990.
- 4 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at a mineral working site in an area of Metropolitan Green Belt and to minimise the impact on local amenity in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC3.
- 5 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at a mineral working site in an area of Metropolitan Green Belt and enable restoration of the land in accordance with the approved restoration scheme to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and to minimise the impact on local amenity in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC3 and MC17.



- 6 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at a mineral working site in an area of Metropolitan Green Belt and enable restoration of the land in accordance with the approved restoration scheme to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and to minimise the impact on local amenity in accordance with Policies MC3 and MC17 of the Surrey Minerals Plan 2011 Core Strategy.
- 7 To safeguard the Metropolitan Green Belt and protect the amenities of the locality in accordance with the terms of Policies MC3 and MC14 of the Surrey Minerals Plan 2011.
- 8-15 In the interests of safeguarding the local environment and to ensure the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies MC14 and MC15 of the Surrey Minerals Plan 2011.
- 16-17 To comply with the terms of the application and ensure minimum disturbance and avoid nuisance to the locality in accordance with Policy EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.
- 18-23 To ensure minimum disturbance and avoid noise nuisance to the locality in accordance with: Policy EN11 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009 and Policy MC14 of the Surrey Minerals Plan 2011.
- 24 To enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with: Strategic Policy SP6 and Policy EN3 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009 and Policy MC14 of the Surrey Minerals Plan 2011.
- 25-32 To reduce the impact of flooding both on and off site, ensuring the satisfactory storage of/disposal of surface water from the site, minimising the risk of pollution of watercourses and groundwater in accordance with: Strategic Policy SP6 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.
- 33 To comply with the terms of the application and to enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with Strategic Policy SP6 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.
- 34 To protect the route of the public footpaths and the amenities of the users and comply with Policy MC14 of the Surrey Minerals Plan 2011.
- 35 To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide upon a course of action required for the preservation or recording of such remains in accordance with the Policy MC14 of the Surrey Minerals Plan 2011.
- 36 It is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
- 37-40 To comply with the terms of the application and in the interests of biodiversity and wildlife conservation to comply with Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.

41 To enable the County Planning Authority to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Strategic Policy SP6 and Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009.

42-46 In order to achieve a high standard of restoration, and protect the local environment and amenity, in accordance with Policies MC14, MC17 and MC18 of the Surrey Minerals Plan 2011.

#### **Informatives:**

- 1 Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transport Development Planning Team of Surrey County Council.
- 2 When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highway Service Group will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.
- 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 A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- 5 The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- 6 A S278 Agreement is required in respect of the works (conveyor tunnel, site entrances onto Ashford Road and Worple Road, public footpath) under this decision. A bond will be required from the commencement of the development for the duration of the works and will only be released on the satisfactory reinstatement of the highway.
- 7 The applicant's attention is drawn to the comments and requirements of National Grid within their letters of 2 October 2012, 30 July 2013 (Part 1) and 30 July 2013 (Part 2), 12 December 2013, 27 December 2013, and 10 February 2014, copies of which have been provided to the applicant or can be obtained from the County Planning Authority.
- 8 The applicant's attention is drawn to the comments and requirements of Esso Petroleum Co Ltd set out within the Fisher German letter dated 17 October 2013 and enclosed Special Requirements for Safe Working booklet and the covenants referred to in the Deed of Grant, copies of which have been provided to the applicant or can be obtained from the County Planning Authority.

- 9 The applicant's attention is drawn to the following requirement of Thames Water in relation to public sewers and sewerage infrastructure in the B377 Ashford Road:

"There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

There is a foul water sewer and manhole in Ashford Road (B377) in the location where the conveyance tunnel is proposed. The manhole is at a depth of approximately 11.6m AOD. The developer needs to contact Thames Water Developer Services on 0845 850 2777 regarding asset protection of this sewer during and after the construction."

- 10 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 5810: 1979) or any prescribed document replacing that code.
- 11 The Applicant's attention is drawn to the potential need to modify the existing Pollution Prevention Control (PPC) Permit for the site prior to the commencement of any works.
- 12 The Applicant's attention is drawn to the potential need to obtain a Local Authority Pollution Prevention Control (LAPPC) Permit for the site prior to the commencement of any works.
- 13 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.

Birds are known to nest on the ground within the site, on buildings and items of the mineral processing plant and these and trees and scrub present on the application site are likely to contain nesting birds between 1st March and 31st August inclusive. 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, the site is assumed to contain nesting birds between the above dates.

- 14 Environment Agency - Advice to applicant: "There is currently an abstraction licence issued to Brett Aggregates at the adjacent site. The licence number is TH/039/0031/008. This licence allows water to be abstracted for the purpose of mineral washing. The maximum abstraction volumes associated with this licence are –

573m<sup>3</sup>/hour  
5,730m<sup>3</sup>/day  
1,760,000m<sup>3</sup>/year

It is mentioned in the planning application that water would be needed for concrete production, dust suppression (including vehicle washing) and potentially for landscape irrigation. If you intend to use your existing abstraction licence for any purpose other than mineral washing, you will need to contact us to discuss the possibility of varying your licence. You would also need to contact us if you intend to drill a new borehole or seek to take water from a surface water source (e.g. lake/river).

If you have any questions regarding the above points then please email Alastair Wilson at [thames.northeast@environment-agency.gov.uk](mailto:thames.northeast@environment-agency.gov.uk) or call on 03708 506 506.”

- 15 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.

## CONTACT

Susan Waters

### TEL. NO.

020 8541 9227

## 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 March 2012 (NPPF)

National Planning Practice Guidance March 2014 (NPPG)

Circular 06/2005 Biodiversity and Geological Conservation- Statutory Obligations

Government Circular 01/03 Safeguarding aerodromes, technical sites and military explosives storage areas

### The Development Plan

Surrey Minerals Plan 2011 (Core Strategy and Primary Aggregates Development Plan Documents)

Aggregates Recycling Joint Development Plan Document for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)

Spelthorne Borough Local Plan 2001

Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009

### Other documents

Primary Aggregates Land Assessment Report 2009

Report to Spelthorne Local Committee 16 January 2012 (Item 8) on Surrey's Drive SMART Road Safety and Anti Social Driving Strategy, and Spelthorne's Local Speed Management Plan.

Spelthorne Borough Council 2013 Air Quality Progress Report for Spelthorne Borough Council, August 2013

The Recent Storms and Floods in the UK February 2014 report published by the Met Office and Centre for Ecology & Hydrology (CEH)

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

Surrey County Council Annual Monitoring Report (AMR) 2012/2013

Surrey County Council Aggregates Monitoring Update August 2013

Surrey County Council Local Aggregate Assessment (Surrey LAA) October 2013

Surrey County Council Aggregates Monitoring Update: May 2014

The deposited application documents and plans and Environmental Statement 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 for the related conveyor application ref SP13/01003.

Department of the Environment letter dated 24 January 1978 to Greenham Sand & Ballast Co. Ltd. (Secretary of State decision on appeal against non determination of planning application SP76/60 (appeal ref: APP/5300/A/76/2931)



## Draft Heads of Agreement

These Draft Heads of Agreement relate to the following planning application which is being reported to the 07 January 2015 Planning and Regulatory Committee:

**Application ref SP12/01132:** for the extraction of sand and gravel and restoration to landscaped lakes for nature conservation afteruse at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.

**Site:** Land at Manor Farm, Ashford Road and Worple Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey.

Set out below are the broad heads of agreement, subject to the grant of planning permission for the above planning application, to be included in a legal agreement between Brett Aggregates (Applicant and Landowner) and Surrey County Council (County Planning Authority) to secure:

- i) the long term (25 year) landscape and ecological management, maintenance and aftercare of the land at Manor Farm including for the control of birds; and
- ii) control over vehicle numbers so the number of HGV movements in combination with other planning permissions at QMQ does not exceed more than 300 HGV movements (150 two way HGV movements) on any working day.

#### **i) Outline of Basic Management Plan Agreement**

1. Within twelve (12) months of the grant of planning permission for the above planning application the applicant shall submit to the County Planning Authority for approval a Landscape and Ecological Management Plan (LEMP) based on the March 2012 Restoration Management and Maintenance Plan in Appendix 7.1 of the July 2012 Planning Supporting Statement pursuant to the application describing how the land at Manor Farm will be managed, making provision for landscape and ecological interests, including for the control of birds, for a period of 20 years (and providing for 5 yearly reviews) following completion of the five year aftercare as prescribed by Condition [insert number] of planning permission SP12/01132.
2. All management shall only take place in accordance with the approved Landscape and Ecological Management Plan unless otherwise agreed with the County Planning Authority.
3. The Landscape and Ecological Management Plan shall address the following:
  - (i) Habitat management which shall address how best to enhance the continuing establishment and long term health of the areas of grassland, grassland and willow scrub areas, hedgerows, trees, island tree planting, reed beds, marginal planting, conservation study area, formed by the Applicant as shown on Restoration Detail Plan PA13 Rev B pursuant to the application.
  - (ii) The framework (including resources) in place to implement the Management Plan.
  - (iii) The control of birds on the land at Manor Farm in the form of the bird hazard management plan approved pursuant to Condition [insert number] of planning permission SP12/01132.

4. The Landscape and Ecological Management Plan shall include details of arrangements to monitor the effectiveness of tasks undertaken pursuant to point 3 above.
5. The Landscape and Ecological Management Plan shall provide for the:
  - (i) establishment of a Management Group comprised of the Applicant, the County Planning Authority, and any other persons who in the opinion of the County Planning Authority are appropriate to include, and
  - (ii) the establishment and format of annual meetings of the Management Group to discuss the progress of the Landscape and Ecological Management Plan, to review the tasks undertaken in the previous year and to agree those to be undertaken in the following year; and to provide for reviews of the Landscape and Ecological Management Plan to be submitted to the County Planning Authority for approval on no less than a five yearly basis following approval of the Landscape and Ecological Management Plan.

#### **ii) Vehicle numbers**

The Developer covenants with the Council that they will limit the number of HGV movements generated by the Manor Farm proposal including concrete batching plant and aggregate bagging plant, in combination with other planning permissions at QMQ to no more than 300 HGV movements (150 two way HGV movements) on any working day.

---

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 7 January 2015 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  
 Mrs Carol Coleman  
 Mr Jonathan Essex  
 Mrs Margaret Hicks  
 Mr George Johnson  
 Mr Christian Mahne  
 Mr Ernest Mallett MBE  
 Mr Richard Wilson

**Apologies:**

Mr Michael Sydney, Substituted by Mr Denis Fuller

**1/15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies were received from Michael Sydney. Denis Fuller substituted for Michael Sydney.

**2/15 MINUTES OF THE LAST MEETING [Item 2]**

The Minutes were approved as a true record of the previous meeting.

**3/15 PETITIONS [Item 3]**

There were none.

**4/15 PUBLIC QUESTION TIME [Item 4]**

There were none.

**5/15 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**6/15 DECLARATIONS OF INTERESTS [Item 6]**

There were no declarations of pecuniary interest.

George Johnson informed the committee that he had been notified of political comments made on item 7 without his knowledge. He would take part in that item with an open mind.

**7/15 MINERALS AND WASTE APPLICATION SP/2012/01132: LAND AT MANOR FARM, ASHFORD ROAD AND WORPLE ROAD, LALEHAM AND LAND AT QUEEN MARY QUARRY, WEST OF QUEEN MARY RESERVOIR, ASHFORD ROAD, LALEHAM, STAINES, SURREY. [Item 7]**

*Two update sheets were tabled and are attached as Annexes 1 & 2 to the Minutes.*

**Declarations of interest:**

None.

**Officers:**

Alan Stones, Planning Development Control Team Manager  
 Nancy el-Shatoury, Principal Lawyer  
 Caroline Smith, Transport Development Planning Team Manager  
 Susan Waters, Principal Planning Officer

**Speakers:**

David Lavender, a local resident, made representations in objection to the application. The following points were made:

- There had been no offer to the community of compensation such as road safety measures.
- The restoration would result in land being transformed into fenced off lakes, without public access.
- Spelthorne contributes substantially to the Mineral Plan already.
- Many lorries are on the roads before 6.30am.
- Severe impact on local residents from noise.
- There are no arbitration mechanisms

Stephen Bishop, a local resident, made representations in objection to the application. The following points were made:

- Long-standing resident of Laleham. Spoke at the first Manor Park application which failed.
- There is a lot of new housing and local schools which will be affected.
- The Mineral Plan is meant to protect the Green Belt but this application breaches that intention.
- The site should be fully restored and not left as deep lakes.
- The Manor Farm and adjacent sports ground site has archaeological potential.
- The lake would bring the potential for breeding mosquitos.
- Eric Pickles had recently raised the heightened risk of flooding caused by old gravel pits which had been filled with deep water.
- The lake would be 40 feet deep and people would be at risk of drowning.

Jenny White, a local resident, made representations in objection to the application. The following points were made:

- Lives on Brightside Avenue.
- Her property would be severely impacted by the development.



- There had been a cumulative and qualitative impact on the local community of minerals extraction sites.
- The length of time that the extraction and restoration would take was unacceptable.
- Spelthorne Borough Council supports objections.
- More than 300 local residents had attended a recent public meeting on the application and a large number of residents had signed a petition against the application.
- The lake would cause insect swarms.
- There would be more than 300 operational days a year and so the public would not get relief from the noise.
- The prevailing acoustic environment means that the noise impact was dependent on wind direction and wind strength.
- There was much concern about the potential for future flooding.
- The mitigating actions proposed are not adequate.

Michael Nevins, a local resident, made representations in objection to the application. The following points were made:

- A longstanding resident of Staines and local estate agent.
- Many insurance companies now refuse to insure properties within 400m of deep water.
- The onus is on the insured parties to declare the creation of a gravel pit.
- He could give examples of under offer properties where the sale had collapsed as building insurance had been refused.
- He highlighted a number of roads and local schools whose insurance would be affected.
- It would be irresponsible and immoral of the Council to grant permission.

Mike Courts of Brett Aggregates, spoke in response to the objectors as the applicant. He raised the following points:

- Speakers had mentioned a lack of arbitration mechanisms. He highlighted a meeting with Mr Lavender two years previously at which the offer of a community liaison committee was made. This was refused but the offer still stands.
- Brett Aggregates' lorries do not go onto the highway until 7.30am. They do not start before that time.
- The development would improve the flood storage capacity.
- The lake would be 18 feet not 40 feet deep.
- The minimum distance from any back garden was 100m.
- There was no extra traffic associated with this application.
- The Environment Agency had not objected.
- The officer report comprehensively covers every issue raised by the objectors.
- The comments made forget that residents have been consulted at length during production of the Minerals Plan.
- The application had been designed in line with Minerals Policy and Development Policies. If the plans which identify preferred sites for mineral extraction are abandoned, the impact will be on Surrey as a whole as applications could be made anywhere.

- The officer report concludes that the application would not give rise to unacceptable impacts on the local community and complies with development plans.

Richard Walsh, the local Member for Laleham and Shepperton, had registered to speak. The following points were made:

- He was representing local people in Laleham and supports those residents who oppose the application under consideration.
- His concerns were about people's quality of life and the proposal to not fully restore the land.
- This was the wrong area for this development. Gravel pits are not usually created within a village.
- The amount of gravel being extracted was relatively small and so it was questionable whether there was any necessity for this work to take place.
- Local residents do not want a wet restoration. There is already a lot of water in Spelthorne.
- This was the last bit of Green Belt between Staines and Laleham.
- Pollution and noise would cause impact on local residents.

Daniel Jenkins, the local Member for Staines South and Ashford West, had registered to speak. The following points were made:

- He was speaking on behalf of his local residents.
- This site was in the midst of a densely populated area.
- Facilities for children's use back onto this site.
- There are many elderly people in the area.
- The development would cause noise pollution, dust pollution, chemical pollution and ground water pollution.
- The site is part of the Green Belt.
- The open-ended timeframe was unacceptable.
- In the community consultation, Brett Aggregates stated that restoration would be mixed and include a recreation area. Now access to the restored site will be prohibited.
- The wet restoration would introduce safety hazards in perpetuity, particularly for children and young people. This would cause permanent stress for parents.
- In July 2014, a number of people throughout the country drowned in former quarry pits.

Denise Saliagopoulos, a Member for the adjoining division Staines upon Thames, had requested to speak and had been allowed by Chairman's discretion. The following points were made:

- She had strong views about this application.
- Spelthorne had been very generous and accommodating for minerals extraction.
- Last year, Spelthorne had experienced serious flooding by river, drainage and surface water. More than 900 households had been affected.
- It was a serious omission by the Environment Agency not to object or ask for flooding mitigation.

- The committee should consider whether it was reasonable to permit this development in a built-up area.
- Government is encouraging community groups to stand up for their local communities.
- She highlighted a refusal at another council to a similar application and recommended that the committee consider the same reasons for refusal.

*The Committee adjourned for a short break from 11.20am to 11.30am.*

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and assured the committee that the application does comply with the development plan and would not have adverse impact on the local community. He informed the committee that it should not give any weight to the previous refusal as there had been three development plans including this as a preferred site for minerals extraction published since that time. The latest plan also included a requirement for the type of restoration proposed in this application. Surrey was also below the required target for minerals extraction and, while this application would add a further 1.7 years to the reserve, with a permission Surrey would still not have reached its target. He highlighted that consultants had been satisfied with regard to noise and dust pollution and the mitigating actions proposed. The development would not increase flood risk but would provide additional capacity. The water is already there as ground water. Importantly, the Environment Agency does not raise any objections. The Planning Development Control Team Manager also advise the committee that a revised recommendation was included in Update Sheet 1 (Annex 1).
2. In response to a query, the Planning Development Control Team Manager informed the committee that it should not attribute any weight to the insurance argument as it was not a material planning consideration.
3. It was explained that the site had always been envisaged as having a wet restoration because of the difficulties of HGV access to deliver infill material. It would not be possible to use the conveyor to deliver lumps of clay. The planning inspector had accepted this point during the inquiry to develop the Minerals Plan.
4. The Principal Planning Officer confirmed that the development would increase storage capacity. A site-specific flood risk assessment had been undertaken and consultants had advised that a wet restoration would not increase flood risk in the surrounding area.
5. Ian Beardsmore declared that he was on the Spelthorne Borough Council planning committee but that he had stood down when this application was considered and did not participate. He also stated that he was the only person on the Planning & Regulatory Committee who had voted against the Minerals Plan because of the impact on Spelthorne. He went on to suggest that residents had accepted reluctantly that the development would happen but that the wet restoration was an insulting and unnecessary addition. Other sites with worse HGV access had received dry restoration. National policy

states that dry restoration should be carried out where possible. As national policy trumps local policy, there was a policy basis for returning the site to farmland.

6. The Chairman stated that at the site visit, the difficulties for HGV access had been clear. The requirement for wet restoration had been agreed to protect resident amenity. The Transport Development Planning Team Manager confirmed that the issue was one of resident amenity. To deliver the dry waste to infill the gravel pit would require 120 HGV movements a day down Worple Road.
7. A Member countered that a dry restoration is what the community wants. If this was feasible in highways terms and meets national policy than it should be the approach taken.
8. The Planning Development Control Team Manager informed Members that residents' concerns about the restoration had been taken into account during the planning inquiry process. He informed the committee that it would not be acceptable to go against the Mineral Plan requirements and there had been no change in circumstances since the Plan had been published.
9. A Member suggested that as a condition required the restoration within six years of starting extraction, the development was not open-ended. The Environment Agency had commented on flood concerns and requested five conditions which were included in the report. There was a condition limiting noise of conveyor. There is a condition proposed on ground water. The Member queried whether the application is acceptable in general terms as the development would be controlled as much as it could be. He brought Members' attention to a report previously viewed by the committee which shows that over the past three years, demand for concreting aggregate had been flat and low. Therefore, Surrey has a longer-term supply of concreting aggregate than suggested. He also suggested that sharp sand could be replaced with recycled aggregate but that the Minerals Plan does not take this into account. Therefore, the need argument was not accurate. He also highlighted the inclusion of a nature conservation area for use by a local school and queried how this could be accessed if the site is being fenced off. He also asked why the potential for birdstrike was being highlighted given the large reservoir at the neighbouring site.
10. The Principal Planning Officer confirmed that the potential for bird strike can increase with an additional water body in the area. The BAA safeguarding team is satisfied that the proposals will not increase birdstrike. The proposals include the creation of a nature conservation study area to be made available to Buckland Primary School.
11. The Planning Development Control Team Manager agreed that there had been lower demand for sharp sand over the past three years. This was not statistically significant and does not predict the likely future demand of sand and gravel. The formula was devised to provide certainty over the supply of aggregates. As industry picks up, they will require increased supply. The figures do include recycled aggregates.
12. A Member pointed out that Spelthorne Borough Council was party to the gravel strategic plan. Its objections to this application are tentative and weak. The site is in the Minerals Plan. The fact that it is next to a residential area is not unusual for gravel pits. The application was well-considered. If vehicular access was permitted to allow the infill of the gravel pits, there would be further objections. Wet restorations



take place in many old gravel pits. They are not new and are not a big problem.

13. A Member informed the committee that Bucklands Primary School had refused the offer of a nature conservation study area and queried whether Laleham Primary School had been offered the same. The Principal Planning Officer confirmed that that Laleham Primary School had not been offered an area and showed where the School was situated in relation to the site on a map. There was no physical connection between the school and the site but it was not know what the formal reasons were for not offering an area to that school.
14. In response to a question, the Principal Planning Officer informed the committee that the site would be worked wet to minimise the generation of dust. There would also be other mitigating actions included in a dust action plan.
15. A Member accepted the argument about the water table and the additional capacity. However, while the water table on agricultural land will rise when it rains and then drop, reservoirs tend to hold water and not drop. Therefore, while the wet restoration may give short-term flood alleviation, in the long-term it will increase flood risk. The Chairman reminded the committee that experts had told them that there was no increase to flood risk and so it would not be possible to formulate a reason for refusal using that issue.
16. In response to further comments about whether dry restoration was possible, the Chairman and the Planning Development Control Team Manager reminded the committee that such a proposal would be contrary to the Council's own Minerals Plan which had been drafted to protect resident amenity. A number of objections had already highlighted traffic issues. By pushing for dry restoration, traffic issues would multiply.
17. The Planning Development Control Team Manager assured the committee that the Minerals Plan is in conformity with the NPPF. The NPPG, which Members have referred to, is guidance.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

That, subject to the prior completion of a section 106 legal agreement to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273, SP13/01238, SP07/1275 and SP13/01239 to no more than 300 HGV movements (150 two way HGV movements) on any working day for which draft Heads of Terms are set out in the Annex, the application be **PERMITTED** subject to conditions and informatives, for the reasons set out in the report.

*Ernest Mallett left the meeting at 12.33pm.*

**8/15 MINERALS AND WASTE APPLICATION SP13/01003/SCC: LAND AT QUEEN MARY QUARRY, ASHFORD ROAD, LALEHAM, SURREY TW8 1QF [Item 8]**

*An update sheet was tabled and is attached as Annex 3 to the Minutes.*

**Declarations of interest:**

None.

**Officers:**

Alan Stones, Planning Development Control Team Manager  
 Nancy el-Shatoury, Principal Lawyer  
 Caroline Smith, Transport Development Planning Team Manager  
 Susan Waters, Principal Planning Officer

The local Member had not registered to speak.

**Key points raised during the discussion:**

1. Members agreed that the main points had been raised during the discussion on item 7.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

That, subject to planning permission being granted to planning application ref. SP12/01132 for the extraction of mineral from Manor Farm, that the application be **PERMITTED** subject to conditions and informatives, for the reasons set out in the report.

**9/15 MINERALS AND WASTE APPLICATION RE14/02134/CON: NO. 2  
 PERRYLANDS LANE, SMALLFIELD, HORLEY, SURREY RH6 9PR [Item  
 9]**

*An update sheet was tabled and is attached as Annex 4 to the Minutes.*

**Declarations of interest:**

None.

**Officers:**

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

The local Member had not registered to speak.

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and highlighted the revised condition in the update sheet (Annex 4). He said that officers no longer wanted to recommend the removal of the word 'retained' but did recommend the insertion of the new wording. He explained the history to the site and the reason why a new planning application was being made.
2. Members queried whether any enforcement activity was underway and highlighted comments in the objections that relate to activity that wouldn't even be permitted through this application. Officers confirmed that the site continued to operate and that as the applicant was participating in a process to gain planning permission it had been

decided not to pursue enforcement at present. The points made about the concrete crusher should be set aside.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

That the application be **PERMITTED** subject to conditions, for the reasons set out in the report.

**10/15 SURREY COUNTY COUNCIL PROPOSAL EL/2014/4011: LAND AT MANBY LODGE INFANT SCHOOL, PRINCES ROAD, WEYBRIDGE, SURREY KT13 9DA [Item 10]**

*An update sheet was tabled and is attached as Annex 5 to the Minutes.*

**Declarations of interest:**

None.

**Officers:**

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

The local Member, Christian Mahne, would speak as a member of the committee.

**Key points raised during the discussion:**

1. The local Member supported the application and requested that an informative be added asking that Highways address the blocked drainage at the back of the site as the extra loading would exacerbate problems. This was agreed.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

- a) That the application be **PERMITTED** subject to conditions, for the reasons set out in the report.
- b) That an informative be included asking that Highways address the blocked drainage at the back of the site as the extra loading would exacerbate problems

**11/15 DATE OF NEXT MEETING [Item 11]**

The date of the next meeting was noted.

Meeting closed at 12.45 pm

\_\_\_\_\_  
**Chairman**

This page is intentionally left blank



**UPDATE SHEET 1****MINERALS/WASTE SP/2012/01132****DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL

**Land at Manor Farm, Ashford Road and Worple Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey**

**Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.**

*Please note the Officer report should be amended/corrected as follows:*

**Summary report and recommendation (page 115)**

As planning applications SP13/1236, SP13/1238 and SP13/1239 at Queen Mary Quarry were issued 6 January 2015 the recommendation needs to be updated to refer to the new planning permissions as well as the planning permissions (refs SP07/1273 and SP07/1275) granted in 2009.

Replace recommendation in the summary report and on page 115 with:

**The recommendation is that, subject to the prior completion of a section 106 legal agreement to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273, SP13/01238, SP07/1275 and SP13/01239 to no more than 300 HGV movements (150 two way HGV movements) on any working day for which draft Heads of Terms are set out in the Annex, to PERMIT subject to conditions and informatives.**

**ILLUSTRATIVE MATERIAL**

Plans 2 to 7 are included in the report as Figures 12 to 17. References in the report to Plans 2 to 7 should be read as Figures 12 to 17 respectively.

(Full size versions of Figures 12 to 17 will be on display at the meeting.)

**Site description and planning history**

Paragraph 16 refers to planning applications SP13/1236, SP13/1238 and SP13/1239 at Queen Mary Quarry which were reported to committee on 11 June 2014 and the resolution to grant planning permission subject to the prior completion of a legal agreement, which had yet to be completed. The legal agreement was completed in December 2014 and the decision notices on the three planning applications were issued on 6 January 2015.

Subsequent references in the report to these planning applications should be read as referring to planning permissions dated 6 January 2015.

## CONSULTATIONS AND PUBLICITY

### ***Parish/Town Council and Amenity Groups***

*Paragraph 66 CLAG2:* Remain opposed to the application. The action group find it incredible the County Council has only just realised that two aspects of the proposal are inappropriate development in the Green Belt and the publicity is considered just a procedural issue. It would appear fundamental to the planning process and they drew attention to inappropriate development on Green Belt land being contrary to National policy at least 12 months ago and is sufficient reason in itself to reject the application.

*Officer comment:* Officers have viewed these items of plant to be inappropriate development in the Green Belt from the outset, and prior to validation of the application in July 2012 the applicant was required to provide additional information in the application documents on very special circumstances. The Officer report has assessed the mineral extraction and proposed concrete batching plant and aggregate bagging plant aspects of the application against Green Belt policy. Only the two items of plant are considered inappropriate development in the Green Belt.

The recent publicity was not undertaken to inform people about a change to the application proposal, but to comply with the regulations for publicising planning applications, as the earlier publicity had not referred to these items of plant being a departure from the development plan.

*Paragraph 73 Spelthorne Natural History Society:* Views have now been received. These will be covered in Update Sheet 2.

### ***Summary of publicity undertaken and key issues raised by the public***

Update to paragraph 78 - Since the agenda was published further comments on the application have been received from 11 residents who had already made representations. Four new representations have been received. Written representations have now been received from 300 members of the public, organisations and groups.

### ***Additional key issues raised by the public***

**i) Need** Further comment has been made about there being no need for permission to be granted for extraction from Manor Farm and how alternative supplies such as marine dredged mineral are available to meet future rises in demand. Reference is made to the fall in sales of land won sand and gravel in Surrey and production of sand and gravel since 2003 and how demand for mineral is far less than Government apportionment figures which are based on historical sales figures.

The objectors consider the remaining amount of mineral that would be produced from preferred area sites in Spelthorne in the SMP2011 could be met from elsewhere in Surrey and marine dredged mineral and that there is no need for the land at Manor Farm to be worked.

#### *Officer comment:*

Paragraphs 94 to 107 and 117 to 132 of the report deal with minerals issues including landbanks for sand and gravel, and assessment of planning applications for mineral extraction. The purpose of landbanks is to give certainty over a longer period based on agreed levels of supply. Surrey does not operate in isolation but part of a wider area, and the landbank and apportionment for Surrey needs to be seen in the context of this.

Page 12

As referred to in paragraph 101 regional apportionments have been abolished and are replaced by the reformed Managed Aggregate Supply System (MASS). Paragraph 104 identifies that

following the latest assessment reported in the November 2014 Local Aggregate Assessment (LAA) no changes are proposed to the minerals provision rate contained in the SMP 2011 for Surrey.

As is referred to in the report minerals can only be worked where they are found. This has resulted in a concentration of sand and gravel working in north west surrey and Spelthorne. The mineral supply regime is founded on the use of land won sand and gravel in combination with other sources such as marine dredge mineral and recycled and secondary aggregate.

The further comments on need and mineral supply issues do not affect the assessment by Officers of the proposal and conclusions set out in the report.

**ii) Procedural**

- The concrete batching plant and aggregate bagging plant are departures from the development plant and concern has been raised that this is being considered to be just procedural. Residents have also expressed concerns about the late amendment to the application; feel the applicant Brett is trying to ride roughshod over the planning system; and are not happy with the timing of the consultation in early December 2014 and deadline for receipt of comments over the busy Christmas and New Year period; and query whether there is sufficient time to consider comments before the 7 January 2015.

- Majority of the committee don't live in the area and will be making a decision affecting local residents, have they visited the site?

*Officer comment:* The Planning and Regulatory Committee is a strategic committee made up of members representing different areas in Surrey, including wards in Spelthorne and elsewhere in north-west Surrey. Where members of the committee live in relation to planning applications considered by the committee is not a material planning consideration.

Members of the committee visited the site and surrounding area on 8 November 2013 as reported in paragraph 88. A further visit was undertaken on 4 December 2014.

Some residents have misunderstood the purpose of the recent publicity. It was not to inform people about a change to the application proposal, but undertaken to comply with the regulations for publicising planning applications, as the earlier publicity had not referred to these items of plant being a departure from the development plan. There is no requirement to consult statutory consultees about this issue.

The inclusion of the concrete batching plant and aggregate bagging plant are referred to in the description of development and have been part of the application proposal from the outset, and assessed in the Environmental Statement and planning application.

Officers have viewed these items of plant to be inappropriate development in the Green Belt from the outset, and prior to validation of the application in July 2012 the applicant was required to provide additional information in the application documents on very special circumstances. This has been available for public inspection as part of the application since the application was first publicised in 2012.

The recent publicity was a procedural matter and Officers have assessed any representations received since the report was published and where new issues have arisen or additional clarification considered appropriate covered these in this update sheet.

- Staines Town Society has not been consulted. If the society has not been consulted consideration should be adjourned until the County complies with its own Code of Best Practice.

**Page 13**

*Officer comment:* Staines Town Society has not been notified about the planning application. Officers do not consider it necessary to defer consideration to allow the society to be notified.

The planning application has been widely consulted on and publicised since 2012 including by placing of site notices and newspaper advertisements so there has been ample opportunity for the society to make comments. The impact of the planning application on residents in Staines and the local environment and landscape has been assessed and considered in the Officer report.

**iii) Application contrary to Spelthorne Borough Council Core Strategy** – proposal does not fit within the Spelthorne Borough Core Strategy vision statement and in particular in relation to flood risk, protection of the Green Belt, traffic, reduction in the generation of CO<sub>2</sub>, and protection of the natural and historic environment. Nor with core objectives and key policies in particular in relation to flooding (policy LO1), air quality, noise, vibration, light and dirt (Policies EN3, EN11, EN13 Light Pollution and EN14 Hazardous development); traffic implications; maintaining the local environment (policies EN6 Conservation Areas, Historic Landscapes, Parks and Gardens and EN7 Tree Protection) and Green Belt land, (Policy MC3).

*Officer comment:* Apart from policies EN6 and EN7 and EN13 and EN14 the other policies have been referred to in the report and used in the assessment of the application proposal.

In relation to Policy EN6 the potential impact on the Laleham Conservation Area (CA) has been assessed. The policy deals with development affecting a Conservation Areas and sets out matters to be addressed in planning applications for proposals within Conservation Areas and those outside which have the potential to affect the CA.

Having regard to Policy EN6 Officers consider the assessment and conclusion on the impact on the CA in paragraphs 353 to 368 is unchanged.

Policy EN7 relates to tree preservation orders (TPOs). There are no TPOs on vegetation within the planning application site so this policy is no relevant. Assessment of the impact on vegetation within and around the proposed development has been assessed in the landscape and visual impact section of the report.

Policy EN13 seeks to minimise the adverse impact from light pollution on the development. The impact of lighting is assessed in paragraphs 408 to 409 of the report and Officers consider the proposal is in compliance with Policy EN13.

Policy EN14 seeks to ensure public safety is maintained and deals with development involving hazardous substances or development in the vicinity of hazardous installations. This proposal does not involve hazardous substances requiring hazardous substances consent under the Planning (Hazardous Substances) Regulations 1992, nor is it within the vicinity of a hazardous installation. An Esso fuel pipeline and National Grid gas pipelines and electricity infrastructure run through the QMQ site. No objection has been received from the Health and Safety Executive, National Grid and the operators of the Esso Pipeline see paragraphs 47, 61 and 62 of the report. The impact on these was assessed in paragraphs 402 to 407 of the report and Officers consider the proposal is in compliance with Policy EN14.

**iv) Unacceptable environmental and amenity impact of working the land at Manor Farm (position not changed from earlier refusal and plan designation)** - Surrey Minerals Plan 1993 designation of the site as a Category 2 site - Position has not changed the site should still viewed as it was in the 1993 Surrey Minerals Local Plan where it was a Category 2 site and deemed there was no method of working or safeguards which could overcome the environmental disturbance that would result. This is more so given the flooding in the local area in 2013/2014.

*Officer comment:* As referred to in the report at paragraphs 108 to 111 circumstances are different to those when the site was identified in the 1993 plan, and the time an earlier planning application (which was a different scheme to that currently proposed, see paragraph 109) was refused by the Secretary of State in 1978.



As referred to in paragraph 112 the inclusion of land at Manor Farm as preferred area J in the Surrey Minerals Plan 2011 was subject to detailed assessment and consultation, and subject of examination at the Examination in Public in front of a Government appointed Inspector.

The policy context and designation in the current plan is for a presumption in favour of planning permission, which was not the case in the 1993 plan. Under current national policy there is a presumption in favour of the development plan and for planning permission to be granted for development proposals which accord with the development plan.

The planning application has been assessed against the key development requirements for the Manor Farm preferred area J, relevant development plan policy and national policy and guidance in the NPPF and NPPG and issues raised by objectors as set out in the report. The current proposal accords with the key development requirements in that no permanent HGV access is involved and processing is off site. A restoration based open space and open water restoration is proposed in the absence of a suitable access for use by HGVs or other acceptable means of importing material to backfill the site.

While a material consideration the 1978 refusal is of little significance in view of the up to date SMP2011 designation. There is strong evidence of need and no other demonstrable adverse impacts and Officers consider the proposed development accords with the relevant development plan policies and subject to imposition of planning conditions and a legal agreement as set out in the recommendation and this update sheet, together with controls through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and the development is consistent with the NPPF and the current adopted development plan.

**v) impact of the concrete batching plant and aggregate bagging plant, which are large, has not been assessed.**

*Officer comment:* The impact of these two items of plant have been assessed in terms of noise, dust, landscape and visual impact, the water environment and Green Belt policy – see relevant sections of the report on these matters.

**vi) Air quality** There is lack of reference to nitrogen dioxide and intention of the Spelthorne Borough Council Air Quality Management Area (AQMA) to reduce nitrogen dioxide in the report. The report mentions that without the concrete batching and aggregate bagging plant there would be a reduction in number of vehicles attending the site. This would accord with the Surrey Future Congestion programme 2014. To increase vehicle movements would be against the County's commitment to improve air quality within Spelthorne.

*Officer comment:* Paragraph 294 of the report refers to nitrogen dioxide and the Spelthorne AQMA, no assessment was required in relation to nitrogen dioxide. In relation to traffic the proposed development would not generate traffic above the levels set for the current minerals and waste developments at QMQ and on this basis, as set out in paragraph 148 of the report a Transport Assessment was not required.

Whilst the proposal would generate fewer than the current permitted 300 daily HGV movements from the QMQ site during extraction at Manor Farm, the existing permissions can operate up to the end of 2033. It is not considered necessary, or reasonable, to seek to limit the HGV movements below the current permitted level of 300 daily HGV movements.

**vii) Restoration proposals** An objector has referred to 2006 and 2009 Surrey Minerals Plan draft documents and reference to restoration options for the Manor Farm site and how the application proposal does not follow the draft documents in relation to area considered (which is now bigger), and possible alternative restoration options (which as well as nature reserve included woodland planting, sporting or playing field extensions, community farm).

The preparation of the Surrey Minerals Plan documents (core strategy and primary aggregates DPDS) and restoration (SPD) involved publication and consultation on a number of versions,

which resulted in the final documents adopted as the SMP2011 and restoration SPD in 2011. The application has been assessed in the Officer report against the adopted documents.

**viii) Green Belt** The application should be refused as the concrete batching plant and aggregate bagging plant are inappropriate development in the Green Belt. The report on the County Council's Minerals and Waste Development Scheme, Annex 3, to Cabinet in December 2014 clearly views them as inappropriate, a month later a different view can't be taken. It is wrong to try and get planning permission for these items though an application for mineral extraction. The application should be withdrawn and resubmitted.

*Officer comment:* The concrete batching and aggregate bagging plant are inappropriate development in the Green Belt and have been assessed as such in the Officer report. For planning permission to be granted for very special circumstances need to be demonstrated. See paragraphs 438 to 463 of the report and comments above under Paragraph 66 CLAG 2 and Procedural.

## **RECOMMENDATION**

Amend wording of condition 4 so it reads as follows (to refer to the planning permissions issued on 6 January 2015):

- 4 Extraction of mineral from Manor Farm shall not commence until the mineral extraction from Queen Mary Quarry 'baffle' permission (refs. SP07/1269 dated 15 January 2009 and SP13/01236 dated 6 January 2015) has finished. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of extraction.

Any further changes required to planning conditions will be covered in Update Sheet 2.

**UPDATE SHEET 2****MINERALS/WASTE SP/2012/01132****DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL

**Land at Manor Farm, Ashford Road and Worple Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey**

**Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.**

*Please note the Officer report should be amended/corrected as follows:*

**CONSULTATIONS AND PUBLICITY*****Parish/Town Council and Amenity Groups***

Paragraph 73 Spelthorne Natural History Society: Views have now been received objecting to the application on the following grounds which were raised in connection with the previous planning application by Shepperton Aggregates that the society still considers relevant:

- i) The application does not accord with the provisions of the development plan. The site is in the Green Belt and in close proximity to two schools, residential properties, sports grounds and recreation grounds and two public footpaths. Whilst accepting minerals can only be worked where they are found, this proposal is unacceptable, premature, will impact adversely on adjacent landuses, and a permanent maintenance compound is proposed.
- ii) The ES Non Technical Summary refers to pre submission consultation with local, regional and wildlife organisations. The Society has never been consulted and requests for copies of the application on CD have been ignored.
- iii) No further planning permissions for mineral extraction in Spelthorne Borough should be permitted until all existing sites are exhausted and the sites fully restored.
- iv) The ES wrongly refers to the agricultural grading of the land as mixtures of Grade 3b and 4 and concludes the loss of the agricultural land would be of low significance. The soils on the site are good and would support arable farming. Brett Aggregates have downgraded the use of the land to grazing and are not realising its full potential. In our opinion the land should be graded 1 and 2 in which case its loss would be significant.
- v) The restoration scheme obviates the need for landfill but involves creation of lakes of which there is a surfeit in Spelthorne.
- vi) Worple Road is unsuitable for use in connection with the proposal, the access is close to traffic calming measures and the road already heavily trafficked. Accessing the site compound off Worple Road will be worse.
- vii) The restoration habitats are all high maintenance and there is no indication of who will be responsible for their ongoing maintenance.

- viii) Object to the site being fenced, particularly the footpath which crosses the site. Removal of trees and a high steel fence will lead to loss of amenity.
- ix) The Society note there is not expected to be an impact on the water environment. However, new groundwater monitoring boreholes are proposed which suggests inadequate attention has been paid to the site's hydrology and there is no mention of what mitigation measures would be put in place if identified as necessary by the monitoring.
- x) The County Council's record with enforcing planning conditions in relation to sand and gravel working is poor.

In addition to the above the society raises issues relating to:

- bats (adequacy of the surveys as additional bat species have been found using land in the vicinity at Shepperton Studios and it is probable they may use the land at Manor Farm. The bat surveys were undertaken in 2011 and a further survey should be carried out before any development commences.
- Shortwood Common and Pond SSSI is closer to the site than Staines Moor SSSI and there is no reference in the report to the Ash Link Local Nature Reserve which is downstream of the processing plant site and could be impacted upon if the River Ash is polluted.
- The concrete batching plant and aggregate bagging plant are inappropriate development in the Green Belt, particularly as the development involves importation of construction and demolition waste.
- No assessment has been undertaken of the impact of the 15 metre stockpile at the processing plant site on underlying soils, mineral and the aquifer.
- There is no reference to the existing water abstraction licence.

*Officer comment:*

The matters raised by the Spelthorne Natural History Society about location of the site and potential impact on adjoining land uses and amenity, the water environment, traffic, restoration and post restoration management, protection of the Green Belt and assessment of the extraction and processing operations and the concrete batching plant and aggregate bagging plant against Green Belt policy have been raised by others and are addressed in the report. The references relating to the agricultural grade of the land are referring to the ES for the previous application ref SP10/0738. The ES accompanying this application identifies the land as being grades 3a, 3b and 2 (though the grade 2 land would not be worked). The impact on agricultural land and soils is assessed in the report at paragraphs 388 to 394.

In relation to the points made about the potential impact on the Shortwood Common and Pond SSSI and Ash Link Local Nature Reserve, no objection has been raised by Natural England, the Surrey Wildlife Trust or the County Ecologist and Biodiversity Manager. The Environment Agency, the body responsible for pollution control matters has raised no objection on water pollution grounds. The Ash Link Local Nature Reserve was established in 2012 and is situated some 2km downstream of the site. Although not referred to in the officer report, or ecological assessment undertaken by the applicant, Officers conclude the pollution control measures to be taken by the applicant would be sufficient to minimise potential impact on the reserve.

Assessment of the potential impact on bats is considered in the officer report between paragraphs 336 to 352. The County Ecologist and Biodiversity Manager has advised that there is sufficient survey information to assess the use of the application site by foraging bats. Whilst bat surveys should usually be no older than 2 years for bat licence applications, and where proposals are likely to have a high impact on bats, in this case he considers sufficient information has been provided on bats to determine the application.

Further bat survey work is required prior to work commencing and a mitigation plan produced and implemented as a result. This should cover checking of trees prior to removal to check for bat roosts, maintaining the foraging lines Page 18 hedgerows and provision of bat boxes. The further survey work would confirm the bat species using the site and inform the mitigation and



provision of species specific bat boxes and can be secured by planning condition. The conclusion on biodiversity matters remains as set out in paragraph 352.

**Summary of publicity undertaken and key issues raised by the public**

Update to paragraph 78 - Since the agenda was published further comments on the application have been received from 12 residents who had already made representations. Four new representations have been received. Written representations have now been received from 300 members of the public, organisations and groups.

**RECOMMENDATION**

Replace condition 38 and reason 38 with the following.

New Condition 38: Prior to the commencement of development an updated bat survey shall be undertaken to assess the use of the site by foraging and roosting bats, and the survey results together with a biodiversity mitigation scheme submitted to and approved in writing by the County Planning Authority. The biodiversity mitigation scheme shall include the checking of trees prior to removal to check for bat roosts, the type and number of bat and bird boxes proposed and measures for maintaining foraging lines along hedgerows to be retained within and adjoining the application site. The biodiversity mitigation scheme shall be implemented as approved.

New Reason 38: To comply with the terms of the application and in the interests of biodiversity and wildlife conservation to comply with Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.

Add new heading and new condition 39 and reason 39.

**Lighting**

New Condition 39: Prior to installation of any external lighting at the site compound details of the design and appearance of the lighting, its brightness, direction and methods of shielding shall be submitted to and approved by the County Planning Authority.

New Reason 39: To enable the County Planning Authority to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Strategic Policy SP6 and Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009.

Add new heading and new condition 40 and reason

**Concrete batching plant and aggregate bagging plant**

New Condition 40: Only mineral extracted at Manor Farm and processed at Queen Mary Quarry and as raised sand and gravel imported to and processed at the Queen Mary Quarry, and recycled aggregate material produced at Queen Mary Quarry, under planning permissions SP07/1273 and SP13/01238 and SP07/1275 and SP13/01239 shall be used in the concrete batching plant and aggregate bagging plant hereby permitted.

New Reason 40 reason: To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at the site which is situated in an area of Metropolitan Green Belt and to minimise the impact on local amenity in accordance with Policies MC3 and MC17 of the Surrey Minerals Plan 2011 Core Strategy.

Renumber conditions 39 to 46 and related reasons as 41 to 48.

This page is intentionally left blank

**UPDATE SHEET**

**MINERALS/WASTE SP13/01003/SCC**

**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL

**Land at Queen Mary Quarry, Ashford Road, Laleham, Surrey TW18 1QF**

**The siting and use of a conveyor to transport mineral extracted from Manor Farm to the mineral processing plant at Queen Mary Quarry as an alternative to the conveyor proposed in planning application ref: SP12/01132.**

**ILLUSTRATIVE MATERIAL**

Site Plan – this is Plan 1 Location Plan

Plan 2 – Application Area is included in the report as Figure 4 not Plan 2.

**BACKGROUND**

**Site Description and planning history**

Paragraph 4 refers to planning applications SP13/1236, SP13/1238 and SP13/1239 at Queen Mary Quarry which were reported to committee on 11 June 2014 and the resolution to grant planning permission subject to the prior completion of a legal agreement, which had yet to be completed. The legal agreement was completed in December 2014 and the decision notices on the three planning applications were issued on 6 January 2015.

This page is intentionally left blank



**UPDATE SHEET - AGENDA ITEM 9****Planning & Regulatory Committee 7 January 2015****Minerals & Waste Application: RE14/02134/CON****No. 2 Perrylands Lane, Smallfield, Horley, Surrey RH6 9PR**

**The use of land as a soil processing facility, utilising imported builders construction and demolition waste, including: the siting of a screener, single storey portacabin, portaloo, two metal containers, concrete hardstanding, stockpiles of soils and rubble, perimeter soil bunds, lighting, water mist sprinklers, access gates, wheelwash, and the provision of car parking and fuel storage.**

*Please note the Committee Report should be amended / corrected as follows:*

**Paragraph 22**

An additional letter of representation has been received objecting to the planning application, taking the total number of letters of representation up to 12. New issues raised and not listed under the above paragraph include:

- Operator using more machines than permitted under appeal decision, including concrete crushing equipment,
- Not operating in accordance with conditions imposed on appeal decision, in particular no sprinkler system installed and machines working above height limit,
- Questions raised over the maximum tonnage of 12,000 tonnes per annum, as this equates to an average of 2-3 HGVs per day,
- Site suffers from poor drainage due to underground springs and no drainage measures installed,
- HGVs not covered or sheeted,
- Wheelwash facility not in operation.

*Officers Response*

Condition 11 offers control in respect of the equipment used on site, with Condition 9 preventing crushing on site. Condition 4 is a pre-commencement condition requesting details of a sprinkler system to be approved. The annual tonnage figure is an anticipated maximum but would depend on market conditions. However due to the nature of the business, there would be peaks in the summer months and very little activity in winter months, with HGV limits placed on the site for the peak times (Condition 13). Pre-commencement Condition 6 combined with the submitted drainage details addresses the issue of site drainage. Condition 12 ensures all HGVs visiting the site are to be sheeted. Pre-commencement Condition 4 requires the submission of adequate wheelwash facilities. Officers consider that the above Conditions offer the appropriate control in respect of the issues raised.

**CONDITIONS**

*Condition 4 - remove the word 'retained' in the second paragraph and insert 'in conditions otherwise likely to give rise to mud or debris being carried onto the highway' at the end of the condition.*

- 4 Prior to the commencement of the development hereby permitted details of the proposed wheel wash facilities and their operation shall be submitted to and approved in writing by the County Planning Authority. The approved wheel wash facilities shall be installed and used whenever the operations hereby permitted involve the movement of HGVs to or from the site in conditions otherwise likely to give rise to mud or debris being carried onto the highway.

*Condition 5 – insert ‘in dry or windy conditions’.*

- 5 Prior to commencement of the development hereby permitted the approved sprinkler system shall be installed and used thereafter whenever the proposed use is in operation in dry or windy conditions in order that the operator can minimise dust generated from the site.

*Condition 7 – insert ‘other than PIR security lights’ and ‘in advance or within 3-days of the operation having been undertaken’ at the end of the condition.*

- 7 No machinery shall be operated, no process shall be carried out, no servicing, maintenance or testing of plant shall be undertaken, no lights shall be illuminated (other than PIR security lights) and no deliveries taken at or despatched from the site outside the following times:

0800 – 1700 Mondays to Fridays,

0900 – 1330 on Saturdays

nor at any time on Sundays, Bank, National or Public Holidays.

This shall not prevent the carrying out of emergency operations but these are to be notified to the County Planning Authority, in advance or within 3-days of the operation having been undertaken.

*Condition 8 – remove ‘landfill’ and replace with ‘waste management facility’*

- 8 Only inert construction and demolition waste shall be imported onto the application site. All incidental waste, to include rubbish and scrap, shall be removed from the site and disposed of at a suitably licensed waste management facility.

*Condition 9 – remove ‘construction and demolition waste’ and insert ‘brick, concrete or stone’.*

- 9 There shall be no crushing of any brick, concrete or stone.

*Condition 13 – insert ‘other than as required for the movement of the plant and machinery authorised under the terms of condition 11’ at the end of the condition.*

- 13 There shall be no more than 30 HGV movements per day (15 in and 15 out) on Monday to Fridays and no more than 16 HGV movements (8 in and 8 out) on Saturdays. HGV movements should not exceed 20 tonnes capacity (other than as required for the movement of the plant and machinery authorised under the terms of condition 11).

*Condition 14 – remove ‘maintained and made available to the Planning authority on request’ and replace with ‘kept and submitted quarterly to the Planning Authority in February, May, August and November for the preceding 3-months’*

- 14 Any movements associated with the development hereby permitted shall be required to use the route as indicated on Drawing No.5253/005 so as to avoid the use of Broadbridge Lane to the south. Records of HGV movement to and from the site must be kept and submitted quarterly to the Planning Authority in February, May, August and November for the preceding 3-months.

*Condition 24 – insert ‘hereby permitted’ at the end of the condition.*

- 24 The drainage ditch on the north and west boundaries of the site and the french drain within the site, shall be provided in conjunction with the repositioning and construction of the bunds in accordance with the ‘Site Layout’ and ‘Drainage Strategy Plan’, and the drainage system shall be maintained and kept clear of debris at all times throughout the duration of the development hereby permitted.
-

This page is intentionally left blank

**UPDATE SHEET**

**SURREY COUNTY COUNCIL PROPOSAL EL/2014/4011**

**DISTRICT(S) ELMBRIDGE BOROUGH COUNCIL**

**Land at Manby Lodge Infant School, Princes Road, Weybridge, Surrey KT13 9DA**

**Demolition of Manby Lodge and two demountable classroom buildings and one brick built classroom block; erection of single and two storey extensions to main building to provide teaching, admin and ancillary facilities; laying out of new car park and other external works and provision of new cycle store.**

**CONSULTATIONS AND PUBLICITY**

Two further representations have been received. One seeks further information on the proposal while the other is by one of the three original correspondents raising further points about traffic impacts on Princes Road; parking restrictions are not observed and there is a need for traffic calming and imposition of a 20 mph limit on this road.

**RECOMMENDATION**

Amend Condition 9:

Add at beginning of 9b.), " subject to the requirements of Condition 13 below,"



This page is intentionally left blank

**THIS AGREEMENT** is made the \_\_\_\_\_ day of \_\_\_\_\_ Two Thousand and Fifteen

**BETWEEN**

- 1 **THE COUNTY COUNCIL OF SURREY** of County Hall Kingston Upon Thames KT1 2DN (“the County Council”) of the first part and
- 2 **BRETT AGGREGATES LIMITED** (Co. Reg. No. 316788) whose registered office is at 150 Aldersgate Street London EC1A 4AB (“the Owner”) of the other part

**WHEREAS:-**

- (1) The County Council is the minerals planning authority for the purposes of the Town and Country Planning Act 1990 as amended for the area in which the Land is situated and by whom the obligation is enforceable
- (2) The Owner is registered at the Land Registry as proprietor with Absolute Title under title number SY395436 of part of the Land and with Absolute Leasehold Title under title number SY792898 of part of the Land
- (3) The Owner has submitted the Application to the County Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed
- (4) The County Council acting by its Planning and Regulatory Committee resolved on 7 January 2015 to grant the Planning Permission subject to the prior completion of this Deed
- (5) The County Council as mineral planning authority having regard to the provisions of the Surrey Development Plan (including the Surrey Minerals and Waste Development Framework documents) and to all other material considerations wishes to restrict and regulate the development hereinbefore mentioned in the manner and to the extent hereinafter specified
- (6) Pursuant to the provisions of section 106 of the Town and Country Planning Act 1990 as amended the parties hereto have agreed to enter into this Deed on the terms and conditions hereinafter contained

**NOW THIS DEED WITNESSETH** as follows:-

- 1 In this Deed the following words and expressions shall where the context so requires or admits have the following meanings:

<b>Application</b>	the application for planning permission submitted to the County Council and allocated reference number SP12/01132
--------------------	---

<b>Commencement of the Development</b>	the carrying out of a material operation as defined in Section 56(4) of the Town and Country Planning Act 1990 pursuant to the Planning Permission on the Land save that the following works shall not comprise Commencement of the Development: works of site clearance and demolition ground investigation and/or site survey work archaeological investigation works of decontamination or remediation below ground works the laying, construction and connection of drains and other services the carrying out of service diversion or installation works any work to or in respect of statutory utilities equipment
<b>Development</b>	the Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after-use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral described in the Planning Permission
<b>Land</b>	the land described in Schedule 1
<b>Landscape and Ecological Management Plan</b>	a plan based on the Restoration Management and Maintenance Plan dated March 2012 contained in Appendix 7.1 of the Planning Supporting Statement the required content of which is set out in Annex 3
<b>Manor Farm Land</b>	the land shown hatched black on the Plan
<b>Plan</b>	the plan annexed hereto as Annex 1

**Planning Permission** the full permission granted by the County Council pursuant to the Application a draft of which is annexed as Annex 2

**Planning Supporting Statement** the statement dated July 2012 submitted in support of the Application

**Queen Mary Reservoir Land** the land shown edged blue on the Plan

**Queen Mary Quarry Permissions** the permission references SP07/1275 and SP13/01239/SCC and the permission references , SP07/1273, and SP13/01238/SCC for development on the Queen Mary Reservoir Land and any further permissions issued subsequently under section 73 Town and Country Planning Act 1990

**Working Day** any day apart from Saturday afternoons after 1300 hours, Sunday and any statutory bank, public, or national holiday

**2 INTERPRETATION**

2.1 Where in this Deed reference is made to a clause paragraph schedule plan or recital such reference (unless the context otherwise requires) is a reference to a clause paragraph schedule or recital to or in the case of a plan attached to this Deed

2.2 Reference in this Deed to singular shall include plural and vice versa

2.3 Reference in this Deed to male shall include the female and vice versa and words denoting actual persons include companies corporations and firms and all such word shall be construed as interchangeable in that manner

2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise

2.5 Any reference to an Act of Parliament shall include any modification extension or re-enactment of that Act for the time being in force and shall include all instruments orders plans regulations permissions and directions for the time being made issued or given under that Act or deriving validity from it

- 2.6 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the County Council the successors to its statutory functions

### **3 STATUTORY POWERS**

- 3.1 This Deed is a planning obligation made in pursuance of Section 106 of the Town and Country Planning Act 1990 as amended Section 111 of the Local Government Act 1972 and of all other enabling powers
- 3.2 The covenants restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 and are enforceable by the County Council as local planning authority

### **4 CONDITIONALITY**

- 4.1 This Deed is conditional upon the grant of the Planning Permission and the Commencement of Development save for the provisions of clauses 2, 3 ,4, 7.1, 7.3, 10 and 11 which shall come into effect immediately on completion of this Deed

### **5 OWNER COVENANTS**

- 5.1 The Owner hereby covenants for itself and its successors in title with the County Council as set out in Schedule 2 to this Deed

### **6 COUNTY COUNCIL COVENANTS**

- 6.1 The County Council covenants with the Owner as set out in Schedule 3 to this Deed

### **7 MISCELLANEOUS**

- 7.1 The Owner shall pay to the County Council on completion of this Deed the reasonable legal costs of the County Council incurred in the negotiation preparation and execution of this Deed
- 7.2 The parties agree that unless expressly stated to the contrary nothing in this Deed shall create any rights in favour of a person pursuant to the Contracts (Rights of Third Parties) Act 1999
- 7.3 This Deed shall be registrable as a Local Land Charge
- 7.4 Where the agreement approval consent or expression of satisfaction is required by the Owner from the County Council under the terms of this Deed such agreement approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of the Council by its planning manager
- 7.5 Any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party



- 7.6 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed
- 7.7 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed revoked or otherwise withdrawn or (without the consent of the Owner) it is modified by any statutory procedure
- 7.8 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with possession with its interest in the Land but without prejudice to liability for any subsisting breach arising prior to parting with possession
- 7.9 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed

## 8 **WAIVER**

- 8.1 No waiver (whether expressed or implied (by the County Council or any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the County Council from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default

## 9 **CHANGE IN OWNERSHIP**

- 9.1 The Owner agrees to give the County Council immediate written notice of any change in the freehold or leasehold interest in the Land occurring before all of the obligations under this Deed have been discharged such notice to give details of the relevant transferee/lessee's full name and registered office(if a company or usual address if not) together with the area of the Land transferred or leased by reference to a plan

## 10 **GOVERNING LAW**

- 10.1 This Deed is governed by and interpreted in accordance with the laws of England and Wales

## 11 **DELIVERY**

- 11.1 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated

**SCHEDULE 1**

All those parcels of land known as land at Manor Farm Ashford Road and Worple Road Laleham Staines Surrey and land at Queen Mary Quarry West of Queen Mary Reservoir Ashford Road Laleham Staines Surrey as are shown edged red on the Plan

DRAFT

## SCHEDULE 2

### Owner's covenants

The Owner with the intention that the following provisions shall bind the Land and every part of it into whosoever's hands it may come covenants with the County Council as follows:

#### Part 1: Landscape and Ecological Management Plan

- 1 Within 12 months of the grant of the Planning Permission to submit the Landscape and Ecological Management Plan in relation to the Manor Farm Land to the County Council for approval
- 2 Not to Commence the Development until the Landscape and Ecological Management Plan has been approved
- 3 No management of the Manor Farm Land shall take place other than in accordance with the approved Landscape and Ecological Management Plan unless otherwise agreed in writing by the County Council
- 4 To submit a review of the Landscape and Ecological Management Plan to the County Council for approval on the fifth anniversary of the completion of the five year aftercare as prescribed by condition [ ] of the Planning Permission and on every fifth anniversary thereafter
- 5 To manage the Manor Farm Land in accordance with the approved Landscape and Ecological Management Plan (as amended by review as appropriate) for a period of 20 years following the completion of the five year aftercare as prescribed by condition [ ] of the Planning Permission

#### Part 2: Vehicle Movements

- 1 Not to permit the total number of heavy goods vehicle movements generated by the Development when measured in combination with the heavy goods vehicle movements associated with the developments permitted under the Queen Mary Quarry Permissions to exceed 300 (150 two way movements) on any Working Day
- 2 To maintain the accurate daily records of the number of heavy goods vehicles associated with the Development and the developments permitted by the Queen Mary Quarry Permissions and make such records available to the County Council on request.

### SCHEDULE 3

#### County Council's Covenants

The County Council covenants with the Owner

- 1 That it will use reasonable endeavours to issue the Planning Permission within 5 Working Days hereof
- 2 Where in this Deed there is a requirement for the County Council to give approval the County Council will at all times act reasonably and without delay in expressing, giving, withhold or refusing (as the case may be) such approval
- 3 Upon written request from the Owner at any time after any obligation(s) pursuant to this Deed has been fulfilled and upon being supplied by the Owner with appropriate evidence thereof to issue a letter confirming the release in respect of that obligation within two (2) months after the date on which it receives the request PROVIDED THAT such request(s) shall not be made more than once in any period of three (3) months.

**ANNEX 1**

**(The Plan)**

DRAFT



**ANNEX 2**

**(Draft Planning Permission)**

DRAFT

## ANNEX 3

### Requirements of the Landscape and Ecological Management Plan

A plan which will describe how the Manor Farm Land will be managed and which will include the following

- 1 a scheme of habitat management to enhance the continuing establishment and long term health of the areas of grassland, grassland and willow scrub, hedgerows, trees, island tree planting, reed beds, marginal planting and conservation study areas all as shown on Restoration Detail Plan PA13 Rev B (submitted as part of the Planning Supporting Statement).
- 2 provision for landscape and ecological interests including the control of birds in accordance with the bird hazard management plan approved pursuant to condition [ ] of the Planning Permission
- 3 details of the framework, including resources, in place to implement the Landscape and Ecological Management Plan
- 4 details of arrangements to monitor the effectiveness of the Landscape and Ecological Management Plan
- 5 provisions for the establishment of a management group comprising the Owner and the County Council and any other person or body who in the opinion of the County Council should be included to monitor the progress of implementation of the Landscape and Ecological Management Plan
- 6 details of the arrangements and format of annual meetings of the management group to review the tasks undertaken to implement the Landscape and Ecological Management Plan in the previous year and to agree those to be undertaken in the following year

**IN WITNESS WHEREOF** the County Council has hereunto affixed its Common Seal in the presence of the persons mentioned and the authorised representatives of the parties have executed this agreement as their Deed the day and year first before written

**THE COMMON SEAL of  
SURREY COUNTY COUNCIL**

was hereunto affixed  
in the presence of:-

Authorised Person

**EXECUTED AS A DEED** by

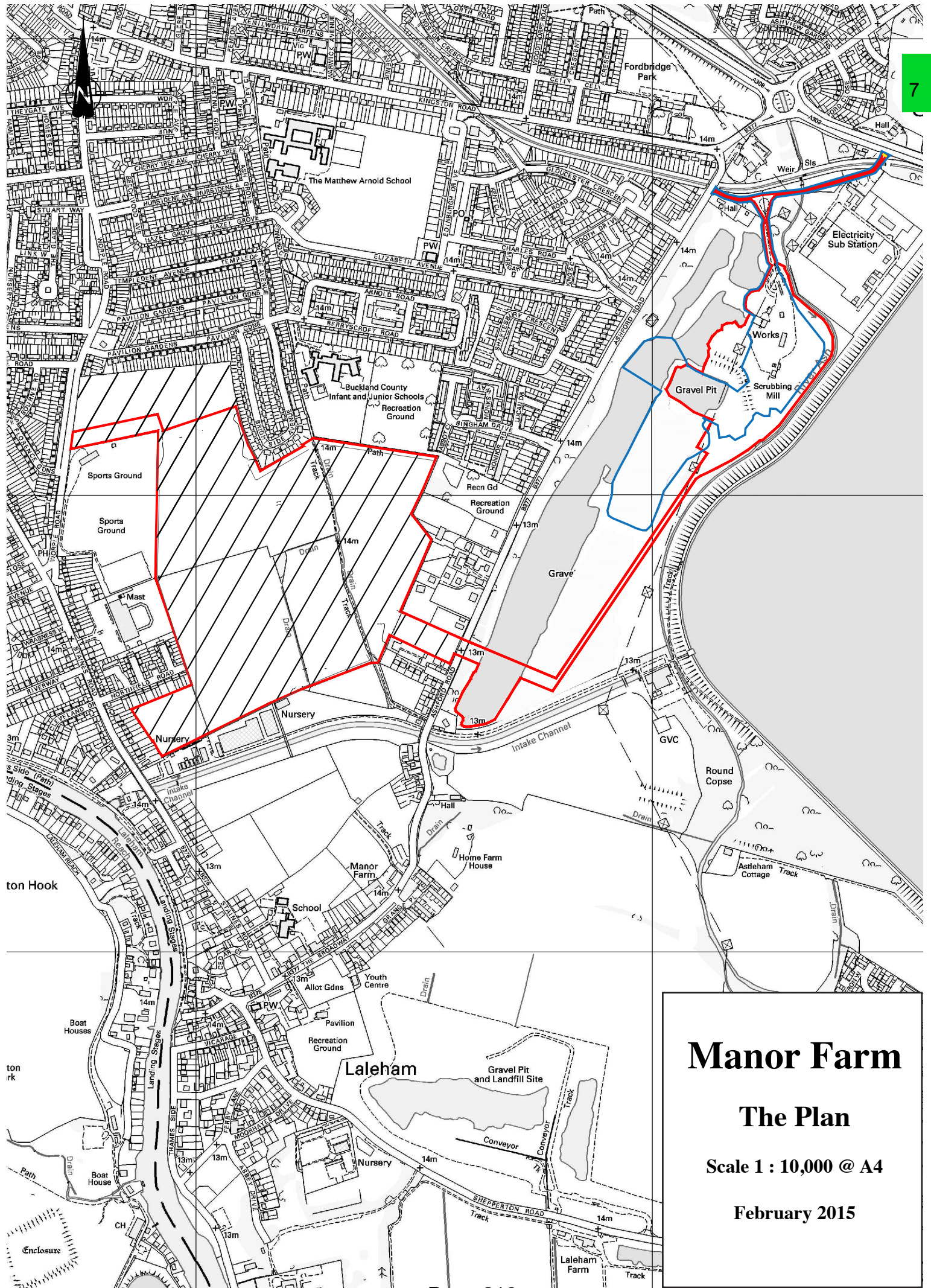
**BRETT AGGREGATES LIMITED**

acting by its director

*Director*

in the presence of:-





**Manor Farm**

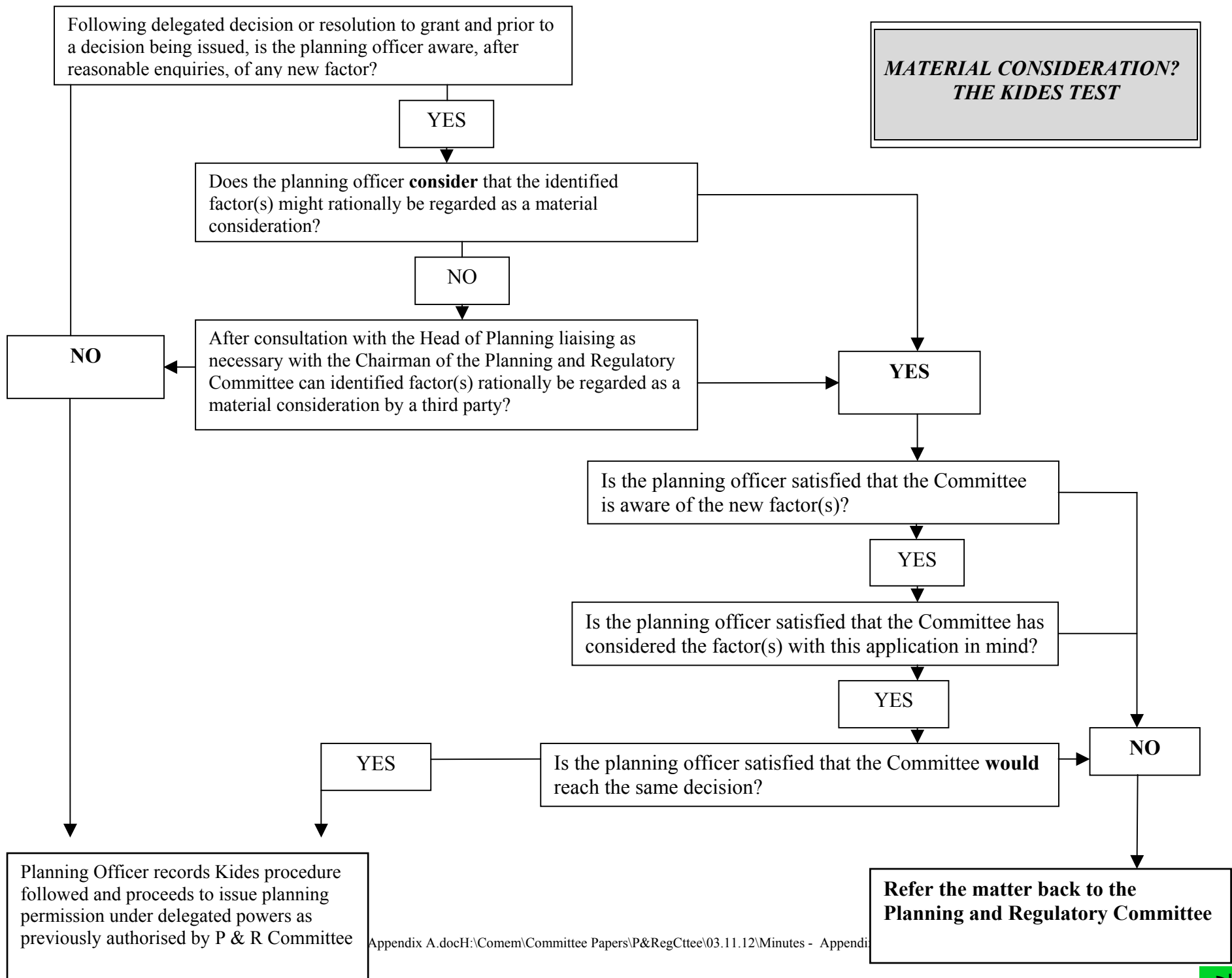
**The Plan**

Scale 1 : 10,000 @ A4

February 2015

This page is intentionally left blank





This page is intentionally left blank

Consideration of whether new factors have emerged between the Planning and Regulatory Committee resolution on 7 January 2015 and the issuing of the decision notice on completion of legal agreement.

**PLANNING APPLICATION REF: SP2012/01132**

**SITE:** Land at Manor Farm, Ashford Road and Worples Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey

**PROPOSAL:** Extraction of sand and gravel and restoration to landscaped lakes for nature conservation afteruse at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.

The Planning and Regulatory Committee considered the above planning application made by Brett Aggregates Ltd at the 7 January 2015 meeting and resolved subject to the prior completion of a section 106 legal agreement, to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273, SP13/01238, SP07/1275 and SP13/01239 to no more than 300 HGV movements (150 two way HGV movements) on any working day, to grant planning permission, subject to conditions and informatives set out in the committee report to application SP2012/01132.

A related application for the conveyor application SP13/01003 was considered at the same meeting and on which the committee resolved, subject to planning permission being granted for application SP2012/01132, to grant planning permission subject to conditions and informatives. That application has a separate table setting out the Kides assessment.

The section 106 agreement (s106 legal agreement) relating to the Manor Farm application has been prepared and will soon be available for completion in which case the planning permission decision notice can be issued in line with the committee resolution.

As a result the time taken to complete the s106 Agreement, a period of nearly six months will have lapsed between the committee resolution and the issue of the decision notice. As such consideration is given below as to whether any new factors have emerged in the intervening period.

**1 CASE LAW AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

	Consulted Legal Services/EIA Officer	Changes	No changes	Details/Comments
Have any relevant new legal issues arisen since the resolution by Committee?	✓	✓		<p>After the meeting planning officers become aware of case law (in <i>Kemnal Manor Memorial Gardens Ltd. v The First Secretary of State &amp; Anor [2005] EWCA Civ 835 (14 June 2005)</i> and <i>Timmins &amp; Anor, R (On the Application Of) v Gelding Borough Council [2015] EWCA Civ 10 (22 January 2015)</i> to do with Green Belt policy and the approach to applications for development involving development which is partly inappropriate development and partly appropriate in the Green Belt.</p> <p>Planning officers have reviewed the approach taken in respect of the Manor Farm SP2012/01132 planning application as set out in the officer report to committee. In consultation with Legal Services and on advice from Counsel it has been decided this Green Belt case law is a new matter which is material to the consideration of this planning application, and it should therefore be referred back to the Planning and</p>

Page 224

	Consulted Legal Services/EIA Officer	Changes	No changes	Details/Comments
				Regulatory Committee.
Have any relevant new EIA issues arisen since the resolution by Committee?	✓		✓	

## 2 DEVELOPMENT PLAN DOCUMENTS AND BACKGROUND PAPERS REFERRED TO WITHIN THE OFFICER REPORT (✓)

Background Papers	Unchanged	Revised/ Changed	Comments
<b>Policy Guidance</b>			
National Planning Policy Framework (NPPF),	✓		
National Planning Practice Guidance (NPPG)		✓	There have been a number of changes to the planning practice web based resource since 7 January 2015. The changes relate to various categories of guidance and include amendments to previous guidance and addition of new guidance. These changes relate to the following matters: pre application discussions, planning performance agreements, neighbourhood planning, strategic environmental assessment and sustainability appraisal, planning obligations (relating to infrastructure obligations and housing and economic development needs assessments), when is planning permission required and changes to a) permitted development rights for the change of use of agricultural buildings, b) renting out private residential parking spaces, local plans, housing and economic development needs assessments, housing and economic land availability assessment, transport evidence bases in plan making and decision taking (relating to the - the development of airport and airfield facilities and their role in serving business, leisure, training and emergency service needs), ensuring effective enforcement (stop notices), Community Infrastructure Levy (CIL), considering water supply, wastewater and water quality when plan making, Environmental Impact Assessment, viability, renewable and low carbon energy, climate change (setting local requirements for sustainability of a building), housing (optional technical standards) flood risk and coastal change (changes to statutory



Background Papers	Unchanged	Revised/ Changed	Comments
			<p>consultee requirements and sustainable drainage systems and surface water runoff (to apply to planning applications made on or after 15 April 2015 only), deemed discharge and written justification of conditions requirements, duty to cooperate,</p> <p>None of the changes are relevant to the consideration of these applications, so not new material considerations.</p>
Circular 06/2005 Biodiversity and Geological Conservation-Statutory Obligations	✓		
Government Circular 01/03 Safeguarding aerodromes, technical sites and military explosives storage areas	✓		
<b><i>The Development Plan</i></b>			
Surrey Minerals Plan 2011 (Core Strategy and Primary Aggregates Development Plan Documents)	✓		Issues raised in representations and by the Manor Farm Residents' Association about restoration and the Manor Farm site are considered in the Consultation and Publicity sections below.
Aggregates Recycling Joint Development Plan Document for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)	✓		
Spelthorne Borough Local Plan 2001 Saved Policies And Proposals as at 28	✓		The plan together with the Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 and Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 are to be replaced by a new

Background Papers	Unchanged	Revised/ Changed	Comments
September 2007			Local Plan as the existing documents are not considered entirely up to date and consistent with the NPPF.  The preparation of the new plan has only just commenced and is programmed to take place between 2015 and 2019. The new plan is at a very early stage of preparation and is not material to these applications.
Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009	✓		See comment on Spelthorne Borough Local Plan 2001 above.
Spelthorne Borough Council Flooding SPD, adopted 19 July 2012	✓		See comment on Spelthorne Borough Local Plan 2001 above.
<b>Other Documents</b>			
Primary Aggregates Land Assessment Report 2009	✓		
Report to Spelthorne Local Committee 16 January 2012 (Item 8) on Surrey's Drive SMART Road Safety and Anti Social Driving Strategy, and Spelthorne's Local Speed Management Plan.	✓		
Spelthorne Borough Council 2013 Air Quality Progress Report for Spelthorne Borough Council, August 2013		✓	Spelthorne Borough Council Air Quality Progress Report 2014 for Spelthorne Borough Council, November 2014. The report refers to preparation for a review of the boundaries of the existing whole Borough Air Quality Management Area and 2011 and 2015 modelling of nitrogen dioxide and particulate matter concentrations across the borough.

Background Papers	Unchanged	Revised/ Changed	Comments
			<p>The update reports that while concentrations of NO<sub>2</sub> in some locations continued to exceed the annual mean objective, concentrations of other pollutants including PM<sub>10</sub> are compliant with UK objectives. The Updating and Screening Assessment report due in April 2015 referred to has not yet been published.</p> <p>There is nothing new identified in the report which is material to the consideration of this application.</p>
The Recent Storms and Floods in the UK February 2014 report published by the Met Office and Centre for Ecology & Hydrology (CEH)	✓		
Surrey County Council Guidelines for Noise Control Minerals and Waste Disposal 1994 (Surrey Noise Guidelines)	✓		
Surrey County Council Annual Monitoring Report (AMR) 2012/2013		✓	<p>Surrey County Council Annual Monitoring Report (AMR) 2013/2014 published July 2015. The reserve information and need position reported in the AMR were used in the assessment of need and preparation of the officer report.</p> <p>The publication of the AMR does not involve a change in the reserve position or provide new figures and information on need and does not contain any new information relevant to the consideration of the application, so is not material to the decision.</p>
Surrey County Council Aggregates Monitoring Update August 2013	✓		Superseded by the May 2014 Update, which was used in the assessment of need and preparation of the officer report and listed as a background paper so already taken into consideration and not new.
Surrey County Council		✓	Superseded by November 2014 Surrey LAA which, although not listed as a

Background Papers	Unchanged	Revised/ Changed	Comments
Local Aggregates Assessment (Surrey LAA) October 2013			background paper in the 7 January 2015 report, was used in the assessment of need and preparation of the officer report so already taken into consideration and not new.
Surrey County Council Aggregates Monitoring Update: May 2014	✓		
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.		✓	<p>Correction to error on previous version of two drawings (Sketch drawing ref SK12377/SK1 Floodplain compensation and Causeway Drainage Proposal dated 04/11/13 and Drawing PA17 Rev D Temporary Proposed Ashford Road Access dated March 2012 as revised on 22 July 2015) which showed the application site boundary passing through land at 151 Ashford Road instead of along the property boundary with the application site.</p> <p>The two drawings now accord with the other submitted drawings and red line application boundary as shown on the site plan, Drawing PA1 Location Plan, dated March 2012. The change corrects a drawing office drafting issue and does not involve an amendment to the planning application site boundary or application proposal. The two revised drawings were sent to Spelthorne Borough Council for entry on the planning register.</p> <p>The correction to these two drawings is not considered to be material to the decision taken by Members.</p>
Department of the Environment letter dated 24 January 1978 to Greenham Sand & Ballast Co. Ltd. (Secretary of State decision on appeal against non determination of planning application)	✓		

Background Papers	Unchanged	Revised/ Changed	Comments
SP76/60 (appeal ref: APP/5300/A/76/2931)			

**3 CONSULTEES**

All the statutory and non statutory consultees consulted and parish/town councils and amenity groups notified on the planning application (as listed in paragraphs 45 to 74 of the report to the 7 January 2015 Planning and Regulatory Committee, Item 7 (January officer report) were asked if they were aware of any changes or new factors.

(i) Of those who responded the CLAG2 (Campaign Laleham Against Gravel 2) action group, Manor Farm Residents' Association (MFRA) and the Spelthorne Natural History Society considered there were changes and new factors as set out in the table below.

Organisation	Change/new factor(s)	Comments
CLAG2	<p>1. Since the meeting CLAG2 have attended RESTORE meetings which are sponsored by Surrey County Council. From these meetings it became apparent information presented to the committee by the applicant about:</p> <p>a) use of conveyor belt to infill the site. It was stated at the meeting and in the officer report that the use of conveyors to transport waste from the Crossrail project to Wallasea Island had failed/was not effective. Yet this is not the case. Also at the meeting the committee were told local people would not want more lorries which was totally misleading as waste could be delivered by road to Queen Mary Quarry (QMQ) off the A308 so lorries would not have to travel via Laleham village, Worple Road or Ashford Road;</p>	<p>1 Information on the RESTORE project and relevance in connection with this application and other bullet points in the CLAG2 comments is provided below.</p> <p>a) Use of conveyors belts to bring waste material to the site to enable it to be backfilled - Since 7 January 2015 this issue has been raised and information provided by the Manor Farm Residents' Association (MFRA) and in representations from local residents about how waste has been conveyed at Wallasea Island.</p> <p>Investigation by planning officers, and the information provided by residents and the MFRA, has confirmed that transporting excavation material/waste from the Crossrail</p>



Organisation	Change/new factor(s)	Comments
	<p>b) the availability of inert material – on several occasions it has been said there was insufficient material available to restore the site yet at the RESTORE meeting it was stated there is an abundance of material available given the proximity to London and construction projects there;</p> <p>c) restoration to water bodies – at every RESTORE meeting the consensus was there should be no more wetland restoration in north west (NW) Surrey especially in view of the flooding last year;</p> <p>d) the point made by Councillor Beardsmore about</p>	<p>project by conveyor has been successfully used in connection with the Wallasea Island project.</p> <p>See further comment/information on this issue below in the comments to points raised by the MFRA.</p> <p>The application proposal is for wet restoration and has to be assessed as such on its merits as stated in paragraph 387 of the January officer report. Even though officers do not consider the use of conveyors to transport waste is a material consideration in this planning application, residents, CLAG2 and the MFRA clearly do. It would therefore be appropriate to update the committee and provide clarification about the use at Wallasea Island as an update to the information in the January officer report and discussion at the January meeting.</p> <p>b) the availability of inert material – the availability of fill material was not an issue considered in the January officer report as it is not a material consideration in connection with this application. This remains the case.</p> <p>c) This has been raised in representations received since 7 January 2015 as well. The reference to views expressed further restoration to waterbodies in NW Surrey is noted. This is an issue which has been raised by objectors and is reported in January officer report. It is not a new factor.</p> <p>d) restoration to water bodies and reference by Councillor</p>

Organisation	Change/new factor(s)	Comments
	<p>paragraph 143 of the national plan (National Planning Policy Framework(NPPF)) is to return agricultural land to its present state; and</p> <p>e) the applicant has not bothered to look at infilling the site as they don't want to, yet there are two alternatives to fill the site involving waste delivered to QMQ by road and then either by conveyor to Manor Farm or by road crossing over the Ashford Road via a controlled crossing.</p>	<p>Beardsmore to national policy in the NPPF - The views expressed at the RESTORE meetings about future restoration to waterbodies in NW Surrey are noted. Objection to the wet restoration proposals and not restoring back to land and agriculture had been raised by objectors and were considered in the January officer report and (Representations, paragraph 78, page 44; Floodrisk, land drainage, groundwater and water quality section (paragraphs 193-217 and 226); Restoration and aftercare section (Paragraphs 369 to 387), and Update sheet 2, page 1 and considered during the debate on the application at the January meeting.</p> <p>These issues are not new factors.</p> <p>e) CLAG2 have put forward a different option for transporting waste to Manor Farm by road involving QMQ and a road crossing across the Ashford Road.</p> <p>This option is new. (An option using a conveyor belt to transport waste to the site had been put forward before and was addressed in the January officer report (paragraphs 369 and 382 to 387)). The County Highway Authority's initial comments are that this is potentially acceptable but more detail would be required to comment further.</p> <p>The applicant is not required to consider infilling the site as the application proposal accords with the Surrey Minerals Plan 2011 and key development requirements for the Manor Farm preferred area and Restoration SPD.</p>

Organisation	Change/new factor(s)	Comments
	<p>2. Mr Bishop one of the speakers at the meeting commented that the depth of proposed lakes would be 40 feet (12 metres) as stated in the application. When Mike Courts responded he corrected this to 10 feet which we feel was misleading the committee and officers.</p> <p>3. Aircraft – recently more aircraft have been flying lower over Laleham, plus with the ending of the Cranford Agreement and therefore, potential change of runway usage at Heathrow Airport on a more regular basis surely the consultation on bird strike should be</p>	<p>The position remains as advised in paragraph 387 of the officer report. Decisions on planning applications have to be on the application proposal as submitted.</p> <p>Although this option of transporting fill is new information it is not considered to be a new factor material to the consideration of the application.</p> <p>2. Depth of working. The depth of working figures referred to by the resident and the applicant at the meeting were both incorrect.</p> <p>The depths of working proposed can be found at 2.6 of the planning application form. The maximum depth of working would be 7.1 metres (23 feet 7 inches) and average depth of working 6.4 metres (20 feet 11 inches).</p> <p>These figures are the depth of topsoil and subsoil and overburden overlying the sand and gravel and depth of mineral to be worked. The average depth of soils and overburden is 1 metre (30 cm topsoil and 70 cm subsoil and overburden).</p> <p>This is clarification on the proposed depth of working and is not considered to be a new factor material to the consideration of the application. Include in report as part of a clarification section.</p> <p>3. Aircraft and birdstrike issues. The points made by CLAG2 and in representations (see below) have been assessed and views of Heathrow Airport Safeguarding sought.</p> <p>Heathrow Airport Safeguarding were not aware of any new factors</p>

Organisation	Change/new factor(s)	Comments
	<p>reviewed especially as the RSPB state that birds move from one water body to another.</p>	<p>and views remained as set out in the January officer report (paragraph 48). From a birdstrike point of view the application proposes a bird hazard management plan (BHMP) to be secured by planning condition. The BHMP has been agreed by Heathrow Airport birdstrike experts and would ensure minimum numbers of birds are attracted to the site.</p> <p>Heathrow Airport Safeguarding were consulted on the concerns raised about increased air traffic movements (ATMs) the safeguarding team can understand the resident's logic in thinking that if a site has the potential to attract birds and there is an increase in ATMs passing over it, then this could potentially increase the birdstrike risk. They have advised that given the distance of the proposed Manor Farm site from Heathrow the majority of aircraft passing over are quite high when they pass over. Any birds attracted to the site would be at a low level and not at aircraft height. The birdstrike risk is therefore relatively low with regards to aircraft passing over.</p> <p>Birdstrike above the site would be more likely to result from birds passing over the site enroute to another potential feeding/breeding ground not the application site.</p> <p>Birdstrike was discussed at the meeting on 7 January 2015. The issue and concern about increased ATMs and impact on birdstrike risk had not been raised previously. Heathrow Airport Safeguarding have clarified the position and advised increased ATMs over the area would not lead to increased risk of birdstrike associated with the proposed wet restoration.</p> <p>Officers consider this is a new issue which could rationally be</p>

Organisation	Change/new factor(s)	Comments
		considered material to the consideration of this planning application, and therefore it is appropriate to address it in the report when the application is referred back to the Planning and Regulatory Committee.
Manor Farm Residents' Association (MFRA)	<p>1) Committee process and accuracy of information provided about transporting waste by conveyor belt – The committee were misled by comments made by the Brett Aggregates representative relating to the use of conveyors to transport waste. If these comments had not been made there is every chance the committee would have arrived at a radically different position.</p> <p>Of concern is that the comments form part of an official Surrey County Council document [paragraphs 385 and 386 of the January officer report] which given the untruths it contains is fraudulent.</p> <p>From paragraph 385 it is clear it was the applicant who first told the Inspector (Ms Mary O'Rourke) that technical means of satisfactorily bringing fill material in this way to sites did not exist (despite conveyors being used to transport soil and sand and gravel from the site). The Inspector failed to check the facts and this led to it being included by the county council in the minerals plan. The MFRA view this as an abuse of process and the failure by the Inspector to check the fact was negligent and is a legitimate matter for investigation by a judge. This matter was raised previously by a resident (in March 2015) and a full investigation should by now have been initiated by the county council and completed.</p>	<p>1) The application under consideration proposes wet restoration.</p> <p>In determining the planning application the county council is required to have regard to the relevant provisions of the development plan and any other material considerations (see paragraphs 80 to 87 of the January officer report), with each planning application judged on its own merits.</p> <p>Officers do not consider there has been abuse of process and no need for investigation by the Inspector; or at this stage by the county council.</p> <p>The information in paragraph 385 on this is correct, but in view of comments received and new information available about the use of a conveyor to transport waste at Wallasea Island, clarification on this would be helpful.</p> <p>Information about options for transporting waste was provided by the applicant as part of the preparation of the Surrey Minerals Plan and given in evidence at the EIP. The EIP was part of the staged process of preparation of the plan and assessment of the different sites being considered for inclusion as preferred areas in the Primary Aggregates Development Plan Document (DPD). During the plan preparation process information is submitted from a number of sources, including landowners and mineral operators and various assessments undertaken, such as the transportation assessment referred to at the January meeting.</p>



Organisation	Change/new factor(s)	Comments
	<p>The claims made by the applicant about the use of conveyors to transport waste (spoil) from the Crossrail not working are wrong. A local resident obtained information from Crossrail under a Freedom of Information request and provided this to the county council in April 2015.</p> <p>In their response Crossrail confirmed that excavated material was conveyed for use in the Wallsea Island project and that as at 23 February 2015 just short of 3 million tonnes of excavated material had been unloaded at Wallsea Island. Crossrail informed the resident that initially the process of unloading and transferring the material by conveyor had been subject to problems and delay due to the nature and consistency of the consolidated material, mainly London Clay and required modifications to the installation.</p> <p>The MFRA consider this severe misrepresentation by the applicant, should have been thoroughly investigated and a response on the irregularities provided by now.</p> <p>The committee vote in favour was narrow (seven for, five against) and is of concern to residents given the lack of participation in the debate by Conservative members who then voted to grant planning permission. Given the fact the planning meeting is of a quasi-judicial nature it is incumbent on officers to have dealt with these concerns at the earliest opportunity so the RA can get to the bottom of it and establish its motivation</p>	<p>In considering the plan the county council and Inspector accepted methods did not currently exist but may be developed in the future to make it feasible to import waste other than by road. To allow for an alternative restoration option involving backfilling to be considered in the future the key development requirements for Manor Farm in the adopted plan refer to wet restoration “<i>unless a feasible and acceptable method of importation of fill can be found, enabling an alternative restoration option to be considered.</i>”</p> <p>Comments made by the applicant (and Shepperton Aggregates) in their comments on the submission draft and at the EIP show both had wanted the wording to be retained and included in the adopted plan to enable backfilling to be considered, if feasible, at on any future application. [At the time of the EIP the Shepperton Aggregates Manor Farm/Shepperton Quarry planning application was under consideration.]</p> <p>Use of conveyors to transport waste from the Crossrail project at Wallsea Island - Since the January meeting residents have been in contact with officers and Members about how this was reported in the January officer report and verbally at the committee meeting.</p> <p>Officers investigations and the information provided by residents and the MFRA on this confirm that waste has been successfully transported by conveyor at Wallsea Island.</p> <p>Excavated waste was to be transported from London to Wallsea Island, Essex, by barge and used in the RSPB Wallsea Island Wild Coast Project (change of use from agricultural land to a</p>

Organisation	Change/new factor(s)	Comments
	before court proceedings are set in motion.	<p>coastal nature reserve involving excavation and landraising (with imported materials). (Essex County Council planning permission ESS/54/08/ROC dated 9 July 2009.)</p> <p>At Wallasea Island the waste was to be discharged from the barge by a conveyor unloading system and then conveyed a distance of approximately 800 metres and stockpiled. From the stockpile area waste was to be transported by dump truck to the point of use. Cell 1 of the project was initially to have been completed using material from the Crossrail project.</p> <p>The project encountered technical difficulties with the use of conveyors as the conveyor system experienced frequent blockages at various points from the sticky and consolidated clays from the tunnel, which led to delays and impacted on the overall quantity of waste which could be imported from the Crossrail project and used in Cell 1 at Wallasea Island.</p> <p>The problems with the unloading and transport of material by conveyor at Wallasea Island led to the RSPB applying for two non material amendment submissions to modify the conveyor system to improve the the capacity of the conveyor system to handle wetter sticky and consolidated clays (Essex County Council planning refs ESS/54/08/ROC/NMA12 and ESS/54/08/ROC/NMA13). The amendments meant the system would have improved capacity for handling the tunnelled materials. Machine excavated clay which was more friable did not cause blockages to the same extent.</p> <p>The problems encountered led to some excavated waste due to go to Wallasea Island having to go elsewhere, and an overall</p>

Organisation	Change/new factor(s)	Comments
	<p>2) RESTORE - The MFRA have serious concerns about the sustained and close formal relationship Surrey County Council has as a member organisation of the North West European Consortium known as RESTORE. As you know RESTORE is an organisation which has an explicitly declared interest in the conversion of gravel pits to wild bird sanctuaries. This is of concern to Laleham residents as the county council's involvement in RESTORE was not known throughout the entire consultation process on the Manor Farm planning application with local residents and only came to light after the 7 January meeting.</p> <p>Local people are concerned that the county council was not a disinterested arbiter over the application but already committed to its own preferential agenda at the time, and should have declared this to the public as a</p>	<p>reduction in the quantity of waste used to complete Cell 1 of the project (originally around 1.65 million m<sup>3</sup> which was approximately 450,000m<sup>3</sup> less than originally envisaged) requiring a modification to the proposed landform. The amendment was permitted on 7 April 2015, ref ESS/44/14/ROC (reported to the Essex County Council Development and Regulation Committee on 23 January 2015).</p> <p>Although the position remains as set out in paragraph 387 in terms of relevance as a material consideration on this application officers think it would be appropriate to update the committee and clarify the position on the use of a conveyor belt to transport waste from the Crossrail project at Wallasea Island.</p> <p>2) RESTORE – The RESTORE project was not referred to in connection with the Manor Farm planning application during the consultation process, or the January officer report, as it is not material in the consideration and assessment of the application. There was no need to refer to the RESTORE project.</p> <p>RESTORE is not an organisation but a partnership project between seven organisations across North West (NW) Europe, one of which is Surrey County Council. The project is funded by the European Union (EU) Interrg IVB programme for NW Europe. The RESTORE project is looking at best practice in the restoration of mineral sites in NW Europe. It aims to develop a framework for restoring quarries/mineral sites to provide benefits for biodiversity, habitats and local people.</p> <p>The RESTORE project is looking at a number of quarry restoration projects including NW Surrey demonstration project.</p>

Organisation	Change/new factor(s)	Comments
	<p>material consideration long ago.</p> <p>Local residents drew this to planning officer's over the last few months. How has this potential element of bias been investigated and reported back to the concerned parties?</p> <p>If the county council's association with RESTORE been made public at the time the Manor Farm wet restoration proposals could have been compared with wet restorations on the continent in Belgium, Holland and Germany. Evidence the MFRA has been able to see shows that the conversion of gravel pit lakes into wildlife sanctuaries in these countries are, in terms of size, location and proximity to populations, in no way comparable to the Manor Farm site in Laleham. Comparison with these sites would have immediately highlighted the obviously inappropriate nature of the application proposal.</p> <p>Failure to refer to RESTORE and make this comparison is a serious omission and has denied the public its full rights in law to a thorough and transparent analysis of the facts. This unacceptable conduct under current European environmental regulations, which together with procedural impropriety at the committee meeting are just two new pieces of evidence to emerge from the flawed consultation process for the Manor Farm proposals.</p> <p>The MFRA has serious doubts as to whether the county</p>	<p>This project is looking to create a restoration strategy and vision for NW Surrey looking at how all past, present and future mineral workings can provide opportunities for agriculture, aviation, flood alleviation, landscape, nature conservation and recreational interests. The strategy will provide a framework for the delivery of restoration measures on the ground for use in connection with former and current workings and to inform future restorations.</p> <p>The RESTORE project and the county council's involvement in it has not influenced the restoration proposed at Manor Farm. No comparison is required with sites restored to nature conservation afteruses in NW Europe.</p> <p>Although the RESTORE project and Surrey County Council's involvement is a new factor, it is not material to the consideration of this application. However, given the concerns raised and confusion about the relationship with the current planning application it would be helpful to clarify the position as an update to the committee on this issue.</p>

Organisation	Change/new factor(s)	Comments
	<p>council has complied with the regulations laid down by the Aarhus Convention, which can be enforced in the British courts, which gives the MFRA and the wider community unconditional rights to hold the county council and any associated bodies working under the aegis of the public sector to account in law. They question whether the Manor Farm consultation process has satisfied the scrupulous standards of thoroughness, openness and honesty in the application of the regulations prescribed under the convention.</p> <p>The Aarhus Convention established the public's rights to obtain any information concerning an environmental matter held by a public body or capable of dissemination by a public body. On request this information must be provided in a timely and wholly transparent manner. The MFRA have serious doubts whether Surrey County Council has complied with the regulations as laid down by the Aarhus Convention and consider there to have been incidents which suggest open and deliberate violation of the convention rules attempted by certain parties under the control of the county council who have refused to assist members of our community with their perfectly legitimate requests, which is another very serious cause for concern.</p> <p>3. Concerned about claim made at the 7 January 2015 meeting by the case officer about what was described as the "free board" argument in support of the applicant's claim that the excavated space above the water table of a lake could provide extra storage of</p>	<p>3) Information and clarification on this issue has been provided in response to request for information from a local resident on this free board issue. (This was responded to as an Environmental Information Regulations (EIR) request.)</p>



Organisation	Change/new factor(s)	Comments
	<p>water in the event of flooding. The MFRA understand published information in reputable scientific journals in support of this assertion has been requested and until this information is provided they remain concerned about the veracity of the claim.</p>	<p>Flood risk and the contribution of waterbodies was a matter addressed in the January officer report (paragraph 217) and discussed at the meeting.</p> <p>The views of the Environment Agency (EA) and the County Geotechnical Consultant were sought on the “air gap” theory raised by residents which was also later raised by the MFRA. The consultant reviewed the January officer report and confirmed the report assessed the technical issues on flood risk, hydrology and hydrogeology in an entirely correct manner. There was a slight misstatement in paragraph 180 where it states Flood Zone 2 is affected by an extreme event with a probability of “1 in 1000 year”. This should read between 1 in 100 and 1 in 1000 year. This does not affect any of the conclusions.</p> <p>The consultant advises that the resident’s comments primarily question the applicant’s flood risk assessment which concluded that wet restoration will at worst give no rise to increase flood risk in the surrounding area and in fact would increase the available flood storage. This has become know as the “air gap” theory. The consultant advises they have nothing new to add to the discussion and confirms that there would be flood storage created between the normal water level in the lake (which would reflect the groundwater level) and th previous surface of the ground. This “air gap” would fill either with rising groundwater the “air gap” has a greater void capacity than the voids within the ground no longer present or would fill with fluvial floodwater that is able to spill overland into the lake. The EA didn’t respond.</p> <p>The “air gap” theory/“free board” issue is not a new factor and was addressed in paragraphs 216 and 217 of the January officer</p>

Organisation	Change/new factor(s)	Comments
	<p>4. New evidence is the dangers of Crystalline Silica, an established and widely recognised hazard connected with the excavation of gravel. Since 29 April 2015 and the European High Court ruling requiring the UK to clean up its act regarding air pollution by the end of the year the flawed planning application is already suspect on this point alone. This is further endorsed by the ongoing air quality analysis requirements identified in connection with the Charlton Lane Incinerator proposal identified under the Kides Protocol which appear to have been overlooked.</p> <p>Given the complete lack of monitoring on the existing site it has to be wrong to put this application forward without a commitment to monitoring. As a community we already know the so called best practices referred to in the officer report and referred to by the Brett representative are totally nonexistent in some cases and overlooked at best.</p> <p>In view of the county council's legal obligations, and need to consider all potential adverse environmental effects, confirmation is sought that the authority has commissioned a full and extensive investigation into the dangers of Crystalline Silica health hazards associated</p>	<p>report and during the debate on 7 January 2015. However, as floodrisk is a material planning consideration and the issue remains of concern to residents it would appropriate to update the committee on the issue as clarification when the application is reported back.</p> <p>4) Dangers of crystalline silica associated with gravel extraction.</p> <p>The assessment of air quality and dust in the January officer report referred to health effects associated with small particles (PM<sub>10</sub>) and dust from mineral workings. Crystalline silica was not specifically referred to.</p> <p>Potential impacts from dust is a material planning consideration in this case and as the January officer report did not specifically refer to crystalline silica it could be viewed as a new factor and therefore should be addressed and the advice given on dust updated to address the potential impacts from crystalline silica and sand and gravel workings when the application is reported back to committee. Advice has been sought from the County Air Quality Consultant on the issues raised.</p>

Organisation	Change/new factor(s)	Comments
	<p>with gravel extraction.</p> <p>The county council should by now have commissioned a formal investigation into this matter and the failure to do so and spending its time assisting the applicant at any cost to conform with its own peculiarly prescribed remit in question.</p> <p>The response provided additional information and facts about dust generated by gravel extraction and health impacts from crystalline silica and the PM<sub>2.5</sub> sized particles.</p> <p>5) The RA have lodged complaints about the conduct of two committee members, Ernest Mallet and Keith Taylor, Chairman, and Alan Stones, Planning Development Team Manager, at the meeting.</p> <p>The local community feel let down by the handling of this planning application and decision and have no confidence in the planning system. Residents do not understand how the county council can overturn the two rock solid 12 to vote decisions by Spelthorne Borough Councillors and strong objection lodged.</p>	<p>5) The complaint about the two members is being dealt with by the county council Monitoring Officer in line with county council procedures. Complaints about officers are considered under the corporate complaints procedure. As the application is being referred back to committee, the complainant has been informed the complaints team's initial view is that it would be appropriate to wait for the outcome of the meeting in September before considering whether to investigate this complaint.</p> <p>The complaints are new factors but concern process and role of officers and members not planning considerations.</p>
Spelthorne Natural History Society	<p>The Society welcomes the opportunity to raise matters which are still of concern as well as factors which have arisen since the Planning and Regulatory Committee Meeting of the 7 January 2015.</p> <p>1. They find it difficult to accept that the development proposed at the QMQ Site is temporary when it is likely</p>	<p>1. Noted. This is not a new issue. The January officer report addressed the duration of the development at QMQ and impact</p>

Organisation	Change/new factor(s)	Comments
	<p>to occupy the site for more than 25 years, and that is not allowing for any extensions to the permission. The openness of the Green Belt will be compromised and the result will be an industrialised landscape enclosed with security fencing.</p> <p>2. Ash Link Local Nature Reserve (LNR) (report page 25 paragraph 8). The site is also close to the Ash link LNR, the only LNR in Spelthorne and is situated either side of the M3. The reserve is owned by Spelthorne Borough Council (SBC) and managed by Spelthorne Natural History Society. The River Ash forms the boundary of the reserve and any pollution arising from the QMQ site is likely to have an adverse impact on the flora and fauna of the reserve. The existence of the reserve has not been acknowledged by either Bretts or its consultants and the Society wish to request that special measures are taken to safeguard the River Ash as it flows through the QMQ site.</p> <p>The Society is currently participating with the Environment Agency and the London Zoological Society in monitoring the number of eels/elvers in the River Ash. Any pollution arising from the cement located on the site would have disastrous effects on the ecology of the river.</p> <p>3. The Staines Moor SSSI includes Shortwood Common as well as Staines Moor. A pond on the former is the habitat of a nationally rare plant. The hydrology of Shortwood Common, especially the pond</p>	<p>on openness of the Green Belt and it will be addressed in the revised Green Belt assessment when the application is referred back to committee.</p> <p>2 &amp; 3 Ash Link LNR and Staines Moor SSSI</p> <p>The potential impact on the Ash Link LNR was addressed in Update Sheet 2 to the January officer report. The potential impact on designated areas including the Staines Moor SSSI was assessed in the ES and addressed in the Biodiversity and ecology species and designated areas section of the report (paragraphs 336 to 352).</p>

Organisation	Change/new factor(s)	Comments
	<p>is influenced by what occurs downstream of the River Ash.</p> <p>4. January officer report page 29 paragraph 30 - The silt and clay particles arising from the washing of the excavated material is to be deposited in settlement lagoons/lake. This could have a 'blinding' effect on the bottom and sides of the lagoons/lake with an adverse effect on the hydrology and hydrogeology of the water environment.</p> <p>5. January officer report page 31 paragraph 45 - SBC raised strong objection to the proposal. The Society endorses the SBC request for the feasibility of backfilling the Manor Farm site using a conveyor system to be re-examined.</p> <p>6. January officer report page 54 paragraph 118 - Account should now be taken of the latest Aggregates</p>	<p>4. Potential impacts from the silt disposal were assessed in the Hydrology and Hydrogeological Assessment reported in the ES and considered by relevant consultees and no objection raised by the EA or the County Geotechnical Consultant, subject to conditions. The hydrological and hydrogeological impacts of the proposal were considered and assessed in the Flood risk, drainage, hydrology and hydrogeological section of the January officer report (paragraphs 177 to 226) [Note: The section heading in the body of the report is Flood risk, land drainage, groundwater and water quality].</p> <p>Although not specifically referred to in the January officer report (not all potential sources of impact can or need to be mentioned), concern about the use of silt in the restoration at QMQ has not been raised by the relevant consultees (Environment Agency and County Geotechnical Consultant) and officers are satisfied the matter has been adequately addressed in the ES and planning application and is not a new factor which triggers the need for the application to be referred back to committee.</p> <p>5. Noted. This is not a new issue and was addressed in the January officer report.</p> <p>6. Account was taken of these documents in the January officer report. See comments under Background papers above.</p>



Organisation	Change/new factor(s)	Comments
	<p>Monitoring Survey and Update and SCC's Annual Monitoring Report.</p> <p>7. January officer report page 57 <u>Concrete Batching Plant and Aggregate Bagging Plant</u> Fig 10 and Fig 11 pages 145/146 show the location for these. It appears that these would be sited on areas of hard standing within the QMQ site. The Society is concerned that the large areas of surface water shown could be a source of pollution given the materials to be handled and the parking of mixer trucks.</p> <p>8. January officer report page 100 paragraph 387. The Society does not agree with the statement that the county council has to determine the current application on the merits of the proposal as submitted. There is nothing hypothetical about using a conveyor to backfill the site as in our opinion it is technically feasible to do so. The report states that such a conveyor system is not widely used, which implies that it is used. SBC requested that the feasibility of using a conveyor should be re-examined.</p> <p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Schedule 4 Information for inclusion in environmental statements Part 1 s2 An outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice</p>	<p>7. Noted. Potential pollution risk from the application proposal was assessed in the ES and mitigation measures proposed in the planning application and impacts considered and assessed in the Flood risk, drainage, hydrology and hydrogeological section of the January officer report (paragraphs 177 to 226). Although not specifically referred to, as not all potential pollution sources and mitigation measures are, concern about this has not been raised by the consultees and officers are satisfied the matter has been adequately addressed in the ES and planning application and is not a new factor which triggers the need for the application to be referred back to committee.</p> <p>8. The Society's views are noted. The position set out in paragraph 387 of the January officer report about planning merits and alternative restoration options suggested by objectors is correct.</p> <p>The main alternatives were considered and reported in Chapter 5 of the ES.</p> <p>Alternative restoration options were not considered as the wet restoration proposals met the key development requirements for the Manor Farm preferred area in the Primary Aggregates DPD and the Minerals Site Restoration Supplementary Planning Document (SPD).</p>

Organisation	Change/new factor(s)	Comments
	<p>made, taking into account the environmental effects. Has the applicant done this?</p> <p>9. January officer report page 103 paragraph 407, National Grid have confirmed that they have considered all aspects of the development mentioning the location and dimensions of the proposed aggregate bagging plant. Where are the location and dimensions to be found in this report? There is no reference to the concrete batching plant or the stockpile.</p> <p>10. January officer report page 108 Concrete Batching Plant and Aggregate Bagging Plant. The Society does not accept that the applicant and officers have demonstrated that very special circumstances exist to outweigh the harm to the Green Belt.</p> <p>No account has been taken of the amount of cement that will have to be transported by HGVs to the QMQ site.</p> <p>The applicant already has these facilities at the Hithermoor Quarry which adequately serve local needs. Once the supply of indigenous mineral at Hithermoor has been exhausted there is no doubt that Bretts will apply to excavate the sand and gravel from King George VI Reservoir. The Hithermoor Quarry is located in the Green Belt and no doubt warranted being treated</p>	<p>9. Location and dimensions of the concrete batching plant – although dimensions are not given in the report the location is shown on Figure 14 of the January officer report (referred to as Plan 4). An elevations and layout plan of the plant was displayed at the January meeting (applicant drawing PA11 Queen Mary Quarry Batching Plant).</p> <p>Although not a new factor, more information on the proposed locations and dimensions of both should be provided as clarification in the report when the application is referred back.</p> <p>10. The Society's views on whether or not very special circumstances have been demonstrated are noted.</p> <p>The traffic which would be generated by importing cement has been taken account of in the application and Highways, traffic and access section of the January officer report. Information on the traffic figures is given in the table in paragraph 147 (Table 14.1 from the Chapter 14 of the Environmental Statement Vol 2a).</p> <p>Assessment of need and consideration of very special circumstances were set out in paragraphs 133 to 138, 438 to 440 and 418 to the 467 of the January officer report and Update Sheet 2.</p> <p>In view of the case law on Green Belt which is a new factor the assessment of the proposed development against Green Belt policy has been reviewed and the application is being referred</p>

Organisation	Change/new factor(s)	Comments
	<p>as a very special circumstance. The QMQ site is located only 4.5 miles from the Hithermoor Quarry.</p> <p>Given the inadequacy of the discussion at the meeting on 7 January of the existence of very special circumstances (the minutes state 'members agreed that the main points had been raised during the discussion of Item 7', we consider that there is an excellent case for a legal challenge to be made against the Committee's decision to grant planning permission for the concrete batching plant and the aggregate bagging plant.</p> <p>11. January officer report page 127 paragraph 14. When Bretts applied for a renewal of the water abstraction licence previously held by Reservoir Aggregates they indicated that although the volume of water to be extracted was greater there would be no overall losses as the water would be recycled. The Society pointed out to the Environment Agency that this was a physical impossibility if account was taken of evaporation, dust suppression and mineral and vehicle washing. The Environment Agency said they would monitor the situation.</p>	<p>back to committee for reconsideration in light of the new assessment against Green Belt policy.</p> <p>11. This refers to informative 14 in the recommendation which is advice to the applicant from the Environment Agency (EA) about their current water abstraction licence and and possible need for it to be varied.</p> <p>The water abstraction licencing is a separate regime and the requirement for and assessment of water abstraction licence applications is covered under separate legislation and is not a material consideration in the determination of this application.</p> <p>Use of informatives to pass on advice such as this is normal practice, the comments are noted and are not a new factor which needs to be drawn to the attention of the committee.</p>

The other statutory and non statutory consultees consulted and parish/town councils and amenity groups who responded, listed below, were not aware of any changes or new factors which could rationally be regarded as material to the consideration of the application such that the application should be referred back to committee for reconsideration in the light of the new factor.

- Spelthorne Borough Council – Planning
- Heathrow Airport Safeguarding
- Natural England
- Highway Authority (Transportation Development Planning Group)
- County Noise Consultant (CNC)
- County Landscape Consultant
- County Geotechnical Consultant
- County Air Quality Consultant
- County Heritage Conservation Team – Archaeological Officer
- Environment Agency
- Health and Safety Executive
- Rights of Way
- Thames Water
- Affinity Water
- Royal Society for the Protection of Birds (RSPB)
- Surbiton & District Bird Watching Society

ii) No response has been received from the following statutory and non statutory consultees consulted and parish/town councils and amenity groups:

- County Ecologist and Biodiversity Manager
- Fisher German LLP (Esso Pipeline)
- National Grid (National Transmission System)
- County Environmental Enhancement Officer
- Surrey Wildlife Trust
- Open Spaces Society
- Ramblers' Association (Staines Group)
- Charlton Village Residents' Association
- Laleham Residents' Association
- Manor Farm Eastern Boundary Residents' Association
- Shepperton Residents' Association

## 4 PUBLICITY

Since the application was considered at the January meeting representations have been received from 10 people, seven of which had made comments before, the other three representations were from new people. In total written representations have now been received on the application from **30? CHECK FINAL NO** members of the public, organisations and groups.

Issues raised in the representations received since the 7 January meeting are:

### Procedural

- Lack of consultation with occupant of 151 Ashford Road about relocating access so it is adjacent to their property. They also refer to the impact on their property from this in terms of loss of privacy, noise and dust, visual impact, loss of trees and boundary vegetation
- If the council doesn't trust the applicant's information get the company to warrant the results and make them legally responsible and liable for achieving the specified outcomes they predict.
- Process at committee – the committee process is quasi judicial and questions the role and advice given by officers at the meeting (on flood risk, conveying waste and other matters), participation by committee members and the role played by the Chairman.
- Lack of transparency due to failure to refer to the county council's involvement with the RESTORE organisations and bias towards wet restoration.
- When will a decision be made? Broadly in support of the application if it will put an end to the potential for future development of the land. Would prefer a lake to grass.

### Traffic

- Traffic and impact on schools and increased danger to school children and the structure of buildings, increase in traffic through Laleham.

### Flood risk

- Flooding – where will flood water go? The application should only be allowed if the site is backfilled. Questions what has been said in the officer report and at the 7 January meeting about the impact of waterbodies on flood risk and part waterbodies can. Would like more information about the air gap theory (published information and details of the county council geotechnical consultants). There does not seem to be a proven or satisfactory answer to flooding from either Surrey County Council or the applicant, Eric Pickles stated on the BBC last year during the floods that there was no way to control flooding in and around gravel pits.
- Enough extraction in the area already, this will make flooding worse and increase traffic, noise pollution and lead to general disruption in the neighbourhood.



#### Landscape and visual impact

- Visual impact from conveyor through the field to and under the Ashford Road and at the property adjacent to the access off the Ashford Road.

#### Air quality and dust

- Air quality and the impact on schools.

#### Biodiversity and ecology (species and designated areas)

- Concern about impact on wildlife – red kites have been seen in the area and landing on the site in the field off Worple Road; there is an established murder of crows roosting on the gravel area and fly back and forth daily, bats are seen on a nightly basis during the warmer months.

#### Restoration and afteruse

- RESTORE project and lack of reference to it in the January officer report, at the January committee meeting and during the consultation process on the planning application. Surrey County Council's involvement in RESTORE should have been disclosed under the Aarhus Convention. Surrey County Council is a member of RESTORE and biased towards wet restoration. IF membership of RESTORE had been known a comparison of wet restoration sites and their surroundings in NW Europe could have been done which would demonstrate how unsuitable Laleham is for the proposed restoration.
- Transporting waste by conveyor can be done as demonstrated by the material from the Crossrail project which is being taken to Wallasea Island. The January officer report and comments made by officers and the applicant at the meeting about this project and conveying waste was incorrect and misleading to the committee.
- The committee, and prior to that the Surrey Minerals Plan EIP Inspector, were misled by the applicant's comments about use of conveyors to transport waste. The facts should have been checked by the Inspector, and the county council should make enquiries about the Inspector now.
- Availability of fill material to back fill the site: there is fill available development in London and the Crossrail project; the applicant was wrong to say at committee there was no fill available, at the RESTORE meetings attended residents were told there is sufficient fill available to backfill sites.
- Nuisance from insect infestations (mosquitoes, midges and others) breeding on the stagnant water in the waterbodies and in future risk of diseases such as being spread by mosquitoes as a result of climate change and a warmer climate. The Asian tiger mosquito, which carries the Dengue and Chikungunya virus, is migrating towards us and is found in southern England already. The applicant should be

required through the planning agreement to monitor and through ongoing intervention take action is necessary, as was required of Thames Water by Hounslow Council and written into the legal agreement.

**Airport Safeguarding**

- Birdstrike and concern about increased risk of birdstrike if greater numbers of aircraft passing over the area which is likely following the ending of the Cranford Agreement and controls over aircraft flight paths. And would have increased aircraft numbers if the airport expansion/third runway goes ahead at Heathrow.

**Other matters**

- Laleham successfully fought against the previous application. If this goes ahead Surrey County Council should be ashamed.
- Depth of working – applicant (Mike Courts) gave the wrong figure (10 ft) at January committee meeting, it is 40ft. At a meeting held by Bretts it was stated there was two metres of top soil above the gravel. Not sure where the applicant got his figure from/he should read his own application.

**5 KEY CONSIDERATIONS IDENTIFIED WITHIN THE JANUARY OFFICER REPORT AND HIGHLIGHTED AT THE COMMITTEE MEETING**

Issue	Unchanged	Revised/ Changed	Comments
Procedural matters		✓	Lack of reference to the RESTORE project, consultation, committee process
Minerals issues (need and location)	✓		
Highways, traffic and access	✓		
Flood risk, drainage, hydrology and hydrogeology	✓		
Landscape and visual impact	✓		
Noise	✓		
Air quality and dust	✓		The County Air Quality Consultant has reviewed the position with regard to any changes they are aware of having regard to: sources of emission from the proposed development; legislation; policy and best practice/technical guidance; and characteristics of the site (including baseline conditions, prevailing meteorological

		<p>conditions and the introduction/removal of potentially sensitive receptors). Any changes in baseline air quality conditions and meteorological conditions over a period of months would not be indicative of a longer term trend so it is unlikely there have been any changes since January. Assuming that there are no new receptors the characteristics of the site are likely to remain the same. Spelthorne Borough Council latest Air Quality and Assessment reports refer to a review of the AQMA and indicate this is likely to involve retention of the AQMA or reducing its extent rather than increasing the extent.</p> <p>In May 2015 the EPUK in conjunction with the Institute of Air Quality Management (IAQM) published updated guidance for air quality in planning “Land-use Planning &amp; Development Control: Planning for Air Quality”. The guidance is primarily concerned with impacts from traffic and combustion sources for heating and powering mixed-use developments. For these the new guidance provides more stringent threshold criteria (including vehicle movements) for determining when an air quality assessment is required.</p> <p>For this planning application HGV traffic generated accessing from the QMQ site with the traffic from the existing permitted developments at the site is expected to generate fewer than the 300 HGV movements already permitted. Therefore the new guidance does not alter their original conclusion on the application, or the resolution made on 7 January 2015.</p> <p>The consultant has reviewed and provided advice on the issue and concerns raised by objectors and the Manor Farm Residents’ Association (MFRA) concerning health effects from crystalline silica in dust from gravel workings a set out under the Consultee</p>
--	--	---

			<p>section above.</p> <p>Potential impacts from dust is a material planning consideration in this case and although the January officer report did not specifically refer to crystalline silica particulate matter including the PM<sub>2.5</sub> fraction were. The issue raised and advice from the Air Quality consultant on this issue and dust updated to address the potential impacts from crystalline silica and sand and gravel workings when the application is reported back to committee.</p>
Rights of Way, leisure and recreation	✓		
Biodiversity and ecology (species and designated areas)	✓		<p>Representations have referred to bird species including Red Kites being seen in the vicinity of and on land within the application site, and are concerned about the impact on birds and bats.</p> <p>These are not new factors but matters which have been raised before (paragraph 78 on page 45) and addressed in the 7 January 2015 report at paragraphs 336 to 352).</p>
Restoration and after-use	✓		Issues raised about success of use of conveyor belt to transport excavated waste from Crossrail at Wallasea Island, options for restoration for the Manor Farm site and the SMP 2011 EIP and Inspector, RESTORE project.
Airport safeguarding/safety/infrastructure		✓	Issue raised in comments from residents and CLAG2 about increase risk of birdstrike if numbers of aircraft passing over the site increases as a result of change flight path patterns and airport expansion.
Lighting	✓		
Cumulative impacts	✓		
Green Belt		✓	See case law and EIA section above.
Other matters (public safety)	✓		

## 6 OTHER MATTERS

**a) *Planning applications/decisions relating to Queen Mary Quarry (QMQ) and Manor Farm - None.***

**b) *Planning permissions for mineral extraction –***

The decision on planning application ref SP13/00141 for extraction of 749,000 tonnes of concreting sand and gravel from land at Homers Farm referred to in paragraphs 128 to 129 of the January officer report was issued on 12 January 2015.

The decision notice on the application for the extraction of 0.77 mt of soft sand at Alton Road (application ref WA/2014/0005) which the committee resolved on 3 September 2014 to grant planning permission for subject to the prior completion of a legal agreement referred to in the Minerals issues section hasn't been issued yet. The implications of this application in relation to the assessment of need remain as set out in the committee report to the January meeting (paragraphs 117 to 132, with specific reference to the Alton Road application in paragraphs 122 to 124).

The Homers Farm planning permission increases the total landbank in the county by around 0.5 years and landbank for sharp sand and gravel by 0.8 years. This permission has made a relatively small contribution to the total landbank in the county, where a need exists to replenish reserves. Reserves of sharp sand and gravel remain very low and the Homers Farm permission does not reduce the significant need for new planning permissions for the extraction of sharp sand and gravel.

The Homers Farm decision has not made a material change to the assessment of need for sharp sand and gravel and conclusion set out in paragraphs 117 to 132 of the report.

**c) *The Planning Portal, Gov.UK websites***

These have been checked for any new legislation, policy documents, circulars and official letters, speeches, statements and articles, good practice and guidance and consultation documents which may have been issued since 7 January 2015.

As well as the EPUK/IAQM updated "Land-use Planning & Development Control: Planning for Air Quality" guidance, there have been a number of changes to procedures and the online planning practice guidance published and introduced since 7 January 2015. These have been reviewed and nothing is considered to introduce any changes that affect the procedural handling of these planning applications, or change in circumstances that would be material to the decisions taken by Members.



To my knowledge nothing that might rationally be regarded as a material consideration has been published since 7 January 2015.

**d) *Spelthorne Local Development Framework***

Nothing new has been adopted or published for consultation.

**7 CONCLUSION**

The case law and approach to the consideration of Green Belt is a new factor that is material and requires the application to be referred back to committee. In addition the issue raised about increased risk of birdstrike from increased numbers of aircraft flying over the site is considered a new factor that could reasonably be described as a material consideration such that the application should be referred back to the Planning and Regulatory Committee.

Other matters are not considered material. All issues raised whether material or not have been considered in this Kides assessment table and referred to in the report. .

**Susan Waters**  
**Principal Planning Officer**

**Date: August 2015**

This Annex contains a Summary Report, planning considerations Green Belt section and conclusion which superseded and replace in full these sections of the report to the 7 January 2015 Planning and Regulatory Committee meeting. References to the report are referring to the report to that committee (Item 7) which is attached as Annex A to the report to the 2 September 2015 meeting. Update sheets and the minutes of the January meeting are attached as Annex B and the draft s106 legal agreement as Annex D to the September report.

## **SUMMARY REPORT**

### **Land at Manor Farm, Ashford Road and Worple Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey.**

**Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after-use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.**

The Manor Farm/Queen Mary Quarry (QMQ) application site, some 43.9 hectares (ha) in total, is situated between Staines upon Thames to the north and Laleham to the south. The site is in two parts: land at Manor Farm (some 33.4 ha) in agricultural use situated to the east of Staines Road (B376) and Worple Road and west of Ashford Road (B377), Laleham and land at Queen Mary Quarry (QMQ) (including part of the lake and existing processing plant site), to the east of Ashford Road and west of Queen Mary Reservoir.

To the north of Manor Farm lies residential housing, Buckland Primary School and Greenfield Recreation Ground. To the east lies a further part of Greenfield Recreation Ground (with enclosed children play area), residential housing and the QMQ and Queen Mary Reservoir. To the south lies the Queen Mary Reservoir water intake channel and Greenscene Nursery with open farmland and Laleham Village beyond. To the west lies residential housing, a garden centre, and the Staines and Laleham Sports Association Ltd (SALSAL) sports facility, and further to the west and south west the River Thames.

The QMQ part of the application site comprises the southern part of the lake (formed by previous sand and gravel working), land to the east of the lake and west of the reservoir and the quarry processing plant site and accesses off the Ashford Road (B377) and the A308 (Kingston Road/Staines Road). The closest residential properties to the QMQ part of the application site are to the west on Ashford Road.

Public Right of Way Footpath No30 (FP30) crosses the application site at Manor Farm running between the Ashford Road in the south east to FP28 and FP29 in the north. FP28 links up to Berryscroft Road to the north and FP29 which runs east to west along the northern boundary of the eastern part of the application site to link up with the Ashford Road. There are no public rights of way crossing the QMQ part of the application site.

The application site is situated in the Metropolitan Green Belt (Green Belt), the Spelthorne Borough Council Air Quality Management Area and the Heathrow Airport bird strike

safeguarding zone. The application site is within a major aquifer and mostly within a groundwater source protection zone 3 for public water supply (Chertsey). The majority of the Manor Farm part of the site and the lakes at QMQ and parts of the land adjacent to the River Ash are within a Floodzone 3. The majority of the processing plant site at QMQ, and land between the River Ash and the lake, and the northern parts of the Manor Farm site are within a Floodzone 2.

The application site lies within 2 kilometres (km) of the Thorpe Park Number 1 Gravel Pit Site of Special Scientific Interest (SSSI) and Staines Moor SSSI, both of which also form part of the South West London Waterbodies Special Protection Area (SPA) and Ramsar Site, and within 2 kilometres of the Thorpe Hay Meadows and Dumsey Meadow SSSIs. The majority of the land at QMQ is designated as the West of Queen Mary Reservoir Site of Nature Conservation Importance (SNCI) and there are a number of other SNCIs within 1 km of the application site.

The Manor Farm site would be worked wet and progressively restored in four phases: phase 1 to the east of FP30 and phases 2 to 4 to the west of FP30, which remain open. No mineral extraction would take place within 100 metres of a residential building. Soils and overburden would be used to construct noise/visual screen mounds up to 3 metres high between the workings and adjacent development.

All mineral excavated at Manor Farm would be transported by conveyor belt to the QMQ processing plant, passing in tunnels under FP30 and the Ashford Road. The conveyor would cross the southern part of the lake at QMQ on a causeway and then run northwards to the processing plant. There would be two accesses for transport of plant and equipment and to the site compound, one off Worple Road and off the Ashford Road (between numbers 151 and 133).

Related to this application, application ref SP13/01003 proposes a partial realignment of the route and siting of the conveyor belt within the QMQ site. The two developments are interdependent and, if permitted, would be implemented as one. An environmental assessment has been undertaken and an overarching ES submitted with the applications.

Sand and gravel extracted at Manor Farm would be processed in the existing QMQ mineral processing plant. The application proposes installing a concrete batching plant and an aggregate bagging plant at the QMQ processing plant site to be used in connection with mineral extraction at Manor Farm. It would then remain in use in association with current importation and processing of as raised sand and gravel, and recycling operations up to the end of 2033.

The application site at Manor Farm is identified as preferred area J in Surrey Minerals Plan 2011 Primary Aggregates Development Plan Document (DPD) for future extraction of sharp sand and gravel, where it is considered that mineral working is possible without posing significant adverse impacts on the environment and local community, and key development requirements identified to be addressed as part of any application proposal.

The implications of the proposed development have been assessed in terms of impacts on the local environment and amenity. Issues assessed include highways, traffic and access; flood risk, water quality, groundwater and land drainage; landscape and visual impact; noise; air quality and dust; rights of way; biodiversity and ecology (species and designated areas); historic environment and archaeology, restoration and after-use, airport safeguarding/safety /infrastructure; and lighting.

Spelthorne Borough Council has objected on grounds of noise and dust. Local residents and Buckland School object on grounds of need and the issues set out above which, where

material, have been taken into consideration. No objections have been received from technical consultees, though some raise matters they recommend or consider should be addressed through the imposition of planning conditions.

Minerals can only be worked where they are found. Aggregate minerals are essential to support sustainable economic growth and quality of life which includes maintaining and repairing existing development and infrastructure such as houses, schools and roads. Assessment of the current landbank position has demonstrated a strong and urgent case of need for additional reserves of primary land won sand and gravel to be permitted in Surrey in order to maintain a steady and adequate supply.

The application site lies within the Green Belt where policies of restraint to development apply and the proposed development has been assessed against Green Belt policy in the NPPF and development plan. This planning application involves development which if assessed separately comprises elements of development which would not amount to inappropriate development in the Green Belt (proposed extraction at Manor Farm, and use of the processing plant and site infrastructure at QMQ), and elements (concrete batching plant and aggregate bagging plant) which would amount to inappropriate development in the Green Belt. Case law has held that when assessing such applications against Green Belt policy the whole development should be treated as a single development proposal when assessing impact on Green Belt.

The proposed development, by definition, amounts to inappropriate development in the Green Belt and will cause harm by reason of inappropriateness. In order to grant planning permission for inappropriate development in the Green Belt the county council must be satisfied that there are factors which amount to the very special circumstances necessary to justify the development, which clearly outweigh the harm to Green Belt by reason of inappropriateness and any other harm.

The extraction of minerals from the land at Manor Farm, transportation of mineral to the QMQ site and primary processing of the extracted mineral in the existing QMQ processing plant and siting and use of the concrete batching and aggregate bagging plant would have a moderate impact on the openness of the Green Belt and encroach on the countryside for the duration of the development; a period of some five years from commencement of operations until completion of restoration of the land at Manor Farm, and thereafter until 2033 from the concrete batching plant and aggregate bagging plant at QMQ.

Any harm to the visual amenities of the Green Belt from the mineral extraction and associated development (site compound and buildings, conveyor belt and soil and overburden bunding) at Manor Farm would be limited in extent and duration and so are not considered significant by Officers. The proposed restoration at Manor Farm and QMQ is to a nature conservation use, a use appropriate to the designation and objectives for the use land in the Green Belt.

Having had regard to the environmental information contained in the Environmental Statement, national and development plan policy, consultee views and concerns raised by local residents objecting to the proposal, Officers consider, subject to imposition of conditions, and a section 106 legal agreement to secure the long term management of the restored site and limit HGV vehicles numbers in combination with the ongoing operations at QMQ for importation and processing of as raised mineral and recycling, for which draft heads of terms are set out in the Annex, together with controls through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and the development is consistent with the NPPF and the development plan.

In summary the proposal to extract minerals is in accordance with a DPD allocation and otherwise satisfies a clear need with regard to a national policy requirement to maintain a landbank and so maintain a steady and adequate supply of aggregates. The development can be undertaken in a manner which does not give rise to unacceptable environmental or amenity impacts. Officers are satisfied that temporary planning permission can be granted as an exception to policy given the very special circumstances which exist, and lack of any other harm to the environment and residential amenity and lack of long term harm to openness and the purposes of the Green Belt.

**The recommendation is that, subject to the prior completion of a S106 legal agreement between the county council, the applicant and Thames Water Utilities Ltd to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273 and SP07/1275 to no more than 300 HGV movements (150 two way HGV movements) on any working day attached as Annex D to PERMIT subject to conditions and informatives as set out below.**

## PLANNING CONSIDERATIONS

### GREEN BELT

#### **Surrey Minerals Plan 2011 Core Strategy Development Plan Document (SMP 2011 Core Strategy DPD)**

Policy MC3 – Spatial Strategy – mineral development in the Green Belt

Policy MC17 – Restoring mineral workings

#### **Spelthorne Borough Local Plan 2001 (saved policies) (SBLP 2011)**

Policy GB1 Development proposals in the Green Belt

- 418 Objections raised by CLAG2 and local residents relating to Green Belt include: the amenity and recreational value of the land at Manor Farm, adjoining school and leisure and recreation areas and use made of these areas by the local community; the important Green Belt function served by the site by separating Staines upon Thames and Haleham and value of the land in providing a sense of being on the urban fringe (as referred to in the reasons for refusal for mineral working at the site in 1978); loss of Green Belt land as not being returned to agriculture; nature conservation not an appropriate afteruse/beneficial afteruse; contrary to Surrey Minerals Plan Policy MC3; impact of mineral working in the area and amount of water; concerns about the ability of applicant to restore the site; lack of agreed timescale for completion; and environmental standards (noise, dust, traffic) not being of the highest level.
- 419 The application site at Manor Farm and QMQ lies within the Metropolitan Green Belt where policies of restraint apply. Government policy on Green Belt is set out in part 9 'Protecting Green Belt land' (paragraphs 79 to 92) of the NPPF. Government policy and guidance in relation to minerals planning is set out part 13 'Facilitating the sustainable use of minerals' (paragraphs 142 to 149) and the minerals section of the NPPG.
- 420 Protecting Green Belts around main urban areas is included in the core planning principles of the NPPF. Paragraph 79 states that the "*fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*". The Green Belt is seen as serving five purposes including to check the unrestricted sprawl of large built up areas and assisting in safeguarding the countryside from encroachment.



- 421 The NPPF states at paragraph 87 that “*inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances*” and paragraph 88 goes on to state that when considering “*any planning application*” authorities should ensure that “*substantial weight is given to any harm to the Green Belt*” and that “*very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*”
- 422 Minerals can only be worked where they are found and mineral working is a temporary use of land. Mineral extraction is included in the forms of development listed in paragraph 90 that are not inappropriate in Green Belt “*provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*’. When determining planning applications paragraph 144 of the NPPF states local planning authorities should “*provide for restoration and aftercare of mineral workings at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary*”.
- 423 Except for a limited range of circumstances, set out in paragraph 89 of the NPPF, the construction of new buildings in the Green Belt is inappropriate development. Buildings associated with packaging of mineral for sale, or industrial processes (which would include secondary processing of mineral such as production of concrete or mortar) are not specifically referred to so would constitute inappropriate development in the Green Belt.
- 424 Surrey Minerals Plan 2011 Policy MC3 states that ‘*Mineral extraction in the Green Belt will only be permitted where the highest environmental standards of operation are maintained and the land restored to beneficial after-uses consistent with Green Belt objectives within agreed time limits*’. This would apply to both the extraction and initial processing (primary treatment) of excavated mineral.
- 425 The policy goes on to state that proposals for other forms of mineral development (secondary processing or treatment of processed mineral) in the Green Belt, will only be permitted where an applicant has demonstrated very special circumstances to outweigh the harm by inappropriateness and any other harm. Other forms of mineral development would include concrete batching plant, industrial development involving secondary processing of mineral and aggregate bagging plant (packaging mineral for sale).
- 426 The supporting text at paragraph 3.47 refers to how land in the Green Belt can make a positive contribution to providing opportunities for, amongst other matters, securing nature conservation interests and how restoration of mineral workings should have regard to these objectives; and give particular attention to any priorities in the area in which a site is situated.
- 427 Surrey Minerals Plan 2011 Policy MC17 requires mineral working proposals to provide for restoration which is sympathetic to the character and setting of the wider area in (which it is situated), and capable of sustaining an appropriate afteruse. Mineral working will only be permitted where the mineral planning authority is satisfied that the site can be restored and subsequently managed to a high standard. The final part of the policy states that restoration should be completed at the earliest opportunity, and where appropriate progressively restored, with applicants expected to agree a scheme with the mineral planning authority detailing how the land will be restored and managed before, during and after working.

- 428 The supporting text at paragraph 8.6 refers to the majority of mineral workings in Surrey being in the Green Belt, and that mineral sites can be appropriately restored to a range of after-uses including nature conservation. Paragraph 8.7 refers to the need for applicants to show they have both technical and financial competence to undertake the proposed restoration scheme. For some types of after-use, such as nature conservation, periods of management longer than the five year period advocated in national policy is appropriate, and should be secured by use of legal agreements.
- 429 Spelthorne Borough Local Plan 2001 Saved Policy GB1 Green Belt advises that development located within the Green Belt which would conflict with the purposes of the Green Belt and maintaining its openness will not be permitted.

### **Does the proposal amount to inappropriate development in the Green Belt**

- 430 The application is for phased extraction of sand and gravel from land at Manor Farm and restoration to a nature conservation after-use; transporting the extracted mineral by conveyor to the existing QMQ mineral processing plant for processing, use of site infrastructure (site offices, weighbridge, wheel cleaning facilities, access etc.) at QMQ, and for the siting and use of a concrete batching plant and aggregate bagging plant, housed in a building at QMQ.
- 431 The applicant proposes that the concrete batching and aggregate bagging plants would remain after extraction at Manor Farm has been completed and thereafter be used in association with the importation and processing of as raised sand and gravel and recycling facility together with the existing QMQ mineral processing plant and when this is replaced with the low level mobile processing plant (see paragraph 15 of the report), and other site infrastructure which have planning permission to the end of 2033. The concrete batching and aggregate bagging plant would use sand and gravel from these operations, primarily derived from the processing of as raised sand and gravel/excavation waste. (Recycled aggregate derived from the recycling facility could be used as a raw material provided it is produced to the specification and quality suitable for use.) The SMP2011 refers at paragraph 3.23 to the importance of transportation of materials both before and after processing in developing a spatial strategy for the location of aggregates recycling facilities. The strategy is driven by the need to reduce haulage distances and associated vehicle emissions.
- 432 After 2033 the applicant intends that the batching and bagging plant would be removed together with the mobile processing plant, buildings etc. and that processing plant site would be restored as the last phase of restoration at QMQ. The approved restoration for the QMQ site is to a nature conservation afteruse in accordance with details approved under reference SP07/1276.
- 433 This planning application proposal involves development which, if assessed separately, comprise elements which would not amount to inappropriate development in the Green Belt (proposed extraction at Manor Farm, and use of the processing plant and site infrastructure at QMQ), and elements (concrete batching plant and aggregate bagging plant) which would amount to inappropriate development in the Green Belt. Case law has held that when assessing such applications against Green Belt policy the whole development should be treated as a single development proposal when assessing impact on Green Belt. Therefore, the development proposed in this application, by definition, amounts to inappropriate development in the Green Belt and will cause harm by reason of inappropriateness.

- 434 In line with SMP2011 Policy MC3 and national policy in the NPPF, in order for planning permission to be granted it is necessary for the county council to be satisfied that the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations which amount to the very special circumstances necessary to justify the development.

### **Consideration of other harm**

#### *Harm to openness, permanence and purposes of the Green Belt*

- 435 The proposed development would impact on openness of the Green Belt and encroach on the countryside for the duration of operations. Assisting in safeguarding the countryside from development is one of the five purposes of including land in the Green Belt set out in paragraph 79 of the NPPF. The extraction of minerals from the land at Manor Farm, transportation of mineral to the QMQ site and primary processing of the extracted mineral in the existing QMQ processing plant and siting and use of the concrete batching and aggregate bagging plant would impact on openness of the Green Belt and encroach on the countryside for a period of some five years from commencement of operations until completion of restoration of the land at Manor Farm. Thereafter, the remaining part of the development comprising the concrete batching plant and aggregate bagging plant at QMQ would impact for a longer for period until 2033.
- 436 The impact on openness and encroachment on the countryside would be from the mineral extraction and restoration works and associated perimeter soil screen bunds, site facilities (access road and site compound including site office and storage buildings) at the Manor Farm site, the conveyor system at Manor Farm and from there through QMQ to the existing QMQ mineral processing plant and associated mineral stockpiles and site infrastructure (buildings, hardstanding, access), and the concrete batching and aggregate bagging plant and associated parking on the existing hardstanding at QMQ.
- 437 The permitted mineral and waste developments at the QMQ site have permission to continue operations until 2033 with final restoration of the site due by the end of 2038. The existing QMQ processing plant site (mineral processing plant involving presence of large structures, site office, weighbridge and workshop buildings, areas of hardstanding and access roads) currently impacts on the openness of the Green Belt and encroaches into the countryside. The proposed concrete batching plant and aggregate bagging plant would be sited on existing hardstanding within the QMQ processing plant site where large structures and pieces of equipment and buildings are already located. The use of the existing mineral processing plant site, and the new concrete batching plant and aggregate batching plant proposed under this application would not lead to further encroachment into the countryside at QMQ than exists at present by the land currently taken up the existing development at the QMQ site. There would however be an impact on openness.
- 438 Although the impact on openness would be reduced on completion of mineral extraction and processing activities and restoration of the land at Manor Farm, the impact on openness from the concrete batching and aggregate bagging plant and associated parking on the existing hardstanding at the QMQ site would continue to until 2033. Although the impact would be limited in the context of the rest of the existing development at the QMQ processing plant site, these two items of plant involve development, industrial in nature, within the Green Belt. Whilst the cumulative impact on openness from the existing and proposed development would be further reduced when the existing mineral processing plant site is removed and replaced

with mobile plant under the existing planning permissions at QMQ, Officers consider the proposed development would have a moderate impact on openness to the end of 2033.

- 439 The moderate harm to openness would be temporary, albeit for a period of up to 18 years, following which the two items of plant, along with the remainder of the existing development at the QMQ processing plant site would be removed and the land restored. The timetable for cessation of the existing development permitted at the site and for restoration of the processing plant site would not be affected if permission is granted to this application proposal.
- 440 The land at Manor Farm would be progressively worked and restored to a nature conservation after-use, and subsequently managed in accordance with details provided. This could be secured by planning condition and a S106 relating to the long term management of the site. Under the approved scheme for the restoration of the QMQ site, the final phase to be restored is the processing plant site and restoration due to be completed by the end of 2038. There are adequate provisions already in place relating to cessation of the use of the mineral processing plant and site infrastructure at QMQ, and restoration to a nature conservation afteruse and subsequent aftercare and management through the restoration and landscaping scheme approved under ref SP07/1276 and associated s106 legal agreement. Cessation of the use of the concrete batching plant and aggregate bagging plant, their removal and restoration and subsequent aftercare and management in accordance with the SP07/1276 provisions could be secure by planning condition.
- 441 The proposed restoration of the land at both the Manor Farm and QMQ parts of the application site is to a nature conservation use. Nature conservation afteruses are a use appropriate to the designation and objectives for the use of land within the Green Belt. Officers have no reason to doubt the application site at Manor Farm and QMQ would not be restored to a high standard and subsequently managed. The proposed mineral extraction development at Manor Farm, and use of the processing plant and site infrastructure at QMQ for processing mineral extracted at Manor Farm and the concrete batching and aggregate bagging plant would be temporary uses of the land and would therefore preserve the openness and permanence of the Green Belt in the longer term. The proposed development would not conflict with the purposes of the Green Belt and fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

#### *Other harms*

- 442 The previous sections of the report (Annex A) have assessed the potential impacts on the environment and local amenity including landscape and visual impact, noise and dust, and provision for restoration and aftercare. These confirm that subject to the control and mitigation measures identified being implemented the proposed development on the land at Manor Farm and QMQ would be capable of being undertaken at the highest environmental standards.
- 443 In relation to landscape and visual impact the QMQ processing plant site is well screened due to screening provided by the existing vegetation within the QMQ site, the reservoir embankment and intervening development, and no harm would result to the visual amenities of the Green Belt from use of the existing mineral processing plant site in connection with the proposed extraction, or the siting and use of the concrete batching and aggregate bagging plant.

- 444 There would be some harm to the visual amenities of the Green Belt from operations on the land at Manor Farm due to the presence of the screen bunding which would interrupt views during working and restoration; and the limited and glimpsed views from public rights of way and surrounding land and properties of the access and site compound, extraction and restoration operations and the conveyor system. Any harm to the visual amenities of the Green Belt from the development at Manor Farm and transporting mineral to the QMQ processing plant site by conveyor would be limited in extent and duration.

### **Very special circumstances**

- 445 Historically, as an exception to Green Belt policy, Surrey County Council has accepted the siting of concrete batching plant at operational mineral sites and granted temporary planning permission or approved details, tied to the life of the mineral extraction permission provided:
- the plant uses indigeneous material,
  - is capable of being operated without harm to environmental or amenity considerations, and
  - serves a local need.
- 446 In 2008 temporary planning permission was granted in the Green Belt for concrete production and an aggregate bagging plant at Hithermoor Quarry as part of a package of proposals. In that case the raw materials for the plant would come from indigenous mineral extracted at Hithermoor, as raised mineral imported to Hithermoor for processing and recycled aggregate from the onsite recycling facility. The indigenous mineral at Hithermoor would supply the plant for less than half of the 11 year life of the development.
- 447 As advised in paragraph 434 above in order to grant planning permission for inappropriate development in the Green Belt the county council must be satisfied that there are factors which amount to very special circumstances, which clearly outweigh the harm to Green Belt by reason of inappropriateness and any other harm.

### *Applicant's very special circumstances*

- 448 The application states that Green Belt policy and objectives have been carefully considered in the development of the application proposals. Despite the removal of the rider from policy in the NPPF in relation to mineral extraction not being inappropriate development in the Green Belt provided high environmental standards are maintained and sites are well restored, the applicant had regard to the site specific aims of the Surrey Minerals Plan Site Restoration SPD when designing the working and restoration schemes.
- 449 The Manor Farm mineral extraction area would be restored to provide an area of nature conservation value and the applicant considers the restoration including waterbodies with native woodland planting, wetland and landscaping would preserve the countryside and not encroach on the countryside. The applicant considers the proposed plant and buildings at Manor Farm and plant at QMQ, including the conveyor belt running between the two, to be development ancillary to mineral extraction.
- 450 The applicant's consideration of very special circumstances for the buildings, structures or items of plant that would be erected or installed at the application site is as follows.



- i) the development of each is conditionally permitted development (PD) by virtue of Class B of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO). When publishing the GDPO no caveat was added by Government to the effect that such development is not permitted in the Green Belt.

The conditional permission granted under permitted development (PD) rights requires prior written approval of detailed proposals for the siting, design and external appearance of the building, plant or machinery. Such approval should

*“not be refused or granted subject to conditions unless the authority are satisfied it is expedient to do so because:*

*(a) the proposed development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or*

*(b) the proposed development ought to be, and could reasonably be, sited elsewhere.”*

PD rights at QMQ have not been withdrawn under an Article 4 Direction, nor has the county council withdrawn permitted development rights on the planning permissions granted for mineral extraction at QMQ, though conditions imposed on the planning permissions for extraction of mineral from beneath the baffle in QMQ ref SP07/1269 and SP13/01236, and the importation of as raised mineral for processing at QMQ ref SP07/1275 and SP13/01238, require details of siting, detailed design, specifications, and appearance of the plant, buildings or machinery to be submitted and approved in writing before plant, buildings or machinery (fixed or mobile) are erected on site.

The reasons for imposing the conditions read:

*“To enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with Surrey Structure Plan 2004 Policy SE1 and Surrey Minerals Local Plan 1993 Policy 1.”*

The applicant considers that as no reference has been made to the potential impact on the Green Belt, the county council clearly accepts that development “ancillary” to mineral extraction in the Green Belt is not inappropriate development in the Green Belt.

- ii) The demountable (portacabin type) buildings at Manor Farm to provide staff mess and toilet facilities and storage for consumable/engineering parts are necessary for storage of materials for use in connection with the extraction and restoration activities and to make provision for the personal needs and comfort of employees as required under health and safety and employment legislation. These would be required for the duration of operations on the land at Manor Farm. The buildings would be sited in the site compound, be of a similar design, three metres high with the external colour finish appropriate for the local landscape setting.

- iii) Sustainable transport of 1.5 million tonnes of mineral extracted at Manor Farm to the processing plant at QMQ from using conveyor belt. The applicant considers the benefits from use of the field conveyor instead of by road in itself constitutes the very special circumstances for the conveyor belt structure.
- iv) Reduced landscape and visual impact from use of tunnels instead of bridges beneath Footpath 30 and the Ashford Road in connection with the sustainable transport of mineral by conveyor to the processing plant at QMQ.
- v) The concrete batching and aggregate bagging plant would be sited in a location within the existing QMQ plant site which makes best use of space available in relation to the backdrop of the reservoir embankment and the storage of processed mineral for use as raw material in the plant. It would be completely screened from view from outside the QMQ site and the submitted noise assessment demonstrates noise generated would be within Government noise criteria.
- vi) Locating the concrete batching and aggregate bagging plant within the existing and long established processing plant area at QMQ obviates the need for an alternative location for the concrete production and aggregate bagging (probably within industrial development) and eliminates the need for additional haulage (of raw material) to such a location and the attendant financial and environmental implications.

#### *Officer's Assessment of Green Belt*

- 451 Given the Green Belt location it is necessary to assess whether the proposed development would cause harm to the Green Belt, consider whether high standards of operation would be maintained during operations (SMP 2011 Core Strategy Policy MC3), and the provisions for restoration and afteruse.
- 452 In recognition of location constraints on extraction and the primary processing of mineral, which can only take place where the mineral is found, SMP2011 Core Strategy Policy MC3 makes a distinction between this and other mineral development. Ancillary development involved in the transport of mineral to the primary processing plant (conveyor and tunnels) and site infrastructure at Manor Farm (compound, access and buildings) would normally be considered not inappropriate in the Green Belt. However, in this case as the whole development is being assessed as a single development these aspects of the development constitute inappropriate development in the Green Belt and will be assessed as such.
- 453 The elements of the development referred to above are essential facilities associated with the extraction and primary processing of the mineral in Manor Farm. The strong case of need for additional reserves of sand and gravel to be permitted and the wider social and economic benefits of mineral extraction are factors which weigh in favour of the development.
- 454 Locating a concrete batching and aggregate bagging plant at QMQ would enable a ready supply of mineral derived from Manor Farm and sand and gravel mineral which had been imported and processed under the existing planning permissions (and subject to the required specification being met, recycled aggregate material from the recycling facility).

- 455 The applicant has put forward six reasons in relation to very special circumstances, see paragraph 450 above. The first relates to PD rights. Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO) sets out PD for a range of development categories and uses. None are caveated by Government to the effect that such development is not permitted in the Green Belt. The county council does not, as a matter of practice, refer to Green Belt in the reasons for imposing conditions restricting permitted development rights. Factors such as Green Belt can not be considered under the procedures for prior written approval.
- 456 While the development associated with and essential to the extraction and restoration operations at Manor Farm (transport of the extracted mineral to the primary processing plant and mineral processing) could constitute permitted development, the production of concrete production and aggregate bagging are not directly related to extraction or primary processing of mineral which would be extracted at Manor Farm. In addition instead of being removed after completion of extraction at Manor Farm, as would be required by condition B3 Class B of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO) if the plant were located at QMQ under PD rights associated with extraction at Manor Farm, these two pieces of development would remain in place after completion of extraction at Manor Farm.
- 457 Class 19 Part B provides for development such as concrete batching plant and aggregate bagging plant, provided they are used in connection with mineral “won” at the mine. At present QMQ would qualify as a relevant mineral site/mine to the end of 2016, in connection with extraction from beneath the baffle in the reservoir permitted under refs SP07/1269 and SP13/01236, see paragraph 15 of the report at and Update Sheet 1), but not in connection with the importation and processing of as raised mineral, as that mineral would not be being won or brought to the surface at QMQ. Once extraction from beneath the baffle has ceased mineral would no longer be being “won” from the QMQ site.
- 458 To benefit from PD rights planning permission for mineral extraction has to have been granted. In this case the applicant is applying for planning permission to extract mineral from Manor Farm and has included the concrete batching plant and aggregate bagging plant in the application proposals. Therefore, the PD argument is premature in connection with Manor Farm. Officers do not consider it relevant anyway at QMQ as this application proposes commencing extraction at Manor Farm after completion of extraction from within the reservoir has been completed.
- 459 Officers do not accept that the GDPO rights referred to by the applicant have any locus in the consideration of very special circumstances in connection with this planning application. In order for planning permission to be granted the county council must be satisfied that there are factors which amount to very special circumstances, which clearly outweigh the harm to the Green Belt and any other harm.
- 460 The applicant’s second, third and fourth factors relate to development directly related to and involved with mineral extraction at Manor Farm and the transport of mineral to the processing plant at QMQ. The buildings relate to operational requirements and employee wellbeing and officers do not consider it unreasonable for provision to be made for facilities for the wellbeing of employees and storage in close proximity to the extraction operations. The buildings proposed to house these facilities are of modest scale and appropriately located with the site, being largely screened from view in most directions.

- 461 The conveyor belt and associated tunnels under the footpath and the Ashford Road represent a well used and sustainable method of transporting mineral between the extraction areas and processing plant. As has been referred to earlier in the report one of the key development requirements for the Manor Farm preferred area (SMP 2011 Policy MA2) is the use of conveyors to transport mineral to the processing plant. Use of tunnels instead of bridges would reduce the visual impact. The conveyor, tunnels and buildings would be temporary and removed on completion of extraction as part of the restoration of the land at Manor Farm reducing the impact on the visual amenities of the Green Belt, duration of impact on openness and any encroachment on the countryside.
- 462 The fifth factor concerns the siting of the plant within existing QMQ plant site, which is one of the considerations in assessing prior approval submissions made relating to Class B Part 19, and the condition imposed on the QMQ baffle extraction permission (SP07/1269/SP13/01236). The applicant's justification focuses more on the benefit of where within the plant site it is located relative to the reservoir embankment and other features and to the processed mineral stockpiles, which would be the prime raw material, rather than any environmental benefits from being co located at QMQ. Reference is made to the lack of visual impact and noise impact.
- 463 No objections have been received from technical consultees in relation to these elements of the development, and as concluded earlier in the report no overriding adverse impact would arise from the siting and use of the site storage and employee wellbeing facilities, the conveyor belt and tunnel, or the siting and operation of the concrete batching plant and aggregate bagging plant at QMQ and the proposals would be acceptable and comply with the NPPF and relevant development plan policy in relation to these matters.
- 464 However, the lack of harm from visual impact, noise or some other harm does not overcome harm to the Green Belt by reason of inappropriateness. No further detail has been provided on benefits of siting the concrete batching and aggregate bagging plant at QMQ.
- 465 The sixth factor concerns the financial, operational and environmental benefits from using land within an established processing plant site located at the source of the raw material for siting secondary processing plant.
- 466 Officers consider that there is a need in the locality for facilities of the type proposed which adapt the mineral for sale. Minerals extraction sites in north west Surrey have supported such facilities and there are advantages in locating plant at the mineral source in terms of sustainable distribution. While there may be alternatives in terms of site location, siting the plant at QMQ would assist in reducing haulage distances.
- 467 The local area as a whole is subject to Green Belt constraint and accordingly Officers agree with the substance of the applicant's sixth factor and consider that there are good reasons to accept further processing of the mineral won locally at Manor Farm, and imported to the QMQ site under the existing planning permissions which have planning permission to the end of 2033. It is acknowledged that on completion of mineral extraction at Manor Farm continued use of the plant would involve importation all the raw materials for production of concrete or to be packaged in the bagging plant. In the case of the bagging plant the kit is simply used to package the product for the market place. Minerals per se can only be worked where they occur and therefore to an extent the location of plant to assist in the adaptation for sale is restricted.

- 468 There would be environmental benefits due to reduction in transport of aggregate to a location, such as on an industrial estate. Siting the plant at the QMQ site would reduce overall vehicle movements, and vehicle emissions, compared to the plant being located elsewhere. Plant located elsewhere would generate traffic associated with transporting the raw material to the plant and transporting the product to the customers. Financial implications and commercial benefits to an operator do not amount to very special planning circumstances.

*Conclusion on Green Belt*

- 470 In line with relevant Green Belt case law the whole development has been treated as a single development proposal when assessing whether the development constitutes inappropriate development in the Green Belt. The development proposed in this application, by definition, amounts to inappropriate development in the Green Belt and will cause harm by reason of inappropriateness. The proposed development would impact on openness of the Green Belt and encroach on the countryside for the duration of operations.
- 471 The extraction of minerals from the land at Manor Farm, transportation of mineral to the QMQ site and primary processing of the extracted mineral in the existing QMQ processing plant and siting and use of the concrete batching and aggregate bagging plant would impact on openness of the Green Belt and encroach on the countryside for a period of some five years from commencement of operations until completion of restoration of the land at Manor Farm. Thereafter, the remaining part of the development comprising the concrete batching plant and aggregate bagging plant at QMQ would impact for a longer for period until 2033.
- 472 The impact on openness would be reduced on completion of mineral extraction and processing activities and restoration of the land at Manor Farm, the impact on openness from the concrete batching and aggregate bagging plant and associated parking on the existing hardstanding at the QMQ site would continue to until 2033. Although the impact would be limited in the context of the rest of the existing development at the QMQ processing plant site, these two items of plant involve development, industrial in nature, within the Green Belt. Officers consider the proposed development would have a moderate impact on openness to the end of 2033 after which the plant would be removed and the land resored in accordance with the approved restoration and landscaping scheme for the QMQ site. No permanent harm to openness or encroachment on the countryside would result
- 473 There would be some harm to the visual amenities of the Green Belt from extraction and restoration operations on the land at Manor Farm and transporting the extracted mineral by conveyor. The harm would be limited in extent and duration. No other harm has been identified.
- 474 In order for planning permission to be granted it is necessary for the county council to be satisfied that the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations which amount to the very special circumstances necessary to justify the development.
- 475 While Officers do not accept two of the factors put forward by the applicant, they nevertheless consider that the other factors, when taken together, along with the need for concreting sand and gravel and the wider social and economic benefits of mineral extraction, environmental benefits from the use of conveyors, and operational requirements for storage and employee wellbeing facilities to be proximal to the extraction and primary processing of mineral, and the environmental and wider



economic benefits from having secondary processing plant located at the source of the raw material making use of the mineral reserve extracted at Manor Farm, raw material imported and processed at QMQ under the permissions for importation and processing of as raised sand and gravel and construction and demolition waste facility, in this case represent very special circumstances which outweigh the harm to the Green Belt.

- 476 Subject to imposition of planning conditions to grant temporary planning permission for the development and to secure restoration of the land at Manor Farm on completion of mineral extraction, and in relation of the plant at the QMQ site, to ensure the uses cease, development removed and land restored in line with the approved schemes and timetable for completion of restoration; and to ensure relevant standards of working, restoration and aftercare management of the site; and a legal agreement to secure the long term management of the land at Manor Farm, officers are satisfied that the development can be permitted as an exception to policy given the very special circumstances which exist, and lack of any other harm to residential amenity and the purposes of the Green Belt in the longer term.

## OVERALL CONCLUSION

- 477 The proposal involves extraction of mineral at Manor Farm and restoration to landscaped lakes for nature conservation afteruse, transporting the mineral by conveyor to QMQ for processing and a concrete batching and aggregate bagging plant. Related to this application, application ref SP13/01003 proposes a partial realignment of the route and siting of the conveyor belt within the QMQ site. The two developments are interdependent and, if permitted, would be implemented as one. An environmental assessment has been undertaken and an overarching ES submitted with the applications.
- 478 The application site lies within the Green Belt where policies of restraint to development apply and the proposed development has been assessed against Green Belt policy in the NPPF and development plan. The proposed development, by definition, amounts to inappropriate development in the Green Belt and will cause harm by reason of inappropriateness. In order to grant planning permission for inappropriate development in the Green Belt the county council must be satisfied that there are factors which amount to very special circumstances, which clearly outweigh the harm to Green Belt by reason of inappropriateness and any other harm.
- 478 The extraction of minerals from the land at Manor Farm, transportation of mineral to the QMQ site and primary processing of the extracted mineral in the existing QMQ processing plant and siting and use of the concrete batching and aggregate bagging plant would have a moderate impact on the openness of the Green Belt and encroach on the countryside for the duration of the development; a period of some five years from commencement of operations until completion of restoration of the land at Manor Farm, and thereafter until 2033 from the concrete batching plant and aggregate bagging plant at QMQ.
- 480 Any harm to the visual amenities of the Green Belt from the mineral extraction and associated development (site compound and buildings, conveyor belt and soil and over burden bunding) at Manor Farm would be limited in extent and duration and so are not considered significant by Officers. The proposed restoration at Manor Farm and QMQ is to a nature conservation use, a use appropriate to the designation and objectives for the use land in the Green Belt.

- 481 Minerals can only be worked where they are found. The land at Manor Farm is identified in the Surrey Minerals Plan 2011 as a preferred area for the extraction of sand and gravel. Aggregate minerals are essential to support sustainable economic growth and quality of life which includes maintaining and repairing existing development and infrastructure such as houses, schools and roads. Assessment of the current landbank position has demonstrated a strong case of need for additional reserves of primary land won sand and gravel to be permitted in order to help towards maintaining security of supply.
- 481 The implications of the proposed development have been assessed in terms of impacts on the local environment and amenity. Issues assessed include highways, traffic and access; flood risk, water quality, groundwater and land drainage; landscape and visual impact; noise; air quality and dust; rights of way; biodiversity and ecology (species and designated areas); historic environment and archaeology, restoration and after-use, airport safeguarding/safety/infrastructure; and lighting. Issues raised on these matters by objectors have been taken into consideration. No objections have been received from technical consultees.
- 483 In summary the proposal to extract minerals is in accordance with a DPD allocation and otherwise satisfies a clear need with regard to a national policy requirement to maintain a landbank and so maintain a steady and adequate supply of aggregates. The development can be undertaken in a manner which does not give rise to unacceptable environmental or amenity impacts. Officers are satisfied that temporary planning permission can be granted as an exception to policy given the very special circumstances which exist, and lack of any other harm to the environment and residential amenity and lack of long term harm to openness and the purposes of the Green Belt.
- 484 Having had regard to the environmental information contained in the Environmental Statement, national and development plan policy, consultee views and concerns raised by local residents objecting to the proposal, Officers consider, subject to imposition of conditions and subject to a legal agreement to secure the long term management of the land at Manor Farm, and limit HGV vehicles numbers in combination with all planning permissions at QMQ to a maximum of 150 per day (300 movements), for which draft heads of terms are set out in the Annex, together with controls through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and is consistent with the NPPF and the development plan.

**TO:** PLANNING & REGULATORY COMMITTEE **DATE:** 2 September 2015  
**BY:** PLANNING DEVELOPMENT TEAM MANAGER  
**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**  
Laleham & Shepperton  
Mr Walsh

**PURPOSE:** FOR DECISION **GRID REF:** 505948 169817

---

**TITLE:** MINERALS/WASTE SP13/01003/SCC

---

### **SUMMARY REPORT**

**Land at Queen Mary Quarry, Ashford Road, Laleham, Surrey TW18 1QF**

**The siting and use of a conveyor to transport mineral extracted from Manor Farm to the mineral processing plant at Queen Mary Quarry as an alternative to the conveyor proposed in planning application ref: SP12/01132.**

The proposal is interdependent with the planning application ref SP2012/01132 for mineral extraction from Manor Farm and processing in the Queen Mary Quarry processing plant (Manor Farm application). As such this report needs to be read in conjunction with the Manor Farm application which is reported as Item 7 on this committee agenda. The Manor Farm planning application included a conveyor route enabling the transfer of mineral for processing at the adjoining site of Queen Mary Quarry (QMQ), however due to ecological constraints (habitat protection) an alternative route for part of the conveyor was proposed under this application.

Both applications were considered by the Planning and Regulatory Committee on 7 January 2015 (Items 7 and 8). The committee resolved that subject to the subject to planning permission being granted to the Manor Farm planning application ref. SP2012/01132, that this application be permitted subject to conditions and informatives, for the reasons set out in the report.

The s106 legal agreement for the Manor Farm SP2012/01132 has been prepared and the draft agreement is nearing completion which would enable the decision notices to be issued. In line with the Kides protocol planning officers have assessed whether new factors have emerged between the 7 January 2015 resolution, and if they have, whether the factors could rationally be regarded as material to the consideration of the application such that the application should be referred back to the Planning and Regulatory Committee, for reconsideration in the light of the new factor. The assessment included asking statutory and non statutory consultees and parish/town councils and amenity groups notified about the planning application, the Member in whose area the application site falls, and the adjoining Member, whether they are aware of any issues.

After the 7 January 2015 committee meeting planning officers become aware of case law to do with Green Belt policy and the approach to applications for development involving development which is partly inappropriate development and partly appropriate in the Green Belt, which officers consider is a new factor in connection with the Manor Farm application. Having reviewed the approach taken in respect of that planning application as set out in the officer report to committee (Item 7), and taken legal advice, planning officers decided the Green Belt case law was a new matter which is material to the consideration of the SP2012/01132 Manor Farm planning application, and therefore that application should be referred back to the Planning and Regulatory Committee.

As this proposal is interdependent with the Manor Farm planning application it is being reported back as well. No other new material issues have been identified.

The consideration and assessment of the conveyor belt development proposal against Green Belt policy is set out in the report to the 7 January 2015 meeting (Annex A to this report) and has been reviewed in light of the reassessment of the Manor Farm proposal. Officers conclude no changes are required to the advice or conclusions reached.

No new issues have arisen which are material to the consideration of this application and having reviewed the assessment and conclusion reached on Green Belt in light of the reassessment of the Manor Farm proposal officers do not consider any change is necessary to the overall conclusions set out in paragraphs 86 to 89, or recommendation, of the January report.

**The recommendation is subject to planning permission being granted to planning application ref. SP2012/01132 for the extraction of mineral from Manor Farm to PERMIT subject to the conditions and informatives set out in the recommendation in the report (Item 8) to the Planning and Regulatory Committee on 7 January 2015.**

---

## APPLICATION DETAILS

### *Applicant*

Brett Aggregates Ltd

### *Date application valid*

13 June 2013

### *Period for Determination*

3 October 2013

### *Amending Documents*

Letter dated 1 November 2013 from Richard Kevan, Wardell Armstrong with accompanying annotated copy of Drawing No EIA9.8 Conveyor Route Details date March 2012 email dated 22 November 2013 from Richard Kevan, Wardell Armstrong and Overhead Power Cables above Proposed Conveyor drawing ref QMQ 016 (Dwg file) and Overhead Power Cables above Proposed Conveyor drawing ref. QMQ 016 date 19/11/2013, email dated 22 July 2015 from Mike Davies, Davies Planning with sketch drawing ref SK12377/SK1 Floodplain Compensation and Causeway Drainage Proposal date 04/11/13.

---

## ILLUSTRATIVE MATERIAL

### **Site Plan – Plan 1 Location Plan**

### **Aerial Photographs**

Aerial 1

Aerial 2

### **Site Photographs**

- Figure 1 View of land and vegetation at Queen Mary Quarry within the application site adjacent to the B377 Ashford Road.
- Figure 2 View looking east towards the Ashford Road of land in the southern part of Queen Mary Quarry showing proposed conveyor route and existing vegetation and habitat
- Figure 3 View looking in the direction of the processing plant site of part of the application site showing the existing access road within Queen Mary Quarry.
- Figure 4 Application Area (Applicant Drawing No.ST13443-PA2)
- 

## BACKGROUND

- 1 Reports on the above application and a related application, ref SP2012/01132 (Manor Farm application) for extraction of sand and gravel from land at Manor Farm, transport of the mineral by conveyor to the existing Queen Mary Quarry mineral processing plant and erection of a concrete batching plant and aggregate bagging plant at QMQ were considered by the Planning and Regulatory Committee on 7 January 2015 (Items 8 and 7 respectively).
- 2 The Manor Farm planning application included a conveyor route enabling the transfer of mineral for processing at the adjoining site of Queen Mary Quarry (QMQ), however due to ecological constraints (habitat protection) an alternative route for part of the conveyor was proposed under this application (QMQ conveyor application). An overarching Environmental Statement (ES) relates to both planning applications.
- 3 The committee resolved that subject to planning permission being granted to planning application ref. SP2012/01132 for the extraction of mineral from Manor Farm the committee resolved to PERMIT this application subject to conditions and informatives set out in the report. The committee report is attached as Annex A with the Minutes of the meeting (including update sheet) attached as Annex B.
- 4 The s106 legal agreement for the Manor Farm application has been prepared and has reached the stage where it is nearing completion, which would enable the decision notices on both applications to be issued.

### The Kides protocol

- 5 As time has elapsed since the committee considered the planning application the protocol (known as Kides protocol) adopted by the Planning and Regulatory Committee on 12 November 2003 applies. The protocol was adopted following the judicial review decision in November 2002 to quash the committee resolution to grant planning permission for the Capel Energy From Waste planning application (ref MO00/0913) which had referred to the October 2002 Kides v South Cambridgeshire District Council and others Court of Appeal judgement (*R (on the application of Kides) v South Cams DC [2002] EWCA Civ 1370*). The Kides judgement makes clear the importance of the committee, and not just officers, having regard to all material considerations before any planning permission is granted pursuant to an earlier resolution taken by committee. In paragraphs 125 and 126 of the judgement the Court observed:

*“On the other hand, where the delegated officer who is about to sign the decision notice becomes aware (or ought reasonably to have become aware) of a new material consideration, section 70(2)\* requires that the authority have regard to that consideration before finally determining the application. In such a situation, therefore the authority of the delegated officer must be such as to require him to refer the matter back to*



*committee for reconsideration in the light of the new consideration. If he fails to do so, the authority will be in breach of its statutory duty.*

*In practical terms, therefore, where since the passing of the resolution some new factor has arisen which the delegated officer is aware, and which might rationally be regarded as a 'material consideration' for the purposes of section 70(2)\*, it must be counsel of prudence for the delegated officer to err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority would reach (not might reach) the same decision."*

\*of the Town Country Planning Act 1990, as amended.

- 6 A more recent judgement in October 2010 *Dry, R (on the application of) v West Oxfordshire District Council [2010] EWCA Civ 1143* refers to the Kides case and need to apply the guidance in Kides with "common sense, and with regards to the facts of the particular case."
- 7 The Kides protocol requires planning officers to assess whether new factors have arisen in the time since a resolution to grant planning permission has been taken and the issuing of the decision notice, and if they have, apply the "Kides test, by following the process outlined on the flow chart at Annex C. The Kides test involves assessing whether any new factors which have emerged could rationally be regarded as material to the consideration of the application such that the application should be referred back to the decision maker, in this case the Planning and Regulatory Committee, for reconsideration in the light of the new factor.

### **Kides consultation process**

- 8 In June once negotiations on the Manor Farm s106 legal agreement had progressed to the stage a final draft was nearing agreement, planning officers wrote to Spelthorne Borough Council, the Consultees (Statutory and Non-Statutory) and Parish/Town Council and Amenity Groups set out in paragraphs 46 to 74 of the January committee report (Annex A), the Local Member and adjoining Member, to ask if they were aware of any factors, changes/updates or issues which had emerged since 7 January 2015 which could reasonably be described as material to the consideration of the application.
- 9 Officers received responses from the following, none of whom were aware of any changes or new factors:
  - Spelthorne Borough Council – Planning
  - Heathrow Airport Safeguarding
  - Natural England
  - Highway Authority (Transportation Development Planning Group)
  - County Noise Consultant (CNC)
  - County Landscape Consultant
  - County Geotechnical Consultant
  - County Air Quality Consultant
  - County Heritage Conservation Team – Archaeological Officer
  - Environment Agency
  - Health and Safety Executive
  - Rights of Way
  - Thames Water
  - Affinity Water
  - Royal Society for the Protection of Birds (RSPB)
  - Surbiton & District Bird Watching Society

- 10 The CLAG2 (Community Against Gravel Laleham) action group and the Spelthorne Natural History Society both considered there were changes and new factors. These are set out in the Kides Protocol Assessment at Annex C, together with any issues raised in representations from local residents received since 7 January 2015, and considered as part of the assessment. Since the application was considered at the January meeting three representations have been received, none from people who have written in previously; in total 47 written representations have now been received on this application.

### **Material considerations Kides test**

- 11 Under the Kides protocol planning officers have to be satisfied that the Planning and Regulatory Committee is aware of any new factor(s) that have arisen since the application was considered which might rationally be regarded as a material consideration. If officers are either satisfied the committee were aware of the new factor and considered it with this application in mind, but not would reach the same decision; or satisfied the committee were not aware of the new factor, the application should be referred back to the committee to be reconsidered in view of the new factor.
- 12 The Kides Protocol Assessment at Annex C sets out the assessment and consideration by officers and in applying the Kides test of whether factors have emerged since 7 January 2015 which could rationally be regarded as a material consideration by a third party. The matters covered in the assessment are drawn from the planning considerations section of the report and discussion during the consideration of the application at the meeting and documents referred to in the committee report (and update sheet) at Annex A and B.
- 13 The assessment includes considering relevant case law officers have become aware of. In this case since 7 January 2015 planning officers have become aware of case law relating to Green Belt in *Kemnal Manor Memorial Gardens Ltd. v The First Secretary of State & Anor [2005] EWCA Civ 835 (14 June 2005)* and *Timmins & Anor, R (On the Application Of) v Gelding Borough Council [2015] EWCA Civ 10 (22 January 2015)*. The case law concerns the approach to applications for development which involves elements which are inappropriate development and elements which are appropriate in the Green Belt and held that the correct approach is to consider and assess the whole of the development as inappropriate development.
- 14 Planning officers reviewed the approach taken in respect of the Manor Farm SP2012/01132 planning application as set out in the officer report to committee, and in consultation with Legal Services and advice from Counsel, concluded the Green Belt case law they were now aware of was a new matter which was material to the consideration of the Manor Farm planning application and in the circumstances that application should be referred back to the Planning and Regulatory Committee to be reconsidered in light of this new factor. This involves the whole of the Manor Farm development being assessed as inappropriate development in the Green Belt.
- 15 The conveyor belt development proposed in this application is ancillary to and dependent on the mineral extraction proposed at Manor Farm being permitted. Having reassessed the Manor Farm SP2012/01132 planning application as inappropriate development in the Green Belt, and reassessed the proposal in light of a new issue which had arisen regarding birdstrike risk which had also been identified as a new factor material to the consideration of that application, officers are satisfied that there are factors which amount to very special circumstances, which clearly outweigh the harm to Green Belt by reason of inappropriateness and any other harm, to justify the development. As such they concluded that temporary planning permission can be granted in that case as an exception to Green Belt policy.

### **GREEN BELT**

- 16 The consideration and assessment of the conveyor belt development proposal against Green Belt policy is set out in the Summary report, Green Belt Section (paragraphs 76 to 83) and conclusion (paragraphs 86 to 89) of the report to the 7 January 2015 meeting (Item 8) (Annex A). Having reviewed these in light of the reassessment of the Manor Farm proposal as set out in the report at Item 7 of this agenda officers conclude the no changes are required to the advice or conclusions on this application.

## **CONCLUSION**

- 17 Apart from the Green Belt consideration on the Manor Farm application, no new issues have arisen which are material to the consideration of this application. Having reviewed the assessment and conclusion reached on Green Belt in light of the reassessment of the Manor Farm proposal, Officers do not consider any change is necessary to the overall conclusions set out in paragraphs 86 to 89, or recommendation, of the January report at Annex A.

## **RECOMMENDATION**

The recommendation is subject to planning permission being granted to planning application ref. SP2012/01132 for the extraction of mineral from Manor Farm to PERMIT subject to the conditions and informatives set out in the recommendation in the report (Item 8) to the Planning and Regulatory Committee on 7 January 2015.

---

## **CONTACT**

Susan Waters

### **TEL. NO.**

020 8541 9227

---

## **BACKGROUND PAPERS**

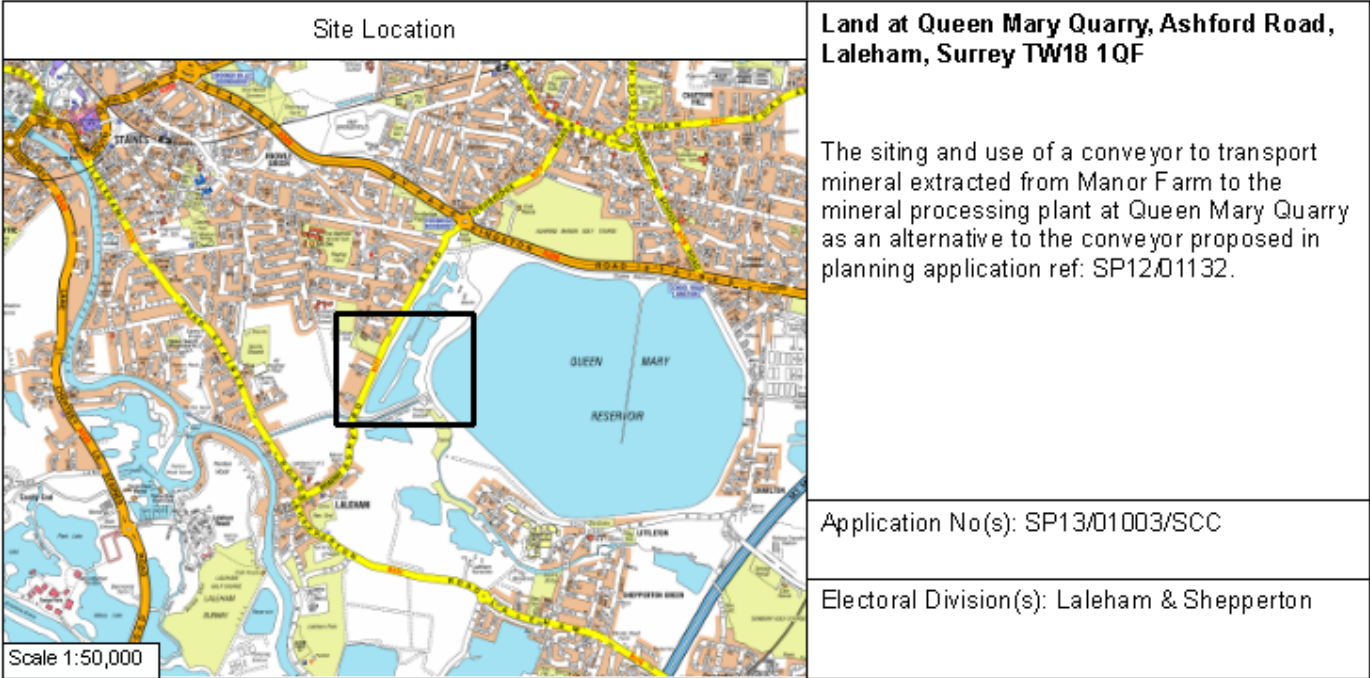
The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file, and the following:

Kides Assessment for application SP13/01003 including consultation responses and documents and websites referred to in the Kides Assessment.

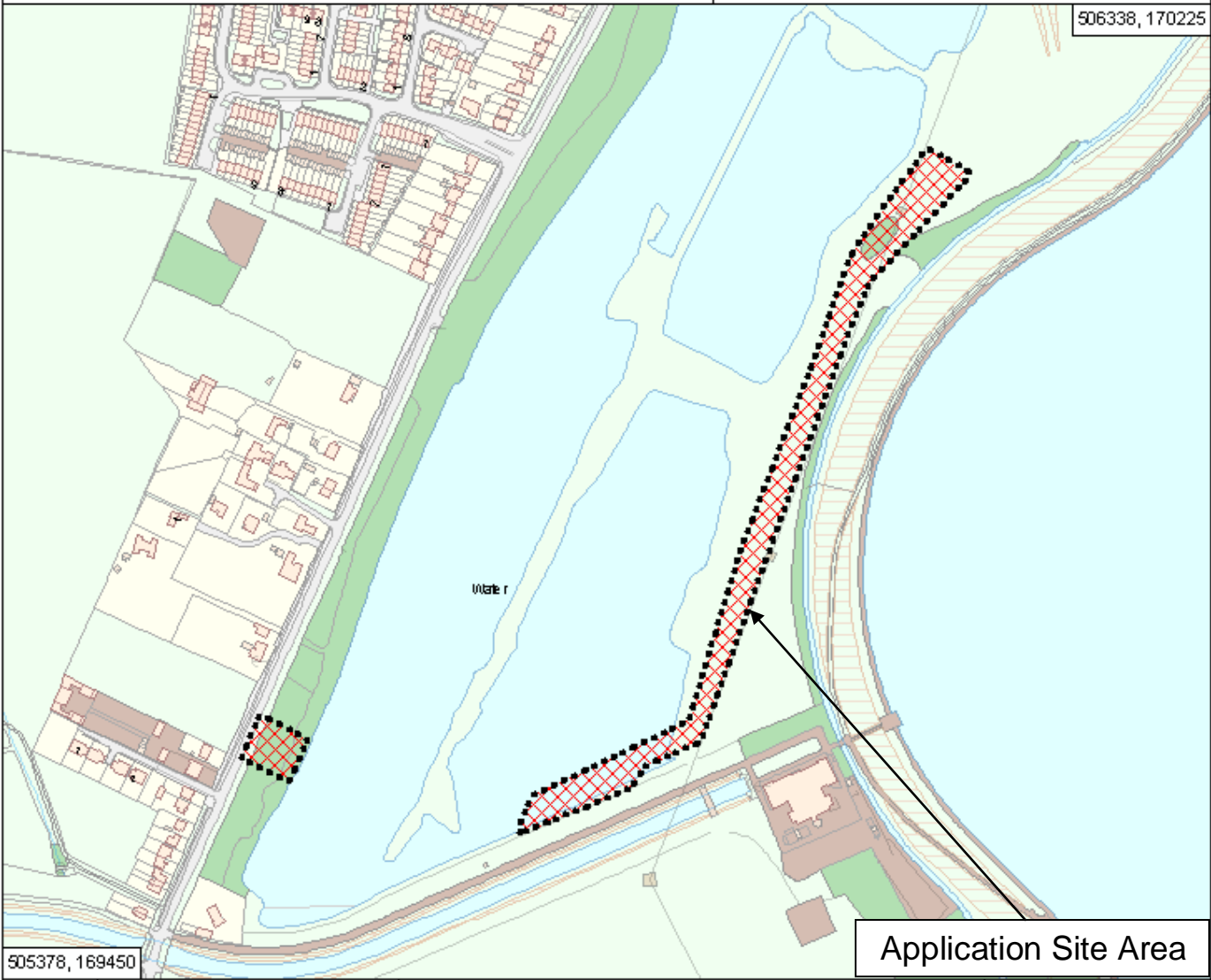
---

## **ANNEXES**

- A** Officer report to 7 January 2015 Planning and Regulatory Committee on application ref SP13/01003 (Item 8).
- B** Minutes of the 7 January 2015 meeting of the Planning and Regulatory Committee including Update Sheet to Item 8.
- C** Kides Protocol Assessment considering whether new material considerations have emerged since 7 January 2015.



© Crown copyright. All rights reserved Surrey County Council, 100019613, 2013 This plan is for indicative purposes only



<p>GRID NORTH</p>	<p>Ref No: SCC Ref 2013/0059</p> <p>Date printed: 25/04/2014</p>	<p>0 20 40 80 120 160 Metres</p>	<p>Scale 1:5,000</p>
-------------------	--	--------------------------------------	--------------------------

This page is intentionally left blank



## Aerial 1 : Land at Queen Mary Quarry





## Aerial 2 : Land at Queen Mary Quarry

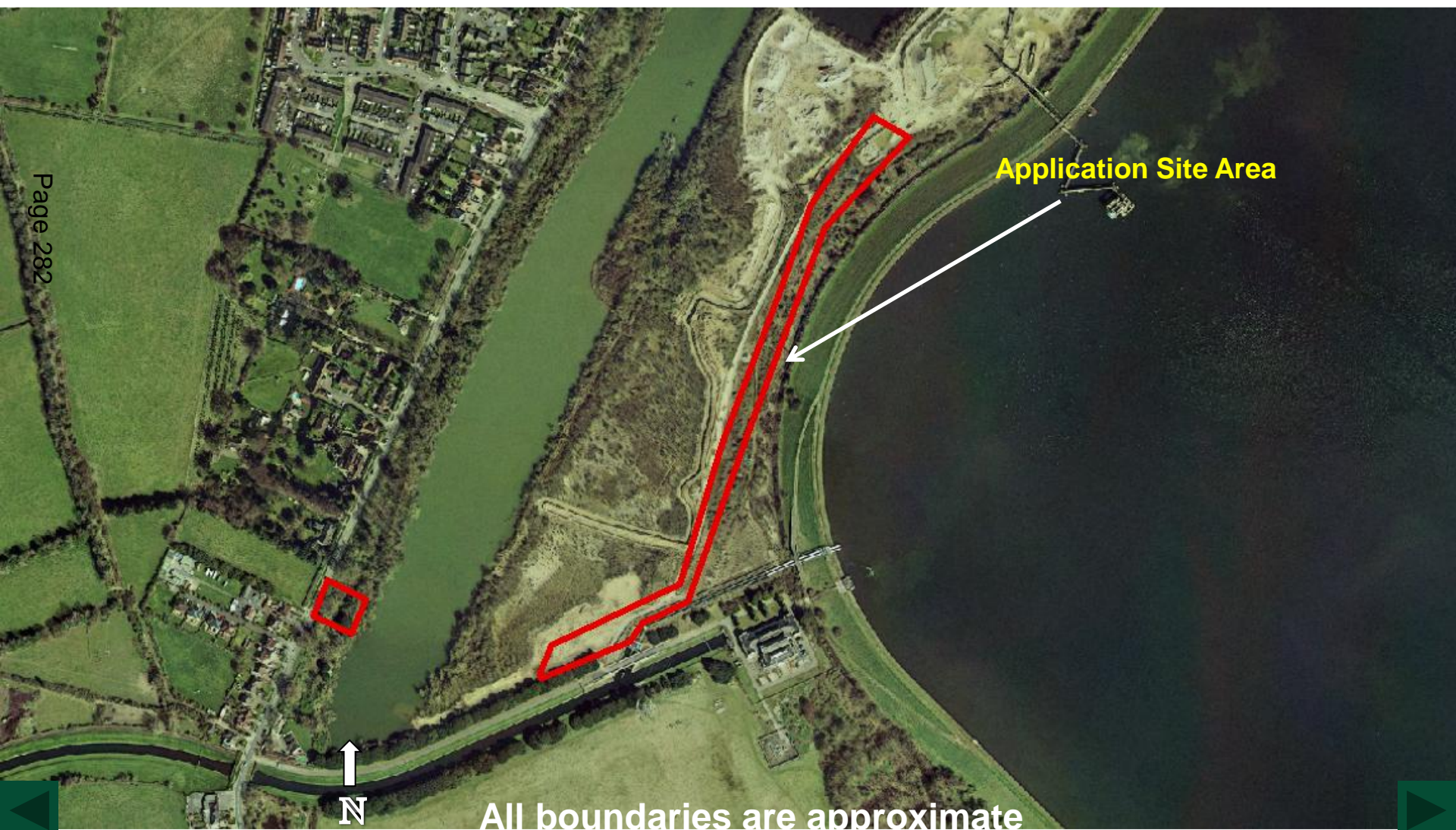




Figure 1 :View of land and vegetation at Queen Mary Quarry within the application site adjacent to the B377 Ashford Road



Page 263



Figure 2 :View looking east towards the Ashford Road of land in the southern part of Queen Mary Quarry showing proposed conveyor route and existing vegetation habitat





Figure 3 : View looking in the direction of the processing plant site of part of the application site showing the existing access road within Queen Mary Quarry

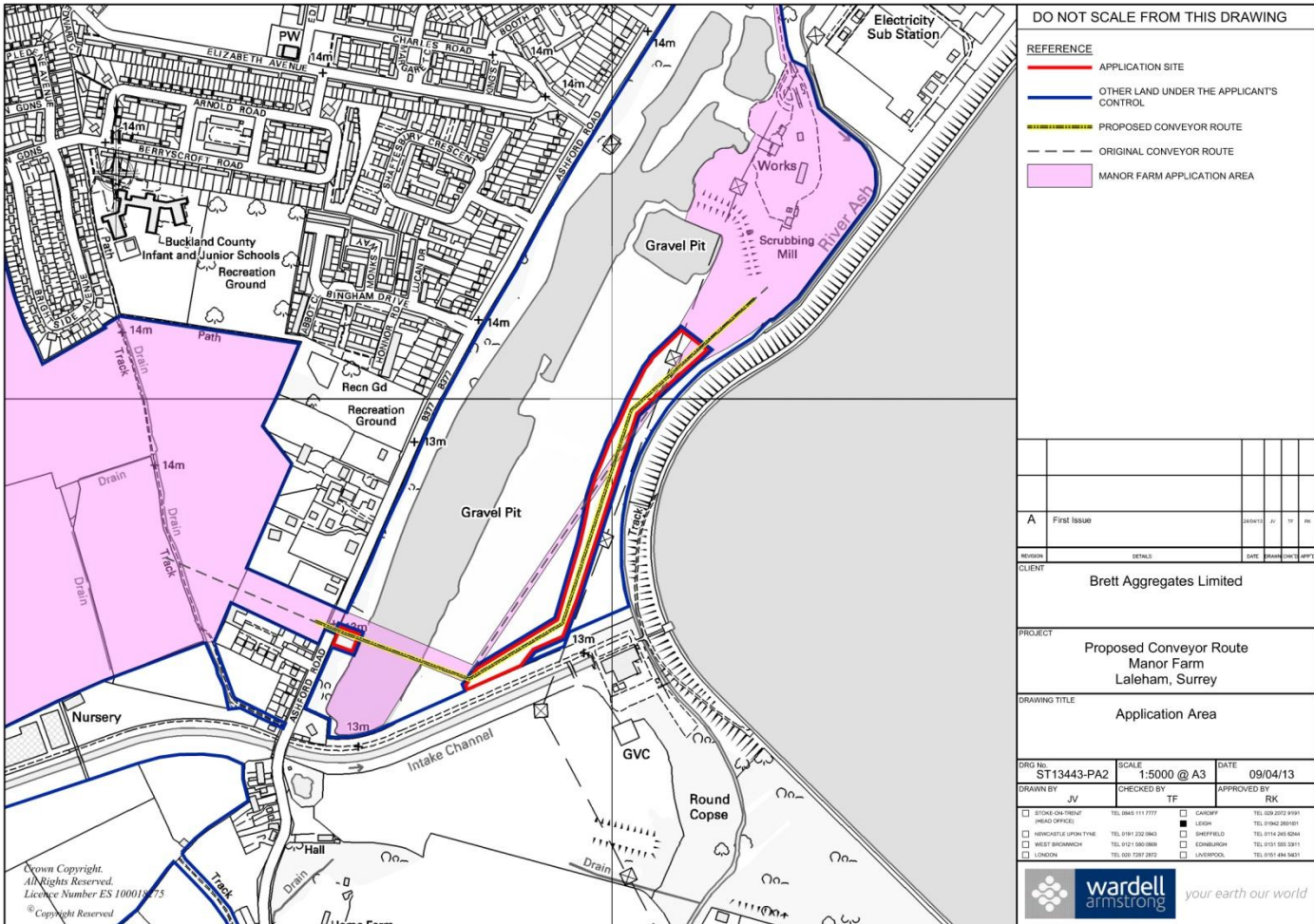






Figure 4 :

Page 286



**TO:** PLANNING & REGULATORY COMMITTEE **DATE:** 7 January 2015  
**BY:** PLANNING DEVELOPMENT CONTROL TEAM  
 MANAGER  
**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**  
 Laleham & Shepperton  
 Mr Walsh  
**PURPOSE:** FOR DECISION **GRID REF:** 505948 169817

**TITLE: MINERALS AND WASTE APPLICATION SP13/01003/SCC**

## SUMMARY REPORT

**Land at Queen Mary Quarry, Ashford Road, Laleham, Surrey TW8 1QF**

**The siting and use of a conveyor to transport mineral extracted from Manor Farm to the mineral processing plant at Queen Mary Quarry as an alternative to the conveyor proposed in planning application ref: SP12/01132.**

The proposal is interdependent with the planning application for mineral extraction from Manor Farm as such this report needs to be read in conjunction with planning application ref. SP12/01132, which is reported elsewhere on this committee agenda. The application for mineral extraction at Manor Farm included a conveyor route enabling the transfer of mineral for processing at the adjoining site of Queen Mary Quarry (QMQ), however due to ecological constraints (habitat protection) an alternative route for part of the conveyor is now being proposed.

This application is for the siting and use of part of a conveyor belt within the QMQ site, which avoids some features of ecological habitat within the SNCI, making use of unvegetated land alongside an existing access track within the quarry site. The application is supported by the Environmental Statement submitted in respect of the Manor Farm application, together with an addendum addressing the partial realignment of the conveyor. The ES addresses the proposed measures for mitigating any environmental and amenity impacts of the development. The County Planning Authority need to be satisfied that there would be no significant adverse impacts arising from the proposed partial realignment of the conveyor belt and use of the land associated with this development.

Local residents have raised concerns regarding the conveyor in respect of: noise, dust and pollution impacting on local amenity and the health of residents; interference with the restoration of QMQ; impact on biodiversity; and Green Belt impact. There have no objections from consultees subject to adequate mitigation and control in respect of flood risk, noise and biodiversity, which can be achieved by appropriately worded conditions. The application would not delay the overall restoration of the QMQ site, as completion of restoration by 2038 is enabled through approved schemes and by way of a S106 legal agreement.

In conclusion, Officers consider that the proposed conveyor is ancillary to and dependent on the mineral working being permitted at Manor Farm, it is not inappropriate development in the Green Belt and the proposal would not give rise to unacceptable environmental and amenity impacts.

The recommendation is subject to planning permission being granted to planning application ref. SP12/01132 for the extraction of mineral from Manor Farm to PERMIT subject to conditions and informatives.

---

## APPLICATION DETAILS

### ***Applicant***

Brett Aggregates Ltd

### ***Date application valid***

13 June 2013

### ***Period for Determination***

3 October 2013

### ***Amending Documents***

Letter dated 1 November 2013 from Richard Kevan, Wardell Armstrong with accompanying annotated copy of Drawing No EIA9.8 Conveyor Route Details date March 2012 and sketch drawing ref SK12377/SK1 Floodplain Compensation and Causeway Drainage Proposal date 04/11/13, email dated 22 November 2013 from Richard Kevan, Wardell Armstrong and Overhead Power Cables above Proposed Conveyor drawing ref QMQ 016 (Dwg file) and Overhead Power Cables above Proposed Conveyor drawing ref. QMQ 016 date 19/11/2013.

---

## 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.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Flood Risk	Yes	58-61
Hydrology and Hydrogeology	Yes	62-63
Noise	Yes	64-66
Air Quality and Dust	Yes	67-69
Landscape and Visual Impact	Yes	70-72
Biodiversity	Yes	73-75
Green Belt	Yes	76-83

---

## ILLUSTRATIVE MATERIAL

### **Site Plan**

Plan 1 - Location Plan

Plan 2 - Application Area (Applicant Drawing No.ST13443-PA2)

### **Aerial Photographs**

Aerial 1

Aerial 2

### **Site Photographs**

Figure 1 View of land and vegetation at Queen Mary Quarry within the application site adjacent to the B377 Ashford Road.

Figure 2 View looking east towards the Ashford Road of land in the southern part of Queen Mary Quarry showing proposed conveyor route and existing vegetation and habitat

Figure 3 View looking in the direction of the processing plant site of part of the application site showing the existing access road within Queen Mary Quarry.

---

## BACKGROUND

### *Site Description and planning history*

- 1 The application site lies within the Queen Mary Quarry (QMQ) and comprises land to the west of the Queen Mary Reservoir, which was formerly worked for sand and gravel. The application site is in two parts to the west and east of the waterbody/lake formed by mineral working. The part of the application site west of the lake is in the south west part of the QMQ site adjacent to the Ashford Road (opposite the field between numbers 133 and 151 Ashford Road). The larger area of the application site runs from the south along the eastern part of the site northwards to the processing plant site.
- 2 The QMQ existing operational mineral site is operated by Brett Aggregates Ltd (the site was formerly known as the land west of Queen Mary Reservoir quarry and operated by Reservoir Aggregates). QMQ lies between the Queen Mary Reservoir and the Ashford Road. Mineral extraction from the land to the west of the reservoir and from within the reservoir and processing of minerals in the processing plant commenced in the late 1960s and has continued since under a number of planning permissions including planning permissions for various buildings associated with the mineral extraction and processing.
- 3 The land within QMQ comprises former areas of land worked for sand and gravel, and silt lagoons, the mineral processing plant site and stockpiling area associated with the extraction of minerals from Queen Mary Reservoir. Mineral and waste activity currently taking place at the QMQ site is extraction of sand and gravel from within the reservoir involving removal of part of the breakwater baffle (permission ref. SP07/1269); a facility for recycling of construction and demolition waste and production of recycled and alternative aggregates (permission ref. SP07/1273); and the importation and processing of 'as raised' gravel for processing (permission ref. SP07/1275). Under these permissions the existing mineral processing plant was due to be replaced by 31 December 2013, with the ongoing mineral processing and recycling operations permitted under refs. SP07/1273 and SP07/1275 using mobile processing plant for the remaining period of operations, which is to 31 December 2033, with the land restored by 31 December 2038 (see below).
- 4 As mineral extraction from the baffle and processing permitted under SP07/1269 was not going to be completed by 31 December 2013 as envisaged at the time the permissions were granted, Brett Aggregates made a planning application in 2013 to extend the time period for completion of extraction of mineral from the baffle and retention and use of the access, haul route and processing plant to 31 December 2016 (ref. SP13/01236). If permitted this would need modifications to the current recycling facility, and import and processing of 'as raised' mineral developments (refs. SP07/1273 and SP07/1275) relating to location and use of processing plant for which planning applications were also made under refs. SP13/01238 and SP13/01239. These applications were reported to the 11 June 2014 Planning and Regulatory Committee which resolved to grant planning

permission subject to the prior completion of a variation to the S106 agreement so it applied to the new permissions and secured the long-term aftercare management of the land at QMQ following restoration and landscaping. The decision notices will be issued once the S106 legal agreement has been completed, expected in December 2014.

- 5 The land west of the reservoir is to be restored to an afteruse of nature conservation with no public access under revised working, restoration and landscaping schemes approved under reference SP07/1276. The approved schemes cover the former mineral workings, existing silt lagoons and land areas, including the processing plant site on the land west of Queen Mary and provide for phased restoration of the land. A Section 106 legal agreement was entered into in connection with this decision and the three planning permissions referred to in the previous paragraph. The legal agreement secured the long-term aftercare management of the land following restoration and landscaping.
- 6 The River Ash runs between the application site and the reservoir. To the south runs the Queen Mary Reservoir water intake channel and farmland, with the Shepperton Aggregates Home Farm Quarry beyond. To the west is the Ashford Road and residential housing with land at Manor Farm beyond. To the north lies the QMQ processing plant site with the Staines Reservoirs Aqueduct beyond over which the quarry haul road leading to the A308 passes over, and beyond that the A308 and residential housing and the Ashford Manor golf course. To the north east is an electricity sub-station and electricity pylons traverse the site. Fordbridge Park lies to the northwest.
- 7 The application site is situated in the Metropolitan Green Belt, the Spelthorne Borough Council Air Quality Management Area and the Heathrow Airport bird strike safeguarding zone. The application site is within a major aquifer and mostly within a groundwater source protection zone 3 for public water supply (Chertsey). The lakes at QMQ and parts of the land adjacent to the River Ash are within a Floodzone 3. The majority of the processing plant site at QMQ, and land between the River Ash and the lake, and the northern parts of the Manor Farm site are within a Floodzone 2.
- 8 The majority of the land at Queen Mary Quarry is designated as the West of Queen Mary Reservoir Site of Nature Conservation Importance (SNCI) and there are a number of other SNCIs within 1 km of the site: the Queen Mary Reservoir SNCI, River Thames SNCI (Spelthorne and Runnymede) and Penton Hook SNCI and within 2km of the site the Laleham Burway Golf Course SNCI, Abbey Lake SNCI, Littleton Lake SNCI, Shepperton Quarry SNCI and Chertsey Waterworks SNCI.
- 9 Land at Manor Farm and other land and development in the QMQ site (including the processing plant site and access) are currently subject of an application (ref. SP12/01132) for, amongst other matters, the extraction of sand and gravel from land at Manor Farm and transport of the mineral by conveyor to the QMQ processing plant for processing. The Manor Farm mineral application, which is accompanied by an Environmental Statement (ES) is reported elsewhere on this agenda.



- 10 Following comments from the Surrey Wildlife Trust on the Manor Farm mineral application about the impact of the proposal on the SNCI, and discussions between Surrey County Council and the applicant, Brett Aggregate Limited, in connection with the planning application and the restoration and management of the land west of QMQ (provided for by ref. SP07/1276 and the S106 legal agreement) a partial realignment of the proposed conveyor belt to transport mineral extracted at Manor Farm to the QMQ processing plant was identified which would avoid areas of vegetation and ecological habitat.
- 

## THE PROPOSAL

- 11 This application is for a partial realignment of the route and siting of the conveyor belt within the QMQ site proposed to transport mineral extracted at Manor Farm to the QMQ processing plant, and an additional area of land adjacent to the Ashford Road for use in connection with the construction of the proposed tunnel under the Ashford Road for siting of the conveyor. The small area of land adjacent to the Ashford Road has been applied for to ensure that sufficient land would be available for the construction of the proposed conveyor tunnel under the Ashford Road. The different route for the conveyor proposed under this planning application avoids some areas of habitat and features of ecological habitat within the SNCI making use instead of largely unvegetated land within the QMQ site adjacent to the existing access track.
- 12 The application is accompanied by an assessment of the ecological impact of the proposal on the SNCI of the original route proposed under the Manor Farm mineral application, and the realigned route proposed in this application.
- 13 The proposed development is related to the undetermined Manor Farm mineral application proposal (ref. SP12/01132), which is accompanied by an Environmental Statement (ES). Although when considered in isolation the proposed development would not constitute Environmental Impact Assessment (EIA) development, as the construction and use of a conveyor would be fundamental to the deliverability of the proposed Manor Farm development, the two applications need to be considered in combination and therefore the proposal is EIA development. The ES submitted in connection with the Manor Farm mineral application has been updated by an addendum and is now an overarching ES relating to both application proposals.
- 14 The overarching ES contains an assessment of the impact of the two proposals in terms of: ecology and nature conservation; drainage and flood risk; hydrology and hydrogeology; noise; air quality and dust; landscape and visual assessment; archaeology and cultural heritage; and traffic. Of these topics the first six are relevant to the conveyor subject of this application. For each topic the ES identifies mitigation measures to avoid, reduce and offset major adverse effects of the developments proposed under the two planning applications.
-

## CONSULTATIONS AND PUBLICITY

### *District Council*

15 Spelthorne Borough Council: No objection.

### *Consultees (Statutory and Non-Statutory)*

16 Environment Agency: No objection.

17 Health and Safety Executive: No objection.

18 Heathrow Airport Safeguarding: No objection.

19 Natural England: No objection.

20 Surrey Wildlife Trust: Advise that the CPA consults the Surrey Bird Club and County Ecologist.

21 Highway Authority (Transportation Development Planning Group): No objection.

22 Rights of Way: No objection.

23 County Air Quality Consultant: No objection.

24 County Noise Consultant: No objection.

25 County Heritage Conservation Team – Archaeological Officer: No objection.

26 County Ecologist and Biodiversity Manager: No objection.

27 County Landscape Consultant: No objection.

28 County Geotechnical Consultant: No objection.

29 Thames Water: No objection.

30 Affinity Water (formerly Veolia Water Partnership): No objection.

31 National Grid (National Transmission System): No objection.

32 Esso Petroleum Co Ltd (Fisher German): No objection.

33 Open Spaces Society: No comments received.

34 Ramblers' Association (Staines Group): No comments received.

35 Royal Society for the Protection of Birds (RSPB): No comments received.

### **Parish/Town Council and Amenity Groups**

- 36 Clag2 (Campaign Laleham Against Gravel2): No comments received.
- 37 Charlton Village Residents' Association: No comments received.
- 38 Laleham Residents' Association: No comments received.
- 39 Manor Farm Eastern Boundary Residents Association: No comments received.
- 40 Manor Farm Residents' Association: No comments received.
- 41 Shepperton Residents' Association: No comments received.
- 42 Spelthorne Natural History Society: No comments received.
- 43 Surbiton & District Bird Watching Society: No objection.
- 44 Queen Mary Sailing Club: No comments received.

### **Summary of publicity undertaken and key issues raised by public**

- 45 The application was initially publicised in July 2013 by the placing of an advert in the local newspaper, posting of three site notices and sending some 1043 neighbour notification letters to the owner/occupiers of neighbouring properties and properties notified about and the people who had made representations on the Manor Farm planning application (ref. SP12/01132) for the extraction of mineral.
- 46 Amplifying information relating to the planning application and other environmental information provided relating to the ES was publicised in January 2014 by newspaper advert, posting of three site notices and notifying all those people/addresses originally notified in July 2013 and anyone who had made written representations on the planning application.
- 47 To date 44 written representations objecting to the planning application have been received. All of the representations set out reasons for objecting to the Manor Farm planning application ref SP12/01132. The reasons for objecting to the Manor Farm application are wide ranging but are not relevant to the consideration of this application. They are addressed instead in the report on the SP12/01132 application reported elsewhere on this agenda.
- 48 The reasons cited for objecting to the application for the alternative conveyor route, the subject of this report are:
- Need for the development - Object to the Manor Farm application and therefore if that application is refused this application won't be necessary;
  - Highways, traffic and access - Impact from traffic during construction of the conveyor. Will result in increased volume of industrial and heavy goods vehicles during the construction process relying on local road infrastructure which will not be able to cope and result in increased congestion, increased danger and inconvenience to

other road users and pedestrians and impact on access to Buckland and Laleham schools, pollution, damage to road surfaces;

- Conveyor will be lead to noise, vibration, dust and pollution in a residential area impacting on local amenity and the health of residents;
- Site not suitable due to proximity to other land uses/proximity to other development;
- Restoration and afteruse - This with the Manor Farm development is likely to interfere with the proposed restoration of the Queen Mary Quarry to a nature conservation reserve. The reserve will be of great benefit locally and make it a competitor for Virginia Waters and reduce traffic for people travelling to that site for recreational purposes;
- Biodiversity - Loss of trees on the Ashford Road. Impact on wildlife such as bats, birds and habitat, Impact on ecology, best way to limit the environmental impact is not to develop the area at Manor Farm and so not create a conveyor which would have a grave ecological effect;
- Safety/infrastructure, subsidence/security - The danger from pylons and overhead lines is already documented;
- Adverse impact on property prices and the economy of local area, blight, future use of the land;
- Green Belt - Conveyor is entirely against the purpose of making land Green Belt.

---

## PLANNING CONSIDERATIONS

- 49 The County Council as Mineral Planning Authority (MPA) has a duty under Sections 38 (6) and 70 (2) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. At present in relation to this application the adopted Development Plan consists of the Surrey Minerals Plan 2011 (Core Strategy Development Plan Document (DPD) and Primary Aggregates DPD, adopted in July 2011) (SMP 2011), Spelthorne Borough Local Plan 2001 'Saved' Policies And Proposals as at 28 September 2007, March 2008 document (SBLP 2001), and Spelthorne Borough Council Core Strategy and Polices Development Plan Document February 2009 (SB Core Strategy and Policies DPD 2009).
- 50 Material considerations can include: relevant European policy; the March 2012 National Planning Policy Framework (NPPF); the March 2014 National Planning Practice Guidance (NPPG); emerging local development documents in the Spelthorne Borough Local Development Framework which, when adopted, will replace the 2001 local plan listed above; and adopted supplementary planning documents (Surrey Minerals Plan Minerals Site Restoration Supplementary Planning Document (SPD), adopted July 2011, and the Spelthorne Borough Council Flooding SPD, adopted 19 July 2012).
- 51 This proposal is related to the Manor Farm mineral application proposal (ref. SP12/01132) which is reported elsewhere on this agenda. This application proposes a partial realignment of the route of the proposed conveyor belt within the QMQ site and an additional area of land adjacent to the Ashford Road for use in connection with the construction of the proposed tunnel under the Ashford Road for siting of the conveyor. It will be necessary to determine whether the proposed measures for mitigating any environmental and amenity impacts of the development are satisfactory, and for the county council to be satisfied that there would be no significant adverse impacts arising

from the proposed partial realignment of the conveyor belt and use of the land adjacent to the Ashford Road in association with the construction of the tunnel. The proposal will be assessed against Green Belt policy.

## **ENVIRONMENT AND AMENITY**

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

Policy MC14 – Reducing the adverse impacts of mineral development

Policy MC17 – Restoring mineral workings

Policy MC18 – Restoration and enhancement

### ***Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SB Core Strategy and Policies DPD 2009)***

Strategic Policy SP6 Maintaining and Improving the Environment

Policy EN3 Air Quality

Policy EN4 Provision of Open Space and Sport and Recreation Facilities

Policy EN8 Protecting and Improving Landscape and Biodiversity

Policy EN11 Development and Noise

Policy LO1 Flooding

### ***Spelthorne Borough Local Plan 2001 (saved policies) (SBLP 2001)***

Policy RU11 – Sites of Nature Conservation Importance

Policy RU14 – Sites of Nature Conservation Importance

#### *Introduction*

- 52 The NPPF and NPPG expect mineral planning authorities to ensure that mineral proposals do not have an unacceptable adverse effect on the natural or historic environment or human health. Guidance in relation to implementation of policy in the NPPF on development in areas at risk of flooding and in relation to mineral extraction (including in relation to proximity of mineral workings to communities, dust emissions, noise and restoration and aftercare of mineral sites) is provided in the NPPG. Some of the development plan policies listed above relate to one or more of the issues.
- 53 The Surrey Minerals Plan 2011 (SMP2011) recognises the difficulties in balancing meeting the need for mineral development and ensuring the impact from mineral working does not result in unacceptable impacts on local communities and the environment. Policy MC14 states that proposals for mineral working will only be permitted where a need has been demonstrated and sufficient information has been submitted to enable the authority to be satisfied that there would be no significant adverse impacts arising from the development and sets out matters to be addressed in planning applications.
- 54 Policy MC17 requires mineral working proposals to provide for restoration and post restoration management to a high standard. Sites should be progressively restored or restored at the earliest opportunity with the restoration sympathetic to the character and setting of the wider area and capable of sustaining an appropriate afteruse. For mineral working in the Green Belt afteruses should be appropriate to that designation, these include agriculture, forestry, recreation and nature



conservation. For nature conservation afteruses longer term management beyond the standard five year aftercare advised in national policy would be necessary, which the authority would look to secure through legal agreements. A key objective is for enhancement as well as restoration and through Policy MC18 the county council will work with operators and landowners to deliver benefits including enhancement of biodiversity interests at the site and where appropriate as part of a wider area enhancement approach.

- 55 Objectives of the SB Core Strategy and Policies DPD 2009 include “*to protect and improve the quality of the environment, including improving the landscape, promoting biodiversity and safeguarding the Borough’s cultural heritage*” through policies including Strategic Policy SP6 and Policy EN8. Strategic Policy SP6 Maintaining and Improving the Environment and Policy EN8 Protecting and Improving the Landscape and Biodiversity seek to protect and improve the landscape and biodiversity and cultural heritage of the borough through safeguarding sites of international and national importance; working with others to develop and secure the implementation of projects to enhance the landscape and create or improve habitats of nature conservation value; wherever possible ensure that new development contributes to an improvement in landscape and biodiversity and also avoids harm to features of conservation interest; and states planning permission will be refused where development would have a significant harmful impact on the landscape or features of nature conservation value. Policy EN4 seeks to retain ‘*existing open space in the urban area used, or capable of use, for sport and recreation or having amenity value where: ...iii) the site is of particular nature conservation value, of at least SNCI or equivalent quality*’.
- 56 SB Core Strategy and Policies DPD 2009 Policy EN11 Development and Noise seek to minimise the impacts of noise and sets out a series of criteria by which to achieve this including measures to reduce noise to acceptable levels and ensuring provision of appropriate noise attenuation measures. SB Core Strategy and Policies DPD 2009 Policy EN3 Air Quality states the borough council aim to improve air quality and minimise harm from poor air quality by refusing development where adverse effects on air quality are of a significant scale, and are not outweighed by other important considerations or effects, and cannot be appropriately or effectively mitigated.
- 57 SB Core Strategy and Policies DPD 2009 LO1 Flooding seeks to reduce flood risk and its adverse effects on people and property in Spelthorne through a range of measures including maintaining flood storage capacity within Flood Zone 3; maintaining the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain to both store water and allow the movement of fast flowing water. Spelthorne Borough Local Plan 2001 saved policies RU11 and RU14 give protection to SNCIs. Policy RU11 states that proposals will only be permitted within SNCIs where there will be no adverse effect, either direct or indirectly on the ecological interest of the site or where the requirements of Policy RU14 are met. Policy RU14 provides for mitigation and compensation to be provided where exceptional circumstances justify a development which will adversely impact on an SNCI, and requires a demonstration that the harm is kept to a minimum.

## *Flood Risk*

- 58 The alignment of alternative conveyor route falls within Floodzones 2 and 3, as shown on the Environment Agency's flood maps, SB Core Strategy and Policies DPD 2009 Proposals Map and Spelthorne Borough Council's Strategic Flood Risk Assessment (SFRA). As well as flooding from rivers extensive areas around the reservoir lie within an area at risk from reservoir flooding. Thames Water Reservoir Safety Team has confirmed that they have no objections to the conveyor route.
- 59 Chapter 9 of the overarching ES in support of the application contains the results of a Flood Risk assessment (FRA), which the applicant stated has been prepared in accordance with the guidance set out in the NPPF. The FRA concluded that there would be no significant increased offsite flooding risks as a result of the development (which involves the siting and operation of a conveyor within the QMQ site).
- 60 Although the construction of the proposed causeway across the QMQ lake, and siting of the conveyor along it does not form part of this application, the Environment Agency raised an objection because the conveyor causeway crossed the gravel pit lake at right angles to the direction of flood water flow across the floodplain, with the conveyor sitting 1m above the normal water level. As a consequence, any floodwater crossing the lake would be inhibited, causing an obstruction to flood flows and loss of floodplain storage. The applicant had proposed the installation of pipes through the causeway in order to allow floodwater flows across the site, however no detail had been provided on the size and number of pipes. The applicant subsequently supplied details of the pipes (600mm in diameter and at 10m intervals along causeway) provided in their letter dated 1 November 2013, which included a sketch drawing ref.ST12377/SK1 dated 4/11/13 and Conveyor Route Details Drawing No. EIA9.8 dated March 2012. These were provided in connection with this planning application as well as the SP12/01132 planning application as the information related to the flood risk assessment in the overarching ES.
- 61 The EA withdrew their objection subject to conditions in respect of the above plans and require a scheme to be submitted to and approved in writing by the CPA to ensure that the conveyor causeway does not form a barrier across the floodplain. The scheme would be required in connection with the SP12/01132 Manor Farm proposal and secured by planning condition. The County Geotechnical Consultants agree with the EA, in that the details are satisfactory and address the issue of flood risk. In conclusion Officers consider the proposal remains acceptable on flood risk grounds and accords with national policy and development plan policy.

## *Hydrology and Hydrogeology*

- 62 The applicant has stated that the potential hydrological and hydrogeological impacts in relation to the proposed conveyor were as a result of the infilling of silt for the construction of the causeway across the long lake at QMQ. As the revision to the conveyor route does not impact upon the location or construction of the causeway, the applicant concludes that it is not anticipated that the revised conveyor route will have any additional impact in relation to hydrology or hydrogeology.

- 63 The County Geotechnical Consultants are satisfied with the proposal in that they consider that the conveyor route does not significantly affect the hydrology or hydrogeology of the area. In conclusion Officers consider the proposal remains acceptable in respect of hydrology and hydrogeology grounds and accords with national policy and development plan policy.

#### Noise

- 64 The ES addendum identified that the potential impact from the proposed new routing within the QMQ site would be from moving the operational conveyor closer to receptors on the Ashford Road and any additional conveyor change points (with conveyor drive and gearbox). The original routing involved two conveyor change points, one within the Manor Farm site and the second within the QMQ site. Neither of these two original change over points would change. Conveyor change point one within the Manor Farm site would be located approximately 90m from the nearest receptor point on Ashford Road, and the ES concluded that, with localised acoustic screening (hay bales around the change point), the predicted noise level at the nearest noise sensitive property would comply with the noise criterion (LAeq = LA90+0). (The second change over point in the QMQ site would be some 200 metres from properties.) The changed routing within the QMQ site proposed in this application would involve two new change points, both of which would be some 300 metres away from the closest residential properties on the Ashford Road. Although the distance of both new change over points (points three and four) would be further away from residential properties than change over point one, and noise not assessed as being a problem mitigation in the form local screening using hay bales as proposed for change over point one is proposed. The ES concluded that the existing vegetation planting along Ashford Road will also provide an element of acoustic screening.
- 65 Apart from a section of the conveyor in the vicinity of the processing plant site (approximately 130 metres out of some 650 metres) the revised routing of the conveyor would result in the operational conveyor being further away from residential properties on the Ashford Road. The applicant has stated that based on the average of the typical LA90 background levels measured on site, the noise limit level for the nearest receptors to the proposed plant installations would be 55 dB LAeq. This is the level already set for site operations and therefore the proposed noise condition for this application would be 55 dB LAeq (30 min).
- 66 Local residents have raised the issue of noise as a concern in respect of the conveyor. The County Noise Consultant (CNC) is very satisfied with the above robust noise criterion adopted for the operations. With regard to the hay bales as proposed local noise barriers, the CNC commented that these would need to be kept in good condition to ensure their effectiveness. The applicant has proposed the monitoring of the barriers be included within an integrated management system, the details of which would need to be submitted to and approved in writing by the CPA prior to operations commencing on site (to be added to Manor Farm permission). Ongoing monitoring of the proposed barriers would be carried out as part of the integrated management system. The CNC considers that these mitigation measures are acceptable. In addition to the proposed mitigation around the change over points mitigation would be provided by the bund which runs along the Ashford Road boundary within the QMQ site. In conclusion

Officers consider the proposal remains acceptable in respect of noise grounds and accords with national policy and development plan policy.

8

#### *Air Quality and Dust*

- 67 The proposed revision to the conveyor route is all within the QMQ site from a point in the southern part of the site after the conveyor route has crossed the lake on the proposed causeway adjacent to the boundary with the reservoir intake channel and the QMQ processing plant site, see Plan 2. The applicant has stated that the 'as raised' mineral transported along the conveyor will be damp and therefore will create very little dust. The loading and off-loading of the conveyor (outside the remit of this application) will have the highest potential for generating dust however mitigation measures are in place.
- 68 Residents have raised concerns in respect of dust pollution and the adverse impacts on air quality and health. The County Air Quality Consultant (CAQC) reviewed the Manor Farm mineral extraction application (including original conveyor route), stating that the risk of suspended and deposited dust effects was minor to slight adverse without mitigation. However, the applicant is proposing good practice control measures in respect of dust, which the CAQC has stated that it will result in an impact that is not deemed significant. The alternative conveyor route will increase the separation distances between the receptors and the conveyor, as such the relocation of the conveyor is likely to be more beneficial than the original route from a dust perspective.
- 69 In conclusion Officers consider the proposal remains acceptable in respect of dust and air quality grounds and accords with national policy and development plan policy.

8

#### *Landscape and Visual Impact*

- 70 The revised conveyor route is still to be located within the land in the southern half of the QMQ site, as shown on Plan 2. The ES states that views into the existing quarry site are screened by vegetation and earth bunds along Ashford Road to the west of the QMQ site. Views of both the processing plant and the proposed conveyor route are further restricted by established vegetation to either side of the quarry site access at the north end of the site and the reservoir embankment to the east. There is no public access to the open land to the south of the QMQ site. The construction of the proposed conveyor tunnel under the Ashford Road and installation of the conveyor would involve removal of existing vegetation within the QMQ site, and may involve the area of land included in this application. This would impact in local views from the Ashford Road and residential properties.
- 71 On completion of the extraction at Manor Farm and use of the conveyor, the tunnel and conveyor would be removed. The section of bund removed would be replaced and planting undertaken to replace that removed. The remainder of the application site along the route of the conveyor would be restored as part of the restoration of the QMQ site in accordance with the approved restoration and landscaping details approved under ref SP07/1276. The phasing of the restoration would need to be amended if planning permission is granted for the Manor Farm extraction.

- 72 The County Landscape Consultant raised no objection on landscape grounds to the proposed alternative conveyor route, agreeing that it would be more sensible to utilise an existing track for the course of the conveyor rather than disturbing established habitat. Officers therefore conclude that the proposal is acceptable in respect of landscape and visual impact grounds and accords with national policy and development plan policy.

### *Biodiversity*

- 73 The proposed route of the conveyor has been altered due to ecological concerns and the presence of a nature conservation interest on land along the proposed original conveyor route in West of Queen Mary Quarry SNCI (Site of Nature Conservation Interest). A full ecological impact assessment was undertaken for the revised conveyor route, and was provided as an appendix to the ES addendum. The route of the proposed conveyor will also impact upon the phasing of the restoration of QMQ, and as such the applicant is in discussion with the CPA to agree changes to the phasing of the restoration.
- 74 Residents have expressed concerns in respect of the impact of working the Manor Farm mineral and its associated infrastructure (conveyor) and how it is likely to interfere with the proposed restoration of QMQ to a nature conservation reserve. Natural England did not consider that the application posed any likely or significant risk to the features of the natural environment, however recommended that Surrey Wildlife Trust (SWT) be consulted. SWT commented that the SCC Ecologist should be consulted in respect of the proposed mitigation strategy due to being involved in discussions. With regard to the impact on the SNCI (Site of County Importance for Birds), SWT commented that the local bird club should be consulted, as they have the most up to date bird information on the site due to regular bird ringing activity and other survey work. The Surbiton & District Bird Watching Society commented in respect of the Little Ringed Plovers, raising no objection to the proposal, however recommended measures to encourage the species, with their breeding area remaining undisturbed during the normal breeding season (Mid March to end of July).
- 75 The County Ecologist and Biodiversity Manager noted the SWT comments and considered that the amended route of the conveyor is preferable as it would reduce the potential impact on the birds using the site and their habitats. In conclusion Officers consider the proposal remains acceptable in respect of biodiversity grounds and accords with national policy and development plan policy.

## **GREEN BELT**

### ***Surrey Minerals Plan 2011 (Core Strategy DPD)***

Policy MC3 – Spatial Strategy – Mineral development in the Green Belt

Policy MC17 – Restoring mineral workings

### ***Spelthorne Borough Local Plan 2001 (saved policies) (SBLP 2001)***

Policy GB1 Development proposals in the Green Belt

- 76 The QMQ site lies within the Metropolitan Green Belt where policies of restraint apply. Government policy on Green Belts is set out in part 9 'Protecting Green Belt land' (paragraphs 79 to 92) of the NPPF. Government policy and guidance in relation to minerals planning is set out part 13 'Facilitating the sustainable use of minerals' (paragraphs 142 to 149) and the minerals section of the NPPG.



- 77 Protecting Green Belts around main urban areas is included in the core planning principles of the NPPF. The NPPF states at paragraph 87 that *“inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Mineral extraction is included in the forms of development listed in paragraph 90 that are not inappropriate in Green Belt *“provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt”*. When determining planning applications paragraph 144 of the NPPF states local planning authorities should *“provide for restoration and aftercare of mineral workings at the earliest opportunity to be carried out to high environmental standards, though the application of appropriate conditions, where necessary”*.
- 78 Surrey Minerals Plan 2011 Policy MC3 states that *‘Mineral extraction in the Green Belt will only be permitted where the highest environmental standards of operation are maintained and the land restored to beneficial after-uses consistent with Green Belt objectives within agreed time limits’*. Spelthorne Borough Local Plan 2001 Saved Policy GB1 Green Belt advises that development located within the Green Belt will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness.
- 79 The need for mineral extraction application in respect of the Manor Farm is addressed under planning application ref. SP12/01132 and reported elsewhere on this committee agenda. The above mineral application included a conveyor route enabling the transfer of mineral from Manor Farm to the processing site at QMQ, however due to ecological constraints an alternative section for the conveyor is now being proposed. As such, this report must be read in conjunction with the Manor Farm application as they are linked.
- 80 The erection and installation of plant and machinery on ancillary mining land, which would include the conveyor is permitted development under the provisions of Class B of Part 19 of Schedule 2 to the GPDO 1995, however this would be subject to the prior approval of the mineral planning authority. The conveyor is ancillary to the mineral development and would be dependent on planning permission being granted at Manor Farm. Notwithstanding this, infrastructure including ancillary development has the potential to impact on the openness of the Green Belt. However, even if in place for prolonged periods such as at QMQ and elsewhere in Surrey, when associated with mineral extraction provided there is adequate provision for removal on cessation of extraction and restoration, they are a temporary use of the land, and therefore preserve the openness of the Green Belt.
- 81 Restoration of the mineral processing plant site and this application area is provided for through the phased scheme of restoration and landscaping for the wider QMQ site approved under SP07/1276 with post restoration aftercare and management secured through the S106 legal agreement entered into in connection with the approval. The scheme provides for restoration to a nature conservation afteruse, which is consistent with Green Belt objectives. Restoration of the land occupied by the existing mineral processing plant would be undertaken in the final phase of restoration (phase 6) and is due to take place between 2033 and 2038. A restoration condition was imposed on the SP07/1269 planning permission requiring the site to be restored no later than 31 December 2038.

82 As set out above under the environment and amenity section of the report Officers consider the proposal complies with development plan policy relating to flood risk, hydrology and hydrogeology, noise, dust, visual impact and biodiversity would not cause harm to these interests. Officers are satisfied that, with the mitigation measures proposed and secured by planning conditions under the Manor Farm permission, the proposal is acceptable.

83 In conclusion on Green Belt, Officers are satisfied that the proposed alternative conveyor route to enable the transport of minerals from Manor Farm, is ancillary to that development, as such is not inappropriate development in the Green Belt and complies with national policy in the NPPF and the relevant development plan policies.

---

## HUMAN RIGHTS IMPLICATIONS

84 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.

85 It is the Officers view that the scale and duration of any potential impacts are not considered sufficient to engage Article 8 or Article 1 and that potential impact can be mitigated by the imposition of planning conditions. As such, this proposal is not considered to interfere with any Convention right.

---

## CONCLUSION

86 This application seeks to planning permission for the siting and use of an alternative route (in part) for the conveyor as proposed under planning application ref.SP12/01132 for the extraction of mineral from the adjacent Manor Farm, in order to avoid ecological constraints of the current naturally regenerated landscape at QMQ. The implications of the alternative route have been assessed against Green Belt policy and in terms of the impacts on the local environment and amenity. Issues assessed include flood risk, the water environment, noise, dust, visual and landscape impact and biodiversity.

87 The application needs to be read in conjunction with the planning application for the mineral working at Manor Farm, as planning permission for the conveyor would be dependent on permission being granted for the mineral extraction.

88 The application would not delay the overall restoration of the QMQ site, as the mineral extraction from Manor Farm is proposed over a six year working period and completion of restoration at QMQ is not due until the end of 2038. Progressive restoration to a nature conservation afteruse, landscaping and long term management of the QMQ site is enabled through schemes approved on 16 January 2009 under reference SP07/1276 and the S106 agreement dated 12 January 2009.

89 In conclusion, the proposal is ancillary to and dependent on the mineral working being permitted at Manor Farm as such it is not inappropriate development in the Green Belt and Officers are satisfied that the proposal would not give rise to unacceptable environmental and amenity impacts. Officers recommend granting planning permission for the alternative conveyor route (in part) as it enables the transport of mineral to the

processing plant at QMQ, avoiding a habitat of ecological interest. In addition the use of a conveyor as opposed to transportation on the highway accords with the principles of sustainable development by making the best and most efficient use of existing resources and the existing mineral processing plant at QMQ.

## RECOMMENDATION

The recommendation is subject to planning permission being granted to planning application ref. SP12/01132 for the extraction of mineral from Manor Farm **to PERMIT** subject to the following conditions and informatives:

Conditions:

1. From the date of this decision until the cessation of the development to which it refers, a copy of this decision including all documents hereby approved and any documents subsequently approved in accordance with this decision, shall be displayed at the offices on the site, and shall be made known to any person(s) given the responsibility for the management or control of operations.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:  
Drawing No.ST13443-PA1 – Site Location – dated 09/04/13,  
Drawing No.ST13443-PA2 – Application Area – dated 09/04/13,  
Drawing No.QMQ/016 (DWG file) – Overhead Power Cables above Proposed Conveyor  
Drawing No.QMQ/016 – Overhead Power Cables above Proposed Conveyor – dated 19/11/2013.
3. All plant and equipment hereby permitted shall only be used in connection with the planning permission (ref. SP/2012/01132) for the extraction of mineral from Manor Farm, and thereafter removed from the site on cessation of extraction from Manor Farm and the land restored in accordance with the details and timescales approved under SP07/1276 dated 15 January 2009, and any approved variations to the detail and timing.
4. No lights shall be illuminated nor shall any operations or activities authorised or required by this permission be carried out except between the following times:  
0730 - 1800 Mondays to Fridays  
There shall be no operations or activities authorised or required by this permission on Saturdays, Sundays, Bank Holiday or National Holidays.  
Neither shall any servicing, maintenance or testing be carried out between 1800 - 0730 Monday to Fridays.  
This condition shall not prevent the following activities:
  - a) emergency repairs to plant and machinery
  - b) lighting for security purposes

Reasons:

1. To ensure that the management and staff responsible for the day-to-day operation of the site are fully acquainted with the approved schemes and conditions in the interests of proper planning and to assist the County Planning Authority exercise control over the development hereby permitted and minimise the impact of the development in accordance with all the relevant policies of the Development Plan.

2. For the avoidance of doubt and in the interests of proper planning.
3. 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) and the Policy MC14 of the Surrey Minerals Plan 2011 and enable restoration of the land in accordance with the approved restoration scheme to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and to minimise the impact on local amenity in accordance with Surrey Minerals Plan 2011 Core Strategy Policies MC3 and MC17.
4. To comply with the terms of the application and ensure minimum disturbance and avoid nuisance to the locality in accordance with Policy EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.

**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 comments and requirements of National Grid within their letters of 12 August 2013 and 13 January 2014 copies of which have been provided to the applicant or can be obtained from the County Planning Authority.

---

**CONTACT**

Susan Waters

**TEL. NO.**

020 8541 9227

---

**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 (NPPF)

National Planning Practice Guide 2014 (NPPG)

**The Development Plan**

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

Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SB Core Strategy and Policies DPD 2009)

Spelthorne Borough Local Plan 2001 (saved policies) (SBLP 2001)

**Other Documents**

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

---

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 7 January 2015 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  
 Mrs Carol Coleman  
 Mr Jonathan Essex  
 Mrs Margaret Hicks  
 Mr George Johnson  
 Mr Christian Mahne  
 Mr Ernest Mallett MBE  
 Mr Richard Wilson

**Apologies:**

Mr Michael Sydney, Substituted by Mr Denis Fuller

**1/15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies were received from Michael Sydney. Denis Fuller substituted for Michael Sydney.

**2/15 MINUTES OF THE LAST MEETING [Item 2]**

The Minutes were approved as a true record of the previous meeting.

**3/15 PETITIONS [Item 3]**

There were none.

**4/15 PUBLIC QUESTION TIME [Item 4]**

There were none.

**5/15 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**6/15 DECLARATIONS OF INTERESTS [Item 6]**

There were no declarations of pecuniary interest.

George Johnson informed the committee that he had been notified of political comments made on item 7 without his knowledge. He would take part in that item with an open mind.



**7/15 MINERALS AND WASTE APPLICATION SP/2012/01132: LAND AT MANOR FARM, ASHFORD ROAD AND WORPLE ROAD, LALEHAM AND LAND AT QUEEN MARY QUARRY, WEST OF QUEEN MARY RESERVOIR, ASHFORD ROAD, LALEHAM, STAINES, SURREY. [Item 7]**

*Two update sheets were tabled and are attached as Annexes 1 & 2 to the Minutes.*

**Declarations of interest:**

None.

**Officers:**

Alan Stones, Planning Development Control Team Manager  
 Nancy el-Shatoury, Principal Lawyer  
 Caroline Smith, Transport Development Planning Team Manager  
 Susan Waters, Principal Planning Officer

**Speakers:**

David Lavender, a local resident, made representations in objection to the application. The following points were made:

- There had been no offer to the community of compensation such as road safety measures.
- The restoration would result in land being transformed into fenced off lakes, without public access.
- Spelthorne contributes substantially to the Mineral Plan already.
- Many lorries are on the roads before 6.30am.
- Severe impact on local residents from noise.
- There are no arbitration mechanisms

Stephen Bishop, a local resident, made representations in objection to the application. The following points were made:

- Long-standing resident of Laleham. Spoke at the first Manor Park application which failed.
- There is a lot of new housing and local schools which will be affected.
- The Mineral Plan is meant to protect the Green Belt but this application breaches that intention.
- The site should be fully restored and not left as deep lakes.
- The Manor Farm and adjacent sports ground site has archaeological potential.
- The lake would bring the potential for breeding mosquitos.
- Eric Pickles had recently raised the heightened risk of flooding caused by old gravel pits which had been filled with deep water.
- The lake would be 40 feet deep and people would be at risk of drowning.

Jenny White, a local resident, made representations in objection to the application. The following points were made:

- Lives on Brightside Avenue.
- Her property would be severely impacted by the development.

- There had been a cumulative and qualitative impact on the local community of minerals extraction sites.
- The length of time that the extraction and restoration would take was unacceptable.
- Spelthorne Borough Council supports objections.
- More than 300 local residents had attended a recent public meeting on the application and a large number of residents had signed a petition against the application.
- The lake would cause insect swarms.
- There would be more than 300 operational days a year and so the public would not get relief from the noise.
- The prevailing acoustic environment means that the noise impact was dependent on wind direction and wind strength.
- There was much concern about the potential for future flooding.
- The mitigating actions proposed are not adequate.

Michael Nevins, a local resident, made representations in objection to the application. The following points were made:

- A longstanding resident of Staines and local estate agent.
- Many insurance companies now refuse to insure properties within 400m of deep water.
- The onus is on the insured parties to declare the creation of a gravel pit.
- He could give examples of under offer properties where the sale had collapsed as building insurance had been refused.
- He highlighted a number of roads and local schools whose insurance would be affected.
- It would be irresponsible and immoral of the Council to grant permission.

Mike Courts of Brett Aggregates, spoke in response to the objectors as the applicant. He raised the following points:

- Speakers had mentioned a lack of arbitration mechanisms. He highlighted a meeting with Mr Lavender two years previously at which the offer of a community liaison committee was made. This was refused but the offer still stands.
- Brett Aggregates' lorries do not go onto the highway until 7.30am. They do not start before that time.
- The development would improve the flood storage capacity.
- The lake would be 18 feet not 40 feet deep.
- The minimum distance from any back garden was 100m.
- There was no extra traffic associated with this application.
- The Environment Agency had not objected.
- The officer report comprehensively covers every issue raised by the objectors.
- The comments made forget that residents have been consulted at length during production of the Minerals Plan.
- The application had been designed in line with Minerals Policy and Development Policies. If the plans which identify preferred sites for mineral extraction are abandoned, the impact will be on Surrey as a whole as applications could be made anywhere.

- The officer report concludes that the application would not give rise to unacceptable impacts on the local community and complies with development plans.

Richard Walsh, the local Member for Laleham and Shepperton, had registered to speak. The following points were made:

- He was representing local people in Laleham and supports those residents who oppose the application under consideration.
- His concerns were about people's quality of life and the proposal to not fully restore the land.
- This was the wrong area for this development. Gravel pits are not usually created within a village.
- The amount of gravel being extracted was relatively small and so it was questionable whether there was any necessity for this work to take place.
- Local residents do not want a wet restoration. There is already a lot of water in Spelthorne.
- This was the last bit of Green Belt between Staines and Laleham.
- Pollution and noise would cause impact on local residents.

Daniel Jenkins, the local Member for Staines South and Ashford West, had registered to speak. The following points were made:

- He was speaking on behalf of his local residents.
- This site was in the midst of a densely populated area.
- Facilities for children's use back onto this site.
- There are many elderly people in the area.
- The development would cause noise pollution, dust pollution, chemical pollution and ground water pollution.
- The site is part of the Green Belt.
- The open-ended timeframe was unacceptable.
- In the community consultation, Brett Aggregates stated that restoration would be mixed and include a recreation area. Now access to the restored site will be prohibited.
- The wet restoration would introduce safety hazards in perpetuity, particularly for children and young people. This would cause permanent stress for parents.
- In July 2014, a number of people throughout the country drowned in former quarry pits.

Denise Saliagopoulos, a Member for the adjoining division Staines upon Thames, had requested to speak and had been allowed by Chairman's discretion. The following points were made:

- She had strong views about this application.
- Spelthorne had been very generous and accommodating for minerals extraction.
- Last year, Spelthorne had experienced serious flooding by river, drainage and surface water. More than 900 households had been affected.
- It was a serious omission by the Environment Agency not to object or ask for flooding mitigation.

- The committee should consider whether it was reasonable to permit this development in a built-up area.
- Government is encouraging community groups to stand up for their local communities.
- She highlighted a refusal at another council to a similar application and recommended that the committee consider the same reasons for refusal.

*The Committee adjourned for a short break from 11.20am to 11.30am.*

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and assured the committee that the application does comply with the development plan and would not have adverse impact on the local community. He informed the committee that it should not give any weight to the previous refusal as there had been three development plans including this as a preferred site for minerals extraction published since that time. The latest plan also included a requirement for the type of restoration proposed in this application. Surrey was also below the required target for minerals extraction and, while this application would add a further 1.7 years to the reserve, with a permission Surrey would still not have reached its target. He highlighted that consultants had been satisfied with regard to noise and dust pollution and the mitigating actions proposed. The development would not increase flood risk but would provide additional capacity. The water is already there as ground water. Importantly, the Environment Agency does not raise any objections. The Planning Development Control Team Manager also advise the committee that a revised recommendation was included in Update Sheet 1 (Annex 1).
2. In response to a query, the Planning Development Control Team Manager informed the committee that it should not attribute any weight to the insurance argument as it was not a material planning consideration.
3. It was explained that the site had always been envisaged as having a wet restoration because of the difficulties of HGV access to deliver infill material. It would not be possible to use the conveyor to deliver lumps of clay. The planning inspector had accepted this point during the inquiry to develop the Minerals Plan.
4. The Principal Planning Officer confirmed that the development would increase storage capacity. A site-specific flood risk assessment had been undertaken and consultants had advised that a wet restoration would not increase flood risk in the surrounding area.
5. Ian Beardsmore declared that he was on the Spelthorne Borough Council planning committee but that he had stood down when this application was considered and did not participate. He also stated that he was the only person on the Planning & Regulatory Committee who had voted against the Minerals Plan because of the impact on Spelthorne. He went on to suggest that residents had accepted reluctantly that the development would happen but that the wet restoration was an insulting and unnecessary addition. Other sites with worse HGV access had received dry restoration. National policy

states that dry restoration should be carried out where possible. As national policy trumps local policy, there was a policy basis for returning the site to farmland.

6. The Chairman stated that at the site visit, the difficulties for HGV access had been clear. The requirement for wet restoration had been agreed to protect resident amenity. The Transport Development Planning Team Manager confirmed that the issue was one of resident amenity. To deliver the dry waste to infill the gravel pit would require 120 HGV movements a day down Worple Road.
7. A Member countered that a dry restoration is what the community wants. If this was feasible in highways terms and meets national policy than it should be the approach taken.
8. The Planning Development Control Team Manager informed Members that residents' concerns about the restoration had been taken into account during the planning inquiry process. He informed the committee that it would not be acceptable to go against the Mineral Plan requirements and there had been no change in circumstances since the Plan had been published.
9. A Member suggested that as a condition required the restoration within six years of starting extraction, the development was not open-ended. The Environment Agency had commented on flood concerns and requested five conditions which were included in the report. There was a condition limiting noise of conveyor. There is a condition proposed on ground water. The Member queried whether the application is acceptable in general terms as the development would be controlled as much as it could be. He brought Members' attention to a report previously viewed by the committee which shows that over the past three years, demand for concreting aggregate had been flat and low. Therefore, Surrey has a longer-term supply of concreting aggregate than suggested. He also suggested that sharp sand could be replaced with recycled aggregate but that the Minerals Plan does not take this into account. Therefore, the need argument was not accurate. He also highlighted the inclusion of a nature conservation area for use by a local school and queried how this could be accessed if the site is being fenced off. He also asked why the potential for birdstrike was being highlighted given the large reservoir at the neighbouring site.
10. The Principal Planning Officer confirmed that the potential for bird strike can increase with an additional water body in the area. The BAA safeguarding team is satisfied that the proposals will not increase birdstrike. The proposals include the creation of a nature conservation study area to be made available to Buckland Primary School.
11. The Planning Development Control Team Manager agreed that there had been lower demand for sharp sand over the past three years. This was not statistically significant and does not predict the likely future demand of sand and gravel. The formula was devised to provide certainty over the supply of aggregates. As industry picks up, they will require increased supply. The figures do include recycled aggregates.
12. A Member pointed out that Spelthorne Borough Council was party to the gravel strategic plan. Its objections to this application are tentative and weak. The site is in the Minerals Plan. The fact that it is next to a residential area is not unusual for gravel pits. The application was well-considered. If vehicular access was permitted to allow the infill of the gravel pits, there would be further objections. Wet restorations



take place in many old gravel pits. They are not new and are not a big problem.

13. A Member informed the committee that Bucklands Primary School had refused the offer of a nature conservation study area and queried whether Laleham Primary School had been offered the same. The Principal Planning Officer confirmed that that Laleham Primary School had not been offered an area and showed where the School was situated in relation to the site on a map. There was no physical connection between the school and the site but it was not know what the formal reasons were for not offering an area to that school.
14. In response to a question, the Principal Planning Officer informed the committee that the site would be worked wet to minimise the generation of dust. There would also be other mitigating actions included in a dust action plan.
15. A Member accepted the argument about the water table and the additional capacity. However, while the water table on agricultural land will rise when it rains and then drop, reservoirs tend to hold water and not drop. Therefore, while the wet restoration may give short-term flood alleviation, in the long-term it will increase flood risk. The Chairman reminded the committee that experts had told them that there was no increase to flood risk and so it would not be possible to formulate a reason for refusal using that issue.
16. In response to further comments about whether dry restoration was possible, the Chairman and the Planning Development Control Team Manager reminded the committee that such a proposal would be contrary to the Council's own Minerals Plan which had been drafted to protect resident amenity. A number of objections had already highlighted traffic issues. By pushing for dry restoration, traffic issues would multiply.
17. The Planning Development Control Team Manager assured the committee that the Minerals Plan is in conformity with the NPPF. The NPPG, which Members have referred to, is guidance.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

That, subject to the prior completion of a section 106 legal agreement to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273, SP13/01238, SP07/1275 and SP13/01239 to no more than 300 HGV movements (150 two way HGV movements) on any working day for which draft Heads of Terms are set out in the Annex, the application be **PERMITTED** subject to conditions and informatives, for the reasons set out in the report.

*Ernest Mallett left the meeting at 12.33pm.*

**8/15 MINERALS AND WASTE APPLICATION SP13/01003/SCC: LAND AT QUEEN MARY QUARRY, ASHFORD ROAD, LALEHAM, SURREY TW8 1QF [Item 8]**

*An update sheet was tabled and is attached as Annex 3 to the Minutes.*

**Declarations of interest:**

None.

**Officers:**

Alan Stones, Planning Development Control Team Manager  
 Nancy el-Shatoury, Principal Lawyer  
 Caroline Smith, Transport Development Planning Team Manager  
 Susan Waters, Principal Planning Officer

The local Member had not registered to speak.

**Key points raised during the discussion:**

1. Members agreed that the main points had been raised during the discussion on item 7.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

That, subject to planning permission being granted to planning application ref. SP12/01132 for the extraction of mineral from Manor Farm, that the application be **PERMITTED** subject to conditions and informatives, for the reasons set out in the report.

**9/15 MINERALS AND WASTE APPLICATION RE14/02134/CON: NO. 2  
 PERRYLANDS LANE, SMALLFIELD, HORLEY, SURREY RH6 9PR [Item  
 9]**

*An update sheet was tabled and is attached as Annex 4 to the Minutes.*

**Declarations of interest:**

None.

**Officers:**

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

The local Member had not registered to speak.

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and highlighted the revised condition in the update sheet (Annex 4). He said that officers no longer wanted to recommend the removal of the word 'retained' but did recommend the insertion of the new wording. He explained the history to the site and the reason why a new planning application was being made.
2. Members queried whether any enforcement activity was underway and highlighted comments in the objections that relate to activity that wouldn't even be permitted through this application. Officers confirmed that the site continued to operate and that as the applicant was participating in a process to gain planning permission it had been

decided not to pursue enforcement at present. The points made about the concrete crusher should be set aside.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

That the application be **PERMITTED** subject to conditions, for the reasons set out in the report.

**10/15 SURREY COUNTY COUNCIL PROPOSAL EL/2014/4011: LAND AT MANBY LODGE INFANT SCHOOL, PRINCES ROAD, WEYBRIDGE, SURREY KT13 9DA [Item 10]**

*An update sheet was tabled and is attached as Annex 5 to the Minutes.*

**Declarations of interest:**

None.

**Officers:**

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

The local Member, Christian Mahne, would speak as a member of the committee.

**Key points raised during the discussion:**

1. The local Member supported the application and requested that an informative be added asking that Highways address the blocked drainage at the back of the site as the extra loading would exacerbate problems. This was agreed.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

- a) That the application be **PERMITTED** subject to conditions, for the reasons set out in the report.
- b) That an informative be included asking that Highways address the blocked drainage at the back of the site as the extra loading would exacerbate problems

**11/15 DATE OF NEXT MEETING [Item 11]**

The date of the next meeting was noted.

Meeting closed at 12.45 pm

\_\_\_\_\_  
**Chairman**

This page is intentionally left blank

**UPDATE SHEET 1****MINERALS/WASTE SP/2012/01132****DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL

**Land at Manor Farm, Ashford Road and Worple Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey**

**Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.**

*Please note the Officer report should be amended/corrected as follows:*

**Summary report and recommendation (page 115)**

As planning applications SP13/1236, SP13/1238 and SP13/1239 at Queen Mary Quarry were issued 6 January 2015 the recommendation needs to be updated to refer to the new planning permissions as well as the planning permissions (refs SP07/1273 and SP07/1275) granted in 2009.

Replace recommendation in the summary report and on page 115 with:

**The recommendation is that, subject to the prior completion of a section 106 legal agreement to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273, SP13/01238, SP07/1275 and SP13/01239 to no more than 300 HGV movements (150 two way HGV movements) on any working day for which draft Heads of Terms are set out in the Annex, to PERMIT subject to conditions and informatives.**

**ILLUSTRATIVE MATERIAL**

Plans 2 to 7 are included in the report as Figures 12 to 17. References in the report to Plans 2 to 7 should be read as Figures 12 to 17 respectively.

(Full size versions of Figures 12 to 17 will be on display at the meeting.)

**Site description and planning history**

Paragraph 16 refers to planning applications SP13/1236, SP13/1238 and SP13/1239 at Queen Mary Quarry which were reported to committee on 11 June 2014 and the resolution to grant planning permission subject to the prior completion of a legal agreement, which had yet to be completed. The legal agreement was completed in December 2014 and the decision notices on the three planning applications were issued on 6 January 2015.



Subsequent references in the report to these planning applications should be read as referring to planning permissions dated 6 January 2015.

## CONSULTATIONS AND PUBLICITY

### ***Parish/Town Council and Amenity Groups***

*Paragraph 66 CLAG2:* Remain opposed to the application. The action group find it incredible the County Council has only just realised that two aspects of the proposal are inappropriate development in the Green Belt and the publicity is considered just a procedural issue. It would appear fundamental to the planning process and they drew attention to inappropriate development on Green Belt land being contrary to National policy at least 12 months ago and is sufficient reason in itself to reject the application.

*Officer comment:* Officers have viewed these items of plant to be inappropriate development in the Green Belt from the outset, and prior to validation of the application in July 2012 the applicant was required to provide additional information in the application documents on very special circumstances. The Officer report has assessed the mineral extraction and proposed concrete batching plant and aggregate bagging plant aspects of the application against Green Belt policy. Only the two items of plant are considered inappropriate development in the Green Belt.

The recent publicity was not undertaken to inform people about a change to the application proposal, but to comply with the regulations for publicising planning applications, as the earlier publicity had not referred to these items of plant being a departure from the development plan.

*Paragraph 73 Spelthorne Natural History Society:* Views have now been received. These will be covered in Update Sheet 2.

### ***Summary of publicity undertaken and key issues raised by the public***

Update to paragraph 78 - Since the agenda was published further comments on the application have been received from 11 residents who had already made representations. Four new representations have been received. Written representations have now been received from 300 members of the public, organisations and groups.

### ***Additional key issues raised by the public***

**i) Need** Further comment has been made about there being no need for permission to be granted for extraction from Manor Farm and how alternative supplies such as marine dredged mineral are available to meet future rises in demand. Reference is made to the fall in sales of land won sand and gravel in Surrey and production of sand and gravel since 2003 and how demand for mineral is far less than Government apportionment figures which are based on historical sales figures.

The objectors consider the remaining amount of mineral that would be produced from preferred area sites in Spelthorne in the SMP2011 could be met from elsewhere in Surrey and marine dredged mineral and that there is no need for the land at Manor Farm to be worked.

#### *Officer comment:*

Paragraphs 94 to 107 and 117 to 132 of the report deal with minerals issues including landbanks for sand and gravel, and assessment of planning applications for mineral extraction. The purpose of landbanks is to give certainty over a longer period based on agreed levels of supply. Surrey does not operate in isolation but part of a wider area, and the landbank and apportionment for Surrey needs to be seen in the context of this.

#### Page 12

As referred to in paragraph 101 regional apportionments have been abolished and are replaced by the reformed Managed Aggregate Supply System (MASS). Paragraph 104 identifies that

following the latest assessment reported in the November 2014 Local Aggregate Assessment (LAA) no changes are proposed to the minerals provision rate contained in the SMP 2011 for Surrey.

As is referred to in the report minerals can only be worked where they are found. This has resulted in a concentration of sand and gravel working in north west Surrey and Spelthorne. The mineral supply regime is founded on the use of land won sand and gravel in combination with other sources such as marine dredge mineral and recycled and secondary aggregate.

The further comments on need and mineral supply issues do not affect the assessment by Officers of the proposal and conclusions set out in the report.

## ii) Procedural

- The concrete batching plant and aggregate bagging plant are departures from the development plan and concern has been raised that this is being considered to be just procedural. Residents have also expressed concerns about the late amendment to the application; feel the applicant Brett is trying to ride roughshod over the planning system; and are not happy with the timing of the consultation in early December 2014 and deadline for receipt of comments over the busy Christmas and New Year period; and query whether there is sufficient time to consider comments before the 7 January 2015.

- Majority of the committee don't live in the area and will be making a decision affecting local residents, have they visited the site?

*Officer comment:* The Planning and Regulatory Committee is a strategic committee made up of members representing different areas in Surrey, including wards in Spelthorne and elsewhere in north-west Surrey. Where members of the committee live in relation to planning applications considered by the committee is not a material planning consideration.

Members of the committee visited the site and surrounding area on 8 November 2013 as reported in paragraph 88. A further visit was undertaken on 4 December 2014.

Some residents have misunderstood the purpose of the recent publicity. It was not to inform people about a change to the application proposal, but undertaken to comply with the regulations for publicising planning applications, as the earlier publicity had not referred to these items of plant being a departure from the development plan. There is no requirement to consult statutory consultees about this issue.

The inclusion of the concrete batching plant and aggregate bagging plant are referred to in the description of development and have been part of the application proposal from the outset, and assessed in the Environmental Statement and planning application.

Officers have viewed these items of plant to be inappropriate development in the Green Belt from the outset, and prior to validation of the application in July 2012 the applicant was required to provide additional information in the application documents on very special circumstances. This has been available for public inspection as part of the application since the application was first publicised in 2012.

The recent publicity was a procedural matter and Officers have assessed any representations received since the report was published and where new issues have arisen or additional clarification considered appropriate covered these in this update sheet.

- Staines Town Society has not been consulted. If the society has not been consulted consideration should be adjourned until the County complies with its own Code of Best Practice.

## Page 13

*Officer comment:* Staines Town Society has not been notified about the planning application. Officers do not consider it necessary to defer consideration to allow the society to be notified.

The planning application has been widely consulted on and publicised since 2012 including by placing of site notices and newspaper advertisements so there has been ample opportunity for the society to make comments. The impact of the planning application on residents in Staines and the local environment and landscape has been assessed and considered in the Officer report.

**iii) Application contrary to Spelthorne Borough Council Core Strategy** – proposal does not fit within the Spelthorne Borough Core Strategy vision statement and in particular in relation to flood risk, protection of the Green Belt, traffic, reduction in the generation of CO<sub>2</sub>, and protection of the natural and historic environment. Nor with core objectives and key policies in particular in relation to flooding (policy LO1), air quality, noise, vibration, light and dirt (Policies EN3, EN11, EN13 Light Pollution and EN14 Hazardous development); traffic implications; maintaining the local environment (policies EN6 Conservation Areas, Historic Landscapes, Parks and Gardens and EN7 Tree Protection) and Green Belt land, (Policy MC3).

*Officer comment:* Apart from policies EN6 and EN7 and EN13 and EN14 the other policies have been referred to in the report and used in the assessment of the application proposal.

In relation to Policy EN6 the potential impact on the Laleham Conservation Area (CA) has been assessed. The policy deals with development affecting a Conservation Areas and sets out matters to be addressed in planning applications for proposals within Conservation Areas and those outside which have the potential to affect the CA.

Having regard to Policy EN6 Officers consider the assessment and conclusion on the impact on the CA in paragraphs 353 to 368 is unchanged.

Policy EN7 relates to tree preservation orders (TPOs). There are no TPOs on vegetation within the planning application site so this policy is no relevant. Assessment of the impact on vegetation within and around the proposed development has been assessed in the landscape and visual impact section of the report.

Policy EN13 seeks to minimise the adverse impact from light pollution on the development. The impact of lighting is assessed in paragraphs 408 to 409 of the report and Officers consider the proposal is in compliance with Policy EN13.

Policy EN14 seeks to ensure public safety is maintained and deals with development involving hazardous substances or development in the vicinity of hazardous installations. This proposal does not involve hazardous substances requiring hazardous substances consent under the Planning (Hazardous Substances) Regulations 1992, nor is it within the vicinity of a hazardous installation. An Esso fuel pipeline and National Grid gas pipelines and electricity infrastructure run through the QMQ site. No objection has been received from the Health and Safety Executive, National Grid and the operators of the Esso Pipeline see paragraphs 47, 61 and 62 of the report. The impact on these was assessed in paragraphs 402 to 407 of the report and Officers consider the proposal is in compliance with Policy EN14.

**iv) Unacceptable environmental and amenity impact of working the land at Manor Farm (position not changed from earlier refusal and plan designation)** - Surrey Minerals Plan 1993 designation of the site as a Category 2 site - Position has not changed the site should still viewed as it was in the 1993 Surrey Minerals Local Plan where it was a Category 2 site and deemed there was no method of working or safeguards which could overcome the environmental disturbance that would result. This is more so given the flooding in the local area in 2013/2014.

*Officer comment:* As referred to in the report at paragraphs 108 to 111 circumstances are different to those when the site was identified in the 1993 plan, and the time an earlier planning application (which was a different scheme to that currently proposed, see paragraph 109) was refused by the Secretary of State in 1978.

As referred to in paragraph 112 the inclusion of land at Manor Farm as preferred area J in the Surrey Minerals Plan 2011 was subject to detailed assessment and consultation, and subject of examination at the Examination in Public in front of a Government appointed Inspector.

The policy context and designation in the current plan is for a presumption in favour of planning permission, which was not the case in the 1993 plan. Under current national policy there is a presumption in favour of the development plan and for planning permission to be granted for development proposals which accord with the development plan.

The planning application has been assessed against the key development requirements for the Manor Farm preferred area J, relevant development plan policy and national policy and guidance in the NPPF and NPPG and issues raised by objectors as set out in the report. The current proposal accords with the key development requirements in that no permanent HGV access is involved and processing is off site. A restoration based open space and open water restoration is proposed in the absence of a suitable access for use by HGVs or other acceptable means of importing material to backfill the site.

While a material consideration the 1978 refusal is of little significance in view of the up to date SMP2011 designation. There is strong evidence of need and no other demonstrable adverse impacts and Officers consider the proposed development accords with the relevant development plan policies and subject to imposition of planning conditions and a legal agreement as set out in the recommendation and this update sheet, together with controls through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and the development is consistent with the NPPF and the current adopted development plan.

**v) impact of the concrete batching plant and aggregate bagging plant, which are large, has not been assessed.**

*Officer comment:* The impact of these two items of plant have been assessed in terms of noise, dust, landscape and visual impact, the water environment and Green Belt policy – see relevant sections of the report on these matters.

**vi) Air quality** There is lack of reference to nitrogen dioxide and intention of the Spelthorne Borough Council Air Quality Management Area (AQMA) to reduce nitrogen dioxide in the report. The report mentions that without the concrete batching and aggregate bagging plant there would be a reduction in number of vehicles attending the site. This would accord with the Surrey Future Congestion programme 2014. To increase vehicle movements would be against the County's commitment to improve air quality within Spelthorne.

*Officer comment:* Paragraph 294 of the report refers to nitrogen dioxide and the Spelthorne AQMA, no assessment was required in relation to nitrogen dioxide. In relation to traffic the proposed development would not generate traffic above the levels set for the current minerals and waste developments at QMQ and on this basis, as set out in paragraph 148 of the report a Transport Assessment was not required.

Whilst the proposal would generate fewer than the current permitted 300 daily HGV movements from the QMQ site during extraction at Manor Farm, the existing permissions can operate up to the end of 2033. It is not considered necessary, or reasonable, to seek to limit the HGV movements below the current permitted level of 300 daily HGV movements.

**vii) Restoration proposals** An objector has referred to 2006 and 2009 Surrey Minerals Plan draft documents and reference to restoration options for the Manor Farm site and how the application proposal does not follow the draft documents in relation to area considered (which is now bigger), and possible alternative restoration options (which as well as nature reserve included woodland planting, sporting or playing field extensions, community farm).

The preparation of the Surrey Minerals Plan documents (core strategy and primary aggregates DPDS) and restoration (SPD) involved publication and consultation on a number of versions,

which resulted in the final documents adopted as the SMP2011 and restoration SPD in 2011. The application has been assessed in the Officer report against the adopted documents.

**viii) Green Belt** The application should be refused as the concrete batching plant and aggregate bagging plant are inappropriate development in the Green Belt. The report on the County Council's Minerals and Waste Development Scheme, Annex 3, to Cabinet in December 2014 clearly views them as inappropriate, a month later a different view can't be taken. It is wrong to try and get planning permission for these items though an application for mineral extraction. The application should be withdrawn and resubmitted.

*Officer comment:* The concrete batching and aggregate bagging plant are inappropriate development in the Green Belt and have been assessed as such in the Officer report. For planning permission to be granted for very special circumstances need to be demonstrated. See paragraphs 438 to 463 of the report and comments above under Paragraph 66 CLAG 2 and Procedural.

## **RECOMMENDATION**

Amend wording of condition 4 so it reads as follows (to refer to the planning permissions issued on 6 January 2015):

- 4 Extraction of mineral from Manor Farm shall not commence until the mineral extraction from Queen Mary Quarry 'baffle' permission (refs. SP07/1269 dated 15 January 2009 and SP13/01236 dated 6 January 2015) has finished. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of extraction.

Any further changes required to planning conditions will be covered in Update Sheet 2.



**UPDATE SHEET 2****MINERALS/WASTE SP/2012/01132****DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL

**Land at Manor Farm, Ashford Road and Worple Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey**

**Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.**

*Please note the Officer report should be amended/corrected as follows:*

**CONSULTATIONS AND PUBLICITY*****Parish/Town Council and Amenity Groups***

Paragraph 73 Spelthorne Natural History Society: Views have now been received objecting to the application on the following grounds which were raised in connection with the previous planning application by Shepperton Aggregates that the society still considers relevant:

- i) The application does not accord with the provisions of the development plan. The site is in the Green Belt and in close proximity to two schools, residential properties, sports grounds and recreation grounds and two public footpaths. Whilst accepting minerals can only be worked where they are found, this proposal is unacceptable, premature, will impact adversely on adjacent landuses, and a permanent maintenance compound is proposed.
- ii) The ES Non Technical Summary refers to pre submission consultation with local, regional and wildlife organisations. The Society has never been consulted and requests for copies of the application on CD have been ignored.
- iii) No further planning permissions for mineral extraction in Spelthorne Borough should be permitted until all existing sites are exhausted and the sites fully restored.
- iv) The ES wrongly refers to the agricultural grading of the land as mixtures of Grade 3b and 4 and concludes the loss of the agricultural land would be of low significance. The soils on the site are good and would support arable farming. Brett Aggregates have downgraded the use of the land to grazing and are not realising its full potential. In our opinion the land should be graded 1 and 2 in which case its loss would be significant.
- v) The restoration scheme obviates the need for landfill but involves creation of lakes of which there is a surfeit in Spelthorne.
- vi) Worple Road is unsuitable for use in connection with the proposal, the access is close to traffic calming measures and the road already heavily trafficked. Accessing the site compound off Worple Road will be worse.
- vii) The restoration habitats are all high maintenance and there is no indication of who will be responsible for their ongoing maintenance.

- viii) Object to the site being fenced, particularly the footpath which crosses the site. Removal of trees and a high steel fence will lead to loss of amenity.
- ix) The Society note there is not expected to be an impact on the water environment. However, new groundwater monitoring boreholes are proposed which suggests inadequate attention has been paid to the site's hydrology and there is no mention of what mitigation measures would be put in place if identified as necessary by the monitoring.
- x) The County Council's record with enforcing planning conditions in relation to sand and gravel working is poor.

In addition to the above the society raises issues relating to:

- bats (adequacy of the surveys as additional bat species have been found using land in the vicinity at Shepperton Studios and it is probable they may use the land at Manor Farm. The bat surveys were undertaken in 2011 and a further survey should be carried out before any development commences.
- Shortwood Common and Pond SSSI is closer to the site than Staines Moor SSSI and there is no reference in the report to the Ash Link Local Nature Reserve which is downstream of the processing plant site and could be impacted upon if the River Ash is polluted.
- The concrete batching plant and aggregate bagging plant are inappropriate development in the Green Belt, particularly as the development involves importation of construction and demolition waste.
- No assessment has been undertaken of the impact of the 15 metre stockpile at the processing plant site on underlying soils, mineral and the aquifer.
- There is no reference to the existing water abstraction licence.

*Officer comment:*

The matters raised by the Spelthorne Natural History Society about location of the site and potential impact on adjoining land uses and amenity, the water environment, traffic, restoration and post restoration management, protection of the Green Belt and assessment of the extraction and processing operations and the concrete batching plant and aggregate bagging plant against Green Belt policy have been raised by others and are addressed in the report. The references relating to the agricultural grade of the land are referring to the ES for the previous application ref SP10/0738. The ES accompanying this application identifies the land as being grades 3a, 3b and 2 (though the grade 2 land would not be worked). The impact on agricultural land and soils is assessed in the report at paragraphs 388 to 394.

In relation to the points made about the potential impact on the Shortwood Common and Pond SSSI and Ash Link Local Nature Reserve, no objection has been raised by Natural England, the Surrey Wildlife Trust or the County Ecologist and Biodiversity Manager. The Environment Agency, the body responsible for pollution control matters has raised no objection on water pollution grounds. The Ash Link Local Nature Reserve was established in 2012 and is situated some 2km downstream of the site. Although not referred to in the officer report, or ecological assessment undertaken by the applicant, Officers conclude the pollution control measures to be taken by the applicant would be sufficient to minimise potential impact on the reserve.

Assessment of the potential impact on bats is considered in the officer report between paragraphs 336 to 352. The County Ecologist and Biodiversity Manager has advised that there is sufficient survey information to assess the use of the application site by foraging bats. Whilst bat surveys should usually be no older than 2 years for bat licence applications, and where proposals are likely to have a high impact on bats, in this case he considers sufficient information has been provided on bats to determine the application.

Further bat survey work is required prior to work commencing and a mitigation plan produced and implemented as a result. This should cover checking of trees prior to removal to check for bat roosts, maintaining the foraging lines ~~Page 18~~ as hedgerows and provision of bat boxes. The further survey work would confirm the bat species using the site and inform the mitigation and

provision of species specific bat boxes and can be secured by planning condition. The conclusion on biodiversity matters remains as set out in paragraph 352.

### ***Summary of publicity undertaken and key issues raised by the public***

Update to paragraph 78 - Since the agenda was published further comments on the application have been received from 12 residents who had already made representations. Four new representations have been received. Written representations have now been received from 300 members of the public, organisations and groups.

### **RECOMMENDATION**

Replace condition 38 and reason 38 with the following.

**New Condition 38:** Prior to the commencement of development an updated bat survey shall be undertaken to assess the use of the site by foraging and roosting bats, and the survey results together with a biodiversity mitigation scheme submitted to and approved in writing by the County Planning Authority. The biodiversity mitigation scheme shall include the checking of trees prior to removal to check for bat roosts, the type and number of bat and bird boxes proposed and measures for maintaining foraging lines along hedgerows to be retained within and adjoining the application site. The biodiversity mitigation scheme shall be implemented as approved.

**New Reason 38:** To comply with the terms of the application and in the interests of biodiversity and wildlife conservation to comply with Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.

Add new heading and new condition 39 and reason 39.

### **Lighting**

**New Condition 39:** Prior to installation of any external lighting at the site compound details of the design and appearance of the lighting, its brightness, direction and methods of shielding shall be submitted to and approved by the County Planning Authority.

**New Reason 39:** To enable the County Planning Authority to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Strategic Policy SP6 and Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009.

Add new heading and new condition 40 and reason

### **Concrete batching plant and aggregate bagging plant**

**New Condition 40:** Only mineral extracted at Manor Farm and processed at Queen Mary Quarry and as raised sand and gravel imported to and processed at the Queen Mary Quarry, and recycled aggregate material produced at Queen Mary Quarry, under planning permissions SP07/1273 and SP13/01238 and SP07/1275 and SP13/01239 shall be used in the concrete batching plant and aggregate bagging plant hereby permitted.

**New Reason 40 reason:** To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at the site which is situated in an area of Metropolitan Green Belt and to minimise the impact on local amenity in accordance with Policies MC3 and MC17 of the Surrey Minerals Plan 2011 Core Strategy.

Renumber conditions 39 to 46 and related reasons as 41 to 48.

This page is intentionally left blank

**UPDATE SHEET**

**MINERALS/WASTE SP13/01003/SCC**

**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL

**Land at Queen Mary Quarry, Ashford Road, Laleham, Surrey TW18 1QF**

**The siting and use of a conveyor to transport mineral extracted from Manor Farm to the mineral processing plant at Queen Mary Quarry as an alternative to the conveyor proposed in planning application ref: SP12/01132.**

**ILLUSTRATIVE MATERIAL**

Site Plan – this is Plan 1 Location Plan

Plan 2 – Application Area is included in the report as Figure 4 not Plan 2.

**BACKGROUND**

**Site Description and planning history**

Paragraph 4 refers to planning applications SP13/1236, SP13/1238 and SP13/1239 at Queen Mary Quarry which were reported to committee on 11 June 2014 and the resolution to grant planning permission subject to the prior completion of a legal agreement, which had yet to be completed. The legal agreement was completed in December 2014 and the decision notices on the three planning applications were issued on 6 January 2015.



This page is intentionally left blank

**UPDATE SHEET - AGENDA ITEM 9****Planning & Regulatory Committee 7 January 2015****Minerals & Waste Application: RE14/02134/CON****No. 2 Perrylands Lane, Smallfield, Horley, Surrey RH6 9PR**

**The use of land as a soil processing facility, utilising imported builders construction and demolition waste, including: the siting of a screener, single storey portacabin, portaloo, two metal containers, concrete hardstanding, stockpiles of soils and rubble, perimeter soil bunds, lighting, water mist sprinklers, access gates, wheelwash, and the provision of car parking and fuel storage.**

*Please note the Committee Report should be amended / corrected as follows:*

**Paragraph 22**

An additional letter of representation has been received objecting to the planning application, taking the total number of letters of representation up to 12. New issues raised and not listed under the above paragraph include:

- Operator using more machines than permitted under appeal decision, including concrete crushing equipment,
- Not operating in accordance with conditions imposed on appeal decision, in particular no sprinkler system installed and machines working above height limit,
- Questions raised over the maximum tonnage of 12,000 tonnes per annum, as this equates to an average of 2-3 HGVs per day,
- Site suffers from poor drainage due to underground springs and no drainage measures installed,
- HGVs not covered or sheeted,
- Wheelwash facility not in operation.

*Officers Response*

Condition 11 offers control in respect of the equipment used on site, with Condition 9 preventing crushing on site. Condition 4 is a pre-commencement condition requesting details of a sprinkler system to be approved. The annual tonnage figure is an anticipated maximum but would depend on market conditions. However due to the nature of the business, there would be peaks in the summer months and very little activity in winter months, with HGV limits placed on the site for the peak times (Condition 13). Pre-commencement Condition 6 combined with the submitted drainage details addresses the issue of site drainage. Condition 12 ensures all HGVs visiting the site are to be sheeted. Pre-commencement Condition 4 requires the submission of adequate wheelwash facilities. Officers consider that the above Conditions offer the appropriate control in respect of the issues raised.

**CONDITIONS**

*Condition 4 - remove the word 'retained' in the second paragraph and insert 'in conditions otherwise likely to give rise to mud or debris being carried onto the highway' at the end of the condition.*

- 4 Prior to the commencement of the development hereby permitted details of the proposed wheel wash facilities and their operation shall be submitted to and approved in writing by the County Planning Authority. The approved wheel wash facilities shall be installed and used whenever the operations hereby permitted involve the movement of HGVs to or from the site in conditions otherwise likely to give rise to mud or debris being carried onto the highway.

*Condition 5 – insert ‘in dry or windy conditions’.*

- 5 Prior to commencement of the development hereby permitted the approved sprinkler system shall be installed and used thereafter whenever the proposed use is in operation in dry or windy conditions in order that the operator can minimise dust generated from the site.

*Condition 7 – insert ‘other than PIR security lights’ and ‘in advance or within 3-days of the operation having been undertaken’ at the end of the condition.*

- 7 No machinery shall be operated, no process shall be carried out, no servicing, maintenance or testing of plant shall be undertaken, no lights shall be illuminated (other than PIR security lights) and no deliveries taken at or despatched from the site outside the following times:

0800 – 1700 Mondays to Fridays,

0900 – 1330 on Saturdays

nor at any time on Sundays, Bank, National or Public Holidays.

This shall not prevent the carrying out of emergency operations but these are to be notified to the County Planning Authority, in advance or within 3-days of the operation having been undertaken.

*Condition 8 – remove ‘landfill’ and replace with ‘waste management facility’*

- 8 Only inert construction and demolition waste shall be imported onto the application site. All incidental waste, to include rubbish and scrap, shall be removed from the site and disposed of at a suitably licensed waste management facility.

*Condition 9 – remove ‘construction and demolition waste’ and insert ‘brick, concrete or stone’.*

- 9 There shall be no crushing of any brick, concrete or stone.

*Condition 13 – insert ‘other than as required for the movement of the plant and machinery authorised under the terms of condition 11’ at the end of the condition.*

- 13 There shall be no more than 30 HGV movements per day (15 in and 15 out) on Monday to Fridays and no more than 16 HGV movements (8 in and 8 out) on Saturdays. HGV movements should not exceed 20 tonnes capacity (other than as required for the movement of the plant and machinery authorised under the terms of condition 11).

*Condition 14 – remove ‘maintained and made available to the Planning authority on request’ and replace with ‘kept and submitted quarterly to the Planning Authority in February, May, August and November for the preceding 3-months’*

- 14 Any movements associated with the development hereby permitted shall be required to use the route as indicated on Drawing No.5253/005 so as to avoid the use of Broadbridge Lane to the south. Records of HGV movement to and from the site must be kept and submitted quarterly to the Planning Authority in February, May, August and November for the preceding 3-months.

*Condition 24 – insert ‘hereby permitted’ at the end of the condition.*

- 24 The drainage ditch on the north and west boundaries of the site and the french drain within the site, shall be provided in conjunction with the repositioning and construction of the bunds in accordance with the ‘Site Layout’ and ‘Drainage Strategy Plan’, and the drainage system shall be maintained and kept clear of debris at all times throughout the duration of the development hereby permitted.
-

This page is intentionally left blank



**UPDATE SHEET**

**SURREY COUNTY COUNCIL PROPOSAL EL/2014/4011**

**DISTRICT(S) ELMBRIDGE BOROUGH COUNCIL**

**Land at Manby Lodge Infant School, Princes Road, Weybridge, Surrey KT13 9DA**

**Demolition of Manby Lodge and two demountable classroom buildings and one brick built classroom block; erection of single and two storey extensions to main building to provide teaching, admin and ancillary facilities; laying out of new car park and other external works and provision of new cycle store.**

**CONSULTATIONS AND PUBLICITY**

Two further representations have been received. One seeks further information on the proposal while the other is by one of the three original correspondents raising further points about traffic impacts on Princes Road; parking restrictions are not observed and there is a need for traffic calming and imposition of a 20 mph limit on this road.

**RECOMMENDATION**

Amend Condition 9:

Add at beginning of 9b.), " subject to the requirements of Condition 13 below,"

This page is intentionally left blank

Consideration of whether new factors have emerged between the Planning and Regulatory Committee resolution on 7 January 2015 and the issuing of the decision notice once the decision notice has been issued on the Manor Farm planning application ref SP2012/01123 which is subject to the prior completion of a s106 legal agreement.

**PLANNING APPLICATION REF: SP13/01003**

**SITE:** Land at Queen Mary Quarry, Ashford Road, Laleham, Surrey TW8 1QF

**PROPOSAL:** The siting and use of a conveyor to transport mineral extracted from Manor Farm to the mineral processing plant at Queen Mary Quarry as an alternative to the conveyor proposed in planning application ref: SP12/01132.

The Planning and Regulatory Committee considered the above planning application made by Brett Aggregates Ltd at the 7 January 2015 meeting and resolved subject to planning permission being granted for application SP2012/01132 to grant planning permission for SP13/01003 subject to conditions and informatives.

The section 106 agreement (s106 legal agreement) relating to the Manor Farm application has been prepared and will soon be available for completion in which case the planning permission decision notices on both applications can be issued in line with the committee resolution.

As a result the time taken to complete the s106 Agreement, a period of nearly six months will have lapsed between the committee resolutions and the issue of the decision notices. As such consideration is given below as to whether any new factors have emerged in the intervening period.

**1 CASE LAW and Environmental Impact Assessment (EIA)**

	Consulted Legal Services/EIA Officer	Changes	No changes	Details/Comments
Have any relevant new legal issues arisen since the resolution by Committee?	✓	✓		After the meeting planning officers become aware of case law (in <i>Kemnal Manor Memorial Gardens Ltd. v The First Secretary of State &amp; Anor [2005] EWCA Civ 835 (14 June 2005)</i> and <i>Timmins &amp; Anor, R (On the Application Of) v Gelding Borough Council [2015] EWCA Civ 10 (22 January 2015)</i> ) to do with Green Belt policy and the approach to applications for development involving development which is partly inappropriate development and partly

	Consulted Legal Services/EIA Officer	Changes	No changes	Details/Comments
				<p>appropriate in the Green Belt.</p> <p>Having reviewed the approach taken in respect of the Manor Farm SP2012/01132 planning application as set out in the officer report to committee and taken legal advice, planning officers in consultation with Legal Services decided that this Green Belt case law was a new matter which is material to the consideration of that planning application, and it should therefore be referred back to the Planning and Regulatory Committee.</p> <p>As this application is interdependent with the Manor Farm planning application, it would be appropriate for this application to be referred back as well.</p>
Have any relevant new EIA issues arisen since the resolution by Committee?	✓		✓	

**2 DEVELOPMENT PLAN DOCUMENTS AND BACKGROUND PAPERS REFERRED TO WITHIN THE OFFICER REPORT (✓)**

Background Papers	Unchanged	Revised/ Changed	Comments
<b>Policy Guidance</b>			
National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG)	✓	✓	There have been a number of changes to the planning practice web based resource since 7 January 2015. The changes relate to various categories of guidance and include amendments to previous guidance and addition of new guidance. These changes relate to the following matters: pre application discussions, planning performance agreements, neighbourhood planning,

Background Papers	Unchanged	Revised/ Changed	Comments
			<p>strategic environmental assessment and sustainability appraisal, planning obligations (relating to infrastructure obligations and housing and economic development needs assessments), when is planning permission required and changes to a) permitted development rights for the change of use of agricultural buildings, b) renting out private residential parking spaces, local plans, housing and economic development needs assessments, housing and economic land availability assessment, transport evidence bases in plan making and decision taking (relating to the - the development of airport and airfield facilities and their role in serving business, leisure, training and emergency service needs), ensuring effective enforcement (stop notices), Community Infrastructure Levy (CIL), considering water supply, wastewater and water quality when plan making, Environmental Impact Assessment, viability, renewable and low carbon energy, climate change (setting local requirements for sustainability of a building), housing (optional technical standards) flood risk and coastal change (changes to statutory consultee requirements and sustainable drainage systems and surface water runoff (to apply to planning applications made on or after 15 April 2015 only), deemed discharge and written justification of conditions requirements, duty to cooperate,</p> <p>None of the changes are relevant to the consideration of this application.</p>
<b><i>The Development Plan</i></b>			
Surrey Minerals Plan 2011 (Core Strategy and Primary Aggregates Development Plan Documents)	✓		
Spelthorne Borough Local Plan 2001 Saved	✓		The plan together with the Spelthorne Borough Core Strategy and



Background Papers	Unchanged	Revised/ Changed	Comments
Policies And Proposals as at 28 September 2007			<p>Policies Development Plan Document February 2009 and Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 are to be replaced by a new Local Plan as the existing documents are not considered entirely up to date and consistent with the NPPF.</p> <p>The preparation of the new plan has only just commenced and is programmed to take place between 2015 and 2019. The new plan is at a very early stage of preparation and is not material to these applications.</p>
Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009	✓		See comment on Spelthorne Borough Local Plan 2001 above.
Spelthorne Borough Council Flooding SPD, adopted 19 July 2012	✓		See comment on Spelthorne Borough Local Plan 2001 above.
<b>Other Documents</b>			
Surrey County Council Guidelines for Noise Control Minerals and Waste Disposal 1994 (Surrey Noise Guidelines)	✓		
The deposited application documents and plans, Environmental Statement 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		✓	<p>Correction to error on previous version of drawing (Sketch drawing ref SK12377/SK1 Floodplain compensation and Causeway Drainage Proposal dated 04/11/13 as revised on 22 July 2015) which showed the application site boundary passing through land at 151 Ashford Road instead of along the property boundary with the Manor Farm application site.</p> <p>The drawing now accords with the other submitted drawings and red line application boundary as shown on Drawing No. ST13443 – PA1-Site Location, dated 09/04/13.</p>

Background Papers	Unchanged	Revised/ Changed	Comments
			<p>The change corrects a drawing office drafting issue and does not involve an amendment to the planning application site boundary or application proposal.</p> <p>The revised drawing has been sent to Spelthorne Borough Council for entry on the planning register.</p> <p>The correction to this drawing is not considered to be material to the decision taken by Members.</p>

### 3 CONSULTEES

All the statutory and non statutory consultees consulted and parish/town councils and amenity groups notified on both planning applications (as listed in the report to the 7 January 2015 committee (paragraphs 15 to 44) were asked if they were aware of any changes or new factors.

(i) Of those who responded the CLAG2 (Campaign Laleham Against Gravel) action group and the Spelthorne Natural History Society considered there were changes and new factors as set out in the table below. These have been reviewed and none of the matters referred to relate to this planning application.

Organisation	Change/new factor(s)
CLAG2	<p>1. Since the meeting CLAG2 have attended RESTORE meetings which are sponsored by Surrey County Council. From these meetings it became apparent information presented to the committee by the applicant about:</p> <p>a) use of conveyor belt to infill the site. It was stated at the meeting and in the officer report that the use of conveyors to transport waste from the Crossrail project to Wallasea Island had failed/was not effective. Yet this is not the case. Also at the meeting the committee were told local people would not want more lorries which was totally misleading as waste could be delivered by road to Queen Mary Quarry (QMQ) off the A308 so lorries would not have to travel via Laleham village, Worple Road or Ashford Road;</p>

Organisation	Change/new factor(s)
	<p>b) the availability of inert material – on several occasions it has been said there was insufficient material available to restore the site yet at the RESTORE meeting it was stated there is an abundance of material available given the proximity to London and construction projects there;</p> <p>c) restoration to water bodies – at every RESTORE meeting the consensus was there should be no more wetland restoration in NW Surrey especially in view of the flooding last year;</p> <p>d) the point made by Councillor Beardsmore about paragraph 143 of the national plan (National Planning Policy Framework(NPPF)) is to return agricultural land to its present state; and</p> <p>e) the applicant has not bothered to look at infilling the site as they don't want to, yet there are two alternatives to fill the site involving waste delivered to QMQ by road and then either by conveyor to Manor Farm or by road crossing over the Ashford Road via a controlled crossing.</p> <p>2. Mr Bishop one of the speakers at the meeting commented that the depth of proposed lakes would be 40 feet (12 metres) as stated in the application. When Mike Courts responded he corrected this to 10 feet which we feel was misleading the committee and officers.</p> <p>3. Aircraft – recently more aircraft have been flying lower over Laleham, plus with the ending of the Cranford Agreement and therefore, potential change of runway usage at Heathrow Airport on a more regular basis surely the consultation on bird strike should be reviewed especially as the RSPB state that birds move from one water body to another.</p>
<p>Spelthorne Natural History Society</p>	<p>The Society welcomes the opportunity to raise matters which are still of concern as well as factors which have arisen since the Planning and Regulatory Committee Meeting of the 7 January 2015.</p> <p>1. They find it difficult to accept that the development proposed at the QMQ Site is temporary when it is likely to occupy the site for more than 25 years, and that is not allowing for any extensions to the permission. The openness of the Green Belt will be compromised and the result will be an industrialised landscape enclosed with security fencing.</p> <p>2. Ash Link Local Nature Reserve (LNR) (report page 25 paragraph 8). The site is also close to the Ash link LNR, the only LNR in Spelthorne and is situated either side of the M3. The reserve is owned by Spelthorne Borough Council (SBC) and managed by Spelthorne Natural History Society. The River Ash forms the boundary of the reserve and any pollution arising</p>

Organisation	Change/new factor(s)
	<p>from the QMQ site is likely to have an adverse impact on the flora and fauna of the reserve. The existence of the reserve has not been acknowledged by either Bretts or its consultants and the Society wish to request that special measures are taken to safeguard the River Ash as it flows through the QMQ site.</p> <p>The Society is currently participating with the Environment Agency and the London Zoological Society in monitoring the number of eels/elvers in the River Ash. Any pollution arising from the cement located on the site would have disastrous effects on the ecology of the river.</p> <p>3. The Staines Moor SSSI includes Shortwood Common as well as Staines Moor. A pond on the former is the habitat of a nationally rare plant. The hydrology of Shortwood Common, especially the pond is influenced by what occurs downstream of the River Ash.</p> <p>4. Officer report page 29 paragraph 30 - The silt and clay particles arising from the washing of the excavated material is to be deposited in settlement lagoons/lake. This could have a 'blinding' effect on the bottom and sides of the lagoons/lake with an adverse effect on the hydrology and hydrogeology of the water environment.</p> <p>5. Officer report page 31 paragraph 45 - SBC raised strong objection to the proposal. The Society endorses the SBC request for the feasibility of backfilling the Manor Farm site using a conveyor system to be re-examined.</p> <p>6. Officer report page 54 paragraph 118 - Account should now be taken of the latest Aggregates Monitoring Survey and Update and SCC's Annual Monitoring Report.</p> <p>7. Page 57 <u>Concrete Batching Plant and Aggregate Bagging Plant</u> Fig 10 and Fig 11 pages 145/146 show the location for these. It appears that these would be sited on areas of hard standing within the QMQ site. The Society is concerned that the large areas of surface water shown could be a source of pollution given the materials to be handled and the parking of mixer trucks.</p> <p>8. Page 100 paragraph 387. The Society does not agree with the statement that the county council has to determine the current application on the merits of the proposal as submitted. There is nothing hypothetical about using a conveyor to backfill the site as in our opinion it is technically feasible to do so. The report states that such a conveyor system is not widely used, which implies that it is used. SBC requested that the feasibility of using a conveyor should be re-examined.</p>

Organisation	Change/new factor(s)
	<p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Schedule 4 Information for inclusion in environmental statements Part 1 s2 An outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice made, taking into account the environmental effects. Has the applicant done this?</p> <p>9. Page 103 paragraph 407, National Grid have confirmed that they have considered all aspects of the development mentioning the location and dimensions of the proposed aggregate bagging plant. Where are the location and dimensions to be found in this report? There is no reference to the concrete batching plant or the stockpile.</p> <p>10. Page 108 <u>Concrete Batching Plant and Aggregate Bagging Plant.</u> The Society does not accept that the applicant and officers have demonstrated that very special circumstances exist to outweigh the harm to the Green Belt.</p> <p>No account has been taken of the amount of cement that will have to be transported by HGVs to the QMQ site.</p> <p>The applicant already has these facilities at the Hithermoor Quarry which adequately serve local needs. Once the supply of indigenous mineral at Hithermoor has been exhausted there is no doubt that Bretts will apply to excavate the sand and gravel from King George VI Reservoir. The Hithermoor Quarry is located in the Green Belt and no doubt warranted being treated as a very special circumstance. The QMQ site is located only 4.5 miles from the Hithermoor Quarry.</p> <p>Given the inadequacy of the discussion at the meeting on 7 January of the existence of very special circumstances (the minutes state 'members agreed that the main points had been raised during the discussion of Item 7', we consider that there is an excellent case for a legal challenge to be made against the Committee's decision to grant planning permission for the concrete batching plant and the aggregate bagging plant.</p> <p>11. Page 127 paragraph 14. When Bretts applied for a renewal of the water abstraction licence previously held by Reservoir Aggregates they indicated that although the volume of water to be extracted was greater there would be no overall losses as the water would be recycled. The Society pointed out to the Environment Agency that this was a physical impossibility if account was taken of evaporation, dust suppression and mineral and vehicle washing. The Environment Agency said they would monitor the situation.</p>



The other statutory and non statutory consultees consulted and parish/town councils and amenity groups who responded, listed below, were not aware of any changes or new factors.

- Spelthorne Borough Council – Planning
- Heathrow Airport Safeguarding
- Natural England
- Highway Authority (Transportation Development Planning Group)
- County Noise Consultant (CNC)
- County Landscape Consultant
- County Geotechnical Consultant
- County Air Quality Consultant
- County Heritage Conservation Team – Archaeological Officer
- Environment Agency
- Health and Safety Executive
- Rights of Way
- Thames Water
- Affinity Water
- Royal Society for the Protection of Birds (RSPB)
- Surbiton & District Bird Watching Society

ii) No response has been received from the following statutory and non statutory consultees consulted and parish/town councils and amenity groups:

- County Ecologist and Biodiversity Manager
- Fisher German LLP (Esso Pipeline)
- National Grid (National Transmission System)
- County Environmental Enhancement Officer
- Surrey Wildlife Trust
- Open Spaces Society
- Ramblers' Association (Staines Group)
- Charlton Village Residents' Association

- Laleham Residents' Association
- Manor Farm Eastern Boundary Residents' Association
- Manor Farm Residents' Association
- Shepperton Residents' Association

#### 4 PUBLICITY

Since the application was considered at the January meeting three representations have been received, none from people who have written in previously; in total 47 written representations have now been received on this application. The representations object to both this and the SP2012/01132 Manor Farm planning application. The grounds for objection cited relevant to this application are flood risk and restoration. None are new issues or facts.

#### KEY CONSIDERATIONS IDENTIFIED WITHIN THE REPORT AND HIGHLIGHTED AT THE COMMITTEE MEETING

Issue	Unchanged	Revised/ Changed	Comments
Flood risk	✓		
Hydrology and hydrogeology	✓		
Noise	✓		
Air Quality and Dust	✓		
Landscape and visual impact	✓		
Biodiversity	✓		
Green Belt		✓	See case law and EIA section above.

#### 5 OTHER MATTERS

- Planning applications/decisions relating to Queen Mary Quarry (QMQ) and Manor Farm - None.***
- The Planning Portal, Gov.UK websites***

These have been checked for any new legislation, policy documents, circulars and official letters, speeches, statements and articles, good practice and guidance and consultation documents which may have been issued since 7 January 2015.

Since 7 January 2015 there have been a number of changes to procedures and the planning practice guidance published and introduced. These have been reviewed and nothing is considered to introduce any changes that affect the procedural handling of these planning applications, or change in circumstances that would be material to the decisions taken by Members.

To my knowledge nothing that might rationally be regarded as a material consideration has been published since 7 January 2015.

**c) *Spelthorne Local Development Framework***

Nothing new has been adopted or published for consultation.

**6 CONCLUSION**

The case law and approach to the consideration of Green Belt is considered a new factor that could reasonably be described as a material consideration on the SP2012/01132 Manor Farm planning application such that the application should be referred back to the Planning and Regulatory Committee. As this application is interdependent with that application it would be appropriate for this application to be referred back as well.

**Susan Waters**  
**Principal Planning Officer**

**Date: August 2015**

This page is intentionally left blank

**TO:** PLANNING & REGULATORY COMMITTEE **DATE:** 2 September 2015

**BY:** PLANNING DEVELOPMENT TEAM MANAGER

**DISTRICT(S)** ELMBRIDGE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**  
Hinchley Wood, Claygate &  
Oxshott  
Mr Bennison

**PURPOSE:** FOR DECISION **GRID REF:** 515441, 163508

---

**TITLE:** SURREY COUNTY COUNCIL PROPOSAL EL/2012/3285  
(SUPPLEMENTARY REPORT TO OFFICERS' REPORT CONSIDERED AT  
THE MEETING HELD ON 15 OCTOBER 2014)

---

#### **SUMMARY REPORT**

**Land at Claygate Primary School, Foley Road, Claygate, Surrey KT10 0NB**

**Construction of tarmac multi-use games area with fencing surrounds.**

**At its meeting on 15 October 2014, the Planning and Regulatory Committee resolved that this application be referred back to the applicant to reconsider the proposed development on the grounds of impact on local residential amenity.**

**Further to the previous decision of the Committee the applicant has submitted a document titled 'Supplementary information regarding the proposed installation of a Multi-Use Games Area (MUGA) at Claygate Primary School'. This document:**

- **explains why the multi use games area (MUGA) is needed,**
- **sets out reasons why the MUGA should be permitted in the location originally proposed and**
- **examines and discounts three alternative locations for the MUGA,**



This report also contains details of further consultation and notification of neighbours that has been carried out as well as additional illustrative material. The report should be read in conjunction with the report (attached as an Annexe) that was considered at the meeting on 15 October 2014. This Annexe includes the illustrative material contained in the original report. In order to avoid confusion, the conditions as originally recommended have been removed from the annexed report.

Officers consider that the use of the proposed MUGA would not result in any demonstrable harm including impact on local residential amenity, provided that a condition is imposed permitting usage only by the school and only during school hours.

Officers are satisfied that the proposed location of the MUGA is acceptable based on the additional information provided by the applicant and the analysis below of all of the available options.

The recommendation is to PERMIT subject to conditions

---

## **APPLICATION DETAILS**

### ***Applicant***

Claygate Primary School

### ***Date application valid***

5 September 2012

### ***Period for Determination***

31 October 2012

### ***Amending Documents***

Arboricultural Implication Assessment dated April 2012, received on 28 August 2012

Email dated 19 October 2012

Drawing Ref.: PFD14693 – A, Claygate Primary School: Developing the MUGA for Claygate – Option 2 showing Tree Protection Fencing and Root Protection Areas, received on 19 October 2012

Email dated 5 April 2014

Plan titled Claygate Primary School: Muga & Drainage – Revision B, received on 5 April 2014

Email dated 14 July 2014 with attached letter of the same date from the contractor

Email dated 16 September 2014

Letter dated 9 April 2015 with attachment ['Supplementary information regarding the proposed installation of a Multi-Use Games Area (MUGA) at Claygate Primary School']

Email dated 14 August 2015 from SCC School Commissioning Officer

---

## **ADDITIONAL ILLUSTRATIVE MATERIAL**

### ***Aerial Photograph***

Aerial 3 – showing the Application Site Area and alternative locations A, B and C

### ***Site Photographs***

Figure 7: Looking north from in front of the 2004/2005 extension with the M unit on the left

Figure 8: View to south from playing field, looking toward the 2004/2005 extension, with the chicken run and the allotment on the left

Figure 9: Looking southwest towards the mid 1980s extension on the right and the 2004/2005 extension on the left, with the chicken run on the extreme left

Figure 10: View looking west showing the M unit on the right and the mid 1980s extension on the left

---

## **BACKGROUND**

### ***Site Description***

1. Claygate Primary School caters for children aged 4 to 11 years. There are currently 456 pupils on the roll. This compares with an enrolment of about 250 pupils in the early 1990s.
2. The school is situated in the mainly residential area of Claygate. The school is reached via a drive leading from Foley Road, providing the only vehicle access and the main pedestrian access.
3. The school site is roughly rectangular in shape and is orientated roughly north/south, with the main buildings being located centrally towards the west site boundary. To the north of the buildings is the main hard play area, the size of which was reduced by the erection of the modular building permitted under Ref; EL/09/0561. There is a smaller hard play area enclosed by buildings on three sides.
4. The playing field is to the east and northeast of the main buildings. There is a trim trail along the northern boundary of the site. There are tree belts along the eastern and western site boundaries. A wooded wildlife area (which incorporates a pond) occupies the southern part of the site. An allotment and a chicken run are situated between the playing fields and the wildlife area. Residential uses border the site on the west, north and east. The Claygate Recreation Ground lies southeast of the site.
5. The original building dates from the 1960s, with the detached M unit being added in the 1970s. In the mid 1980s a brick built extension was added and in 2004/2005 a further extension built with a finish of render and timber (the latter under Ref: EL04/0496). There are two modular classroom buildings in the northwest part of the site (see Refs: EL03/1397 and EL09/0561).

### ***Planning History***

6. The full planning history is contained in paragraph 3 of the Annexe.

### ***Background to Current Proposal***

7. Application EL2012/3285 proposes the installation of a multi use games area (MUGA) on a grassed area to the north of the school buildings and close to the northern boundary of the site. The MUGA would abut the existing main hard play area. The proposal includes the relocation of a portion of an existing trim trail to a little used grassed area in the northwest corner of the site.

8. At its meeting on 15 October 2014, the Planning and Regulatory Committee resolved that the application be referred back to the applicant to reconsider the development on the grounds of its impact on local residential amenity. Members considered that options for the location of the MUGA needed to be investigated further. Members also commented that a site visit would be desirable to give them a better understanding of the location issues [Members of the Committee visited the site on 26 September 2015].
  
  9. In the Supplementary Information, the applicant observes that MUGAs are a very common way of addressing shortages of playground space compared with merely extending an existing playground area. The applicant has emphasised that the school has a rich history of sports activities. The promotion of sports at the school is a current Government initiative, placing particular focus on interschool competition. All the pupils at the school have access to a broad PE curriculum and an increasing number of the children have opportunities to compete against other schools. Recent achievements include the school being champions in kick cricket, Elmbridge rugby, Esher District track and field, Surrey cross-country (Year 5 boys), and Esher District 5-a-side football.
- 

## PROPOSAL

10. In response to the issue of the effect of the proposed MUGA on local residential amenity, the applicant has submitted a document titled 'Supplementary Information regarding the proposed installation of a Multi-Use Games Area (MUGA) at Claygate Primary School'. The document does the following:
  - provides information on the proposed use of the facility,
  - comments on the impact on local residential amenity including in terms of noise and visual impact and
  - gives consideration to the following alternative locations for the MUGA (as shown Aerial 3):
    - A - the allotment/chicken run
    - B - the extreme southern end of playing field
    - C - other playing field areas.
  
11. The rationale for the proposed MUGA is the growing number of pupils enrolled at the school (456) and the increasing pressure that this has placed on the existing hard surfaced playgrounds. Their size has not increased since the early 1990s when the pupil enrolment was about 250; in fact there is less playground area now since temporary classrooms have been installed on it. OFSTED inspectors noted the limited playground space during their inspection in 2011. The shortage of playground space is particularly acute at the times of

year when the playing field is wet and is therefore out of use. The school has identified a MUGA as being the most useful and flexible hard surfaced facility available, as it could be used at playtimes, for PE lessons and for specific sports activities. The MUGA would not be used outside of normal operating hours for the school (i.e. the hours of use would remain as they are at present).

---

## **CONSULTATIONS AND PUBLICITY CARRIED OUT ON THE SUPPLEMENTARY INFORMATION (See Annexe 1 for details of earlier consultation and publicity)**

### ***District Council***

12. Elmbridge Borough Council: No further comments received

### ***Consultees (Statutory and Non-Statutory)***

13. None

### ***Parish/Town Council and Amenity Groups***

14. Claygate Parish Council: No comments received

### ***Summary of publicity undertaken and key issues raised by public***

15. A total of 21 owner/occupiers of neighbouring properties were directly notified by letter about the Supplementary Information, these being the people who made representations on the original application.
16. Nine representations were received, seven from residents living in The Firs sheltered housing development and the other two living in the adjoining cul-de-sac. The representations raise mainly the issues of residential amenity, why alternative locations were rejected, hours of use and supervision, and the future possibility of floodlighting and community use. An alternative location in the southern part of the site is suggested.
-



### Usage and Impact on Residential Amenity

#### Elmbridge Core Strategy 2011

Policy CS17 – Local Character, Density and Design

#### Elmbridge Local Plan Development Management Plan 2015

Policy DM2 – Design and amenity

Policy DM9 – Social and community facilities

17. Core Strategy Policy CS17 requires new development to deliver high quality and inclusive sustainable design which maximises efficient use of urban land while responding to the positive features of individual locations and protects the amenities of those within the area. DMP Policy DM2 states that development proposals should create safe and secure environments, and should be designed to offer an appropriate outlook and should provide adequate daylight, sunlight and privacy, in order to protect the amenity of adjoining and potential occupiers and users. DMP Policy DM9 states that new development for community facilities (including schools) will be encouraged provided that, *inter alia*, it will accord with the character and amenity of the area, particularly in residential areas.
18. The Supplementary Information concludes regarding impact on residential amenity that:
  - There would be no significant change in the noise generated.
  - The visual impact of the MUGA would be minimal since the surrounding fence would enable views across of the remainder of the site to be maintained.
  - The MUGA would be in keeping with the rest of the school's playground.
19. Paragraph 26 of the 15 October 2014 P&RC report notes that The Firs development and a block of flats adjoin the school site to the north, the former being about 15m from the shared property boundary and the latter about 12m distant. The representations, received from the residents of The Firs development and these flats in relation to the Supplementary Information, reiterate concerns expressed by residents on the application considered by the Committee on 15 October 2014, especially the issue of residential amenity in terms of privacy, disturbance and noise, and to a lesser extent visual impact. One resident suggests that the planners have failed to protect the residents of The Firs development, many of whom are elderly, infirm and vulnerable.
20. The northern part of the school site is currently used for activities on the hard play area and the trim trail. The northern portion of the playing field is not used as intensively as the

portion of the field situated closer to the main school buildings. The proposed MUGA would increase the extent and scope of activity slightly in the northern part of the site and the activities would take place in a slightly larger area. However there would be no change in the number of pupils involved in these activities and no change in the timing. The applicant has stated that the MUGA would result in no discernible difference in the use of this part of the site. Officers endorse this conclusion.

21. One resident of The Firs development has repeated the comment that locating the MUGA close to the property boundary would contravene the rights of the leaseholders to the quiet enjoyment of their flats. Paragraph 33 of the 15 October 2014 P&RC report refers to the conclusion of the County Noise Consultant (CNC) that the use of the MUGA would not significantly change the noise levels from those currently being experienced. He did not consider the noise resulting from balls bouncing off the fencing as being significant (again see paragraph 33 of the 15 October 2014 P&RC report). Paragraph 34 of that report concludes that Officers consider that the use of MUGA would not materially increase the current noise levels, with noise presently emanating from the use of the adjacent hard surfaced playground and the trim trail.
22. The suggestion that the MUGA could be used by community groups after school hours and on weekends, with floodlighting being provided, has again been raised in a representation. Tied in with this is the issue of the hours of use. The applicant has emphasised that the purpose of the MUGA is to extend the school's hard play facilities, for use only by the school. In advising on the original application the CNC expressed concern with noise impact should the MUGA be used outside of school hours. He recommended a condition limiting the hours of use. Officers continue to share the concern of the CNC and reiterate the need for the condition limiting the hours of use of the MUGA to those of the existing school playing field (08:45 to 17:45 on Mondays to Fridays during term time) and stipulating that the MUGA be used only by the school.
23. Officers consider that in the context of the existing immediately adjoining hard play area no demonstrable harm would result from the use of the MUGA in the strictly limited way proposed by the school. Permission can be restricted to those terms by a condition.

## Location

24. The Supplementary Information gives the following reasons why the location of the MUGA in the northern part of the site is still preferred by the applicant:
  - The proposed MUGA would effectively form an extension to the existing playground and playing field.
  - The effectiveness of the total playground space would be increased by connecting the two areas, since this would enable the pupils to move freely between them as well as facilitating the sharing of games and equipment.

- The MUGA would be located in a part of the site that is already used by the pupils at playtimes and lunchtimes.
- The MUGA in the proposed location would significantly increase opportunities for sport in the curriculum by maximising the available space for play and sports throughout the year.
- Situating the MUGA anywhere else on the site would significantly reduce such opportunities.
- Supervision of the pupils would be most efficient and effective if these two areas of playground are connected.

25. In the Supplementary Information the applicant has considered three alternative locations for the MUGA and has discounted each of these options for the reasons given below:

- A - the allotment/chicken run area – This area is not level and has less than half of the space required to accommodate the proposed MUGA. Thus the applicant considers the suggestion of relocating the allotment and the chicken run to be irrelevant.
- B - the extreme southern end of playing field – This area also is too small as the playing field narrows significantly here. Also this area would be difficult for the pupils to access since there would be no direct link from the existing playground areas or the classrooms.
- C - other playing field areas – Any other location on the playing field would effectively cut it in half, rendering it unusable for the majority of the activities for which it is needed. Locating the MUGA on any of these areas of playing field would leave insufficient space for the larger football pitch (used in the autumn and winter) or the athletics facilities (used in summer). Thus it would not be possible to host football matches, have an athletics track, and hold sports days and other PE events at the school.

26. The County Council's School Commissioning Officer has reinforced the rationale for situating the MUGA in the location proposed by the applicant rather than elsewhere on the school field, adding that another location would limit the use of the field for a community fair, competitive sports and the school's sports day. Also situating the MUGA where the chicken run and the allotments are located would require relocating these facilities at a cost to the school and would have implications for supervision and access (with pupils having to cross the muddy field in winter and early spring).

27. Two residents consider the analysis of the alternative locations to be inadequate and several residents are unconvinced with the applicant's conclusion that the MUGA can only be situated in the location originally proposed, close to the shared property boundary. A number of residents have repeated the suggestion that the MUGA be relocated further south on the school site. One resident suggests that the MUGA could be situated where the allotment and the chicken are located (Alternative A) or largely on playing field area

directly north of the chicken run (Alternative B). He also suggests that Alternative B would only require the removal of two small trees and a small section of bank, and possibly the construction of a low retaining wall and a link pathway.

28. Officers have evaluated these options and accept the applicant's argument against the alternative locations as set out in paragraph 25 above. In addition Officers have reached the following conclusions:
- Alternative A would be disruptive as it would require the relocation of the allotment and chicken run.
  - Alternatives A and B would be disruptive since both of these options would require a significant amount of excavation and the construction of a retaining wall, most likely topped by a fence to ensure the safety of pupils.
  - A section of new pathway would also have to be installed to serve a MUGA in any of the alternative locations. This installation would also be disruptive.
  - Both Alternatives B and C would result in a significant loss of playing field area.
29. Officers are satisfied that the applicant has given sufficient rationale, particularly the strong operational reasons, as to why the MUGA needs to be located in the northern section of the school's playing field, adjoining the existing hard play area. Conversely Officers consider that the other alternatives (A to C) are very limited and are not as sensible as the proposed location for the reasons given in paragraphs 24 and 27 above.
30. Officers consider that there are clear advantages for the MUGA being in the location proposed by the applicant to provide efficient use of resources and effective supervision of the pupils. Officers also consider that there are practical disadvantages to all of the alternative locations put forward by local residents.

### **Other Issues**

31. Two residents repeat the issue of potential for community use and for the installation of floodlighting. Further representations raise the matter of drainage. The current planning application proposes neither community use nor floodlighting, subsequent applications being needed to permit them. Drainage was considered in paragraphs 38 to 45 of the 15 October 2014 P&RC report. The Supplementary Information contains no further information on drainage. Conditions 3 and 4 satisfactorily address the matter of drainage.
32. A suggestion repeated from a previous representation is that an MUGA at a nearby recreation ground could be used. Paragraph 31 of the 15 October P&RC report notes that this is impractical as there is no direct pedestrian access between the school and the

recreation ground, and concludes that it is prudent to have as many primary school facilities as possible located on school sites. Officers have no reason to vary these conclusions.

33. Further concerns raised by residents are with the supervision of pupils and who would pay for the construction and maintenance of the MUGA. The proposed location would make supervision easier for the school (see paragraphs 24 and 26 above). Officers consider that paying for the MUGA is an operational matter for the school which raises no relevant planning issues.

## **CONCLUSION**

34. Officers are satisfied that there would be no significant harm from the use of the facility and that its location is acceptable. The applicant has provided Supplementary Information which concludes that the proposed MUGA is essential to provide adequate space for the pupils' play and PE activities. The Supplementary Information also provides information on the location of the MUGA and its proposed use, comments that the impact on residential amenity would be minimal and considers and discounts three alternative locations for the facility. The proposal is recommended for permission subject to conditions including those to ensure that the development would have no unduly adverse impact on residential amenity.

## **RECOMMENDATION**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, Application No. EL2012/3285 be permitted subject to the following conditions:

Conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in all respects strictly in accordance with the following plans/drawings:

Appendix 1: Site Location Plan, dated 16 April 2012

Appendix 2: Drawing Ref.: PFD14693 - A, Claygate Primary School: Developing the MUGA for Claygate - Option 2, dated 6 March 2012



Drawing Ref.: PFD14693 - A, Claygate Primary School: Developing the MUGA for Claygate - Option 2, showing Tree Protection Fencing and Root Protection Areas, received on 19 October 2012

Plan titled Claygate Primary School - Muga & Drainage - Revision B, received on 5 April 2014.

3. The development hereby permitted shall be installed in accordance with the following specification:
  - 1) a geotextile membrane, overlain successively by
  - 2) a minimum of 150mm of compacted and free draining aggregate (28mm diameter, non-frost susceptible and free draining),
  - 3) a 40mm compacted binder course (10mm, 14mm or 20mm open grade tarmacadam),
  - 4) a 25mm open grade porous macadam surface course (6mm diameter aggregate) and
  - 5) an acrylic or polyurethane colour coating.
  
4. (a) Prior to the installation of the Multi-use Games Area hereby permitted the applicant shall carry out remedial works on the existing drainage system in the northern part of the site, as set out by the applicant in an email dated 5 April 2014.  
  
(b) The drainage system for the Multi-use Games Area (MUGA) hereby permitted, comprising an ACO drain (incorporating a pot gully and a sump) along the edge of the MUGA and a connecting pipe between this drain and the existing surface water chamber, shall be installed and maintained in accordance with details set out in the email dated 14 July 2014 and the attached letter dated 14 July 2014 from the contractor, and as shown on the plan titled Claygate Primary School: Muga & Drainage - Revision B, received on 5 April 2014.
  
5. The Multi Use Games Area shall be used by the school alone and only between the hours of 8:45 and 17:45 on Mondays to Fridays during term time. There shall be no use beyond the stipulated hours, and no use on Saturdays, Sundays and public and bank holidays.
  
6. Before any equipment, machinery or materials are brought onto the site for the purposes of carrying out the development hereby permitted, protective fencing in accordance with the plan titled 'Claygate Primary School: Developing the MUGA for Claygate - Option 2, showing the location of Tree Protective Fencing and Root Protection Areas', received on 19 October 2012, shall be installed and thereafter maintained until all equipment, machinery and surplus materials have been removed from the site. For the duration of

works on the site no materials, plant or equipment shall be placed or stored within the protected area.

7. Prior to commencement of construction a pre-start meeting shall be held between the Site Manager and the commissioned arboricultural consultant to agree all aspects of the tree protection measures, the sequencing of the construction process and the required level of supervision by the arboricultural consultant.
8. In carrying out the development hereby permitted, excavation within the Root Protection Area of tree T1, as shown on the plan titled Claygate Primary School: Developing the MUGA for Claygate - Option 2, showing the location of Tree Protective Fencing and Root Protection Areas, as attached to an email dated 19 October 2012, shall be carried out using only hand tools, under the supervision of the arboricultural consultant.
9. In carrying out the development hereby permitted, no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 2.45 and 3.30 pm, nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Foley Road during these times.

Reasons:

1. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of proper planning.
4. To ensure the proper drainage of the site in accordance with Paragraph 99 of the National Planning Policy Framework.
5. To ensure the amenity of the occupants of neighbouring properties is protected in accordance with Policy CS17 of the Elmbridge Core Strategy 2011 and Policies DM2 and DM9 of the Elmbridge Local Plan Development Management Plan 2015.
6. To ensure the protection of trees on the site, in the interests of the visual amenities of the site and the locality, in accordance with Policy CS14 of the Elmbridge Core Strategy 2011

and Policies DM2 and DM6 of the Elmbridge Local Plan Development Management Plan 2015.

7. To ensure the protection of trees on the site, in the interests of the visual amenities of the site and the locality, in accordance with Policy CS14 of the Elmbridge Core Strategy 2011 and Policies DM2 and DM6 of the Elmbridge Local Plan Development Management Plan 2015.
8. To ensure the protection of trees on the site, in the interests of the visual amenities of the site and the locality, in accordance with Policy CS14 of the Elmbridge Core Strategy 2011 and Policies DM2 and DM6 of the Elmbridge Local Plan Development Management Plan 2015.
9. To prevent conflicts between construction vehicles and pupils, parents and staff in accordance with Policy CS25 of the Elmbridge Core Strategy 2011 and Policy DM7 of the Elmbridge Local Plan Development Management Plan 2015.

**Informatives:**

1. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purposes of any other statutory provision whatsoever.
2. The attention of the applicant is drawn to the requirements of Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 and to Building Bulletin 102 'Designing for disabled children and children with Special Educational Needs' published in 2008 on behalf of the Secretary of State for Children, Schools and Families, or any prescribed document replacing that note.
3. 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 paragraphs 186-187 of the National Planning Policy Framework 2012.

---

**CONTACT**

Nathan Morley

**TEL. NO.**

020 8541 9420

---

## **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: The National Planning Policy Framework March 2012 (NPPF)

The Development Plan: The Elmbridge Core Strategy 2011 and the Elmbridge Local Plan Development Management Plan 2015

---





**ANNEXE – COMMITTEE REPORT, ITEM 7, MEETING OF THE PLANNING AND REGULATORY COMMITTEE ON 15 OCTOBER 2014: SURREY COUNTY COUNCIL PROPOSAL EL/2012/3285 – Land at Claygate Primary School, Foley Road, Claygate, Surrey KT10 0NB**

**TO:** PLANNING & REGULATORY COMMITTEE **DATE:** 15 October 2014

**BY:** PLANNING DEVELOPMENT CONTROL TEAM  
MANAGER

**DISTRICT(S)** ELMBRIDGE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**  
**Hinchley Wood, Claygate & Oxshott**  
**Mr Bennison**

**PURPOSE:** FOR DECISION **GRID REF:** 515441; 163508

---

**TITLE:** SURREY COUNTY COUNCIL PROPOSAL EL2012/3285

---

**SUMMARY REPORT**

**Land at Claygate Primary School, Foley Road, Claygate, Surrey KT10 0NB**

**Construction of tarmac multi-use games area with fencing surrounds.**

Claygate Primary School caters for children aged 4 to 11 years and is located in a residential part of Claygate. The school has one vehicular and pedestrian access via a drive from Foley Road. The site is bordered by residential uses to the north, east and west, and partially to the south.

The current proposal is for the installation of a multi-use games area (MUGA) located in the northern part of the school site, adjoining an existing hard play area and near the edge of the school's extensive playing field. The MUGA would have a surface of porous tarmac and would be surrounded by a wire mesh fence with two gates for access.

Although the application was submitted in 2012, it has taken until now to resolve the issue of surface water drainage in the area where the MUGA is proposed. The solution involves works to the existing drainage infrastructure (some of which have already been carried out) and reaching agreement on the installation and maintenance of a drainage system for the MUGA.

Twenty representations have been received from seventeen residents and a housing group. The representations raise concerns with residential amenity and drainage. The design of the MUGA is considered to be compatible with the site and its surroundings in terms of mass, height and location, and to integrate satisfactorily with the site and the local area. Officers consider that the MUGA would have no negative visual or noise impact on the occupiers of neighbouring properties, subject to the times of use being limited to school hours by condition. Retained trees would be protected by the imposition of other planning conditions. The development would not result in a loss of active playing fields.

Officers are satisfied that improvements to the existing drainage system, further remedial works to this system, the installation and maintenance of the drainage system for the MUGA and the installation of the MUGA itself in accordance with agreed specifications, would not worsen the drainage situation in the vicinity, including on the adjacent residential land to the north. Recommended planning conditions will ensure compliance with the requirements relating to drainage.

The proposal is considered to comply with the Development Plan policies.

**The recommendation is to PERMIT subject to conditions**

---

## **APPLICATION DETAILS**

### ***Applicant***

Claygate Primary School

### ***Date application valid***

5 September 2012

**Period for Determination**

31 October 2012

**Amending Documents**

Arboricultural Implication Assessment dated April 2012, received on 28 August 2012

email dated 19 October 2012

Drawing Ref.: PFD14693 – A, Claygate Primary School: Developing the MUGA for Claygate – Option 2 showing Tree Protection Fencing and Root Protection Areas, received on 19 October 2012

email dated 5 April 2014

Plan titled Claygate Primary School: Muga & Drainage – Revision B, received on 5 April 2014

email dated 14 July 2014 with attached letter of the same date from the contractor

email dated 16 September 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.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Design and Visual Amenity	Yes	22 - 24
Impact on Residential Amenity	Yes	25 - 37

Drainage Issues	Yes	38 - 45
Loss of Playing Fields	Yes	46 - 48
Transportation Considerations	Yes	49 - 51
Impact on Trees	Yes	52 & 53

---

## ILLUSTRATIVE MATERIAL

### Site Plan

Plan

### Aerial Photographs

Aerial

### Site Photographs

Figure 1: Looking north from playing fields to location of proposed MUGA and adjoining housing, with The Firs development in the centre

Figure 2: View to the northwest from the location of proposed MUGA

Figure 3: Looking north from location of proposed MUGA

Figure 4: View to the east from hard play area towards the part of the trim trail to be relocated

Figure 5: Looking west from location of proposed MUGA

Figure 6: Looking south from the location of the proposed MUGA

---

## BACKGROUND

## Site Description

1. Claygate Primary School caters for children aged 4 to 11 years and is situated in the mainly residential area of Claygate. Access to the school site is via a drive leading from Foley Road, providing the only vehicle and main pedestrian access.
2. The school site is roughly rectangular in shape and is oriented roughly north/south, with the main school buildings being located centrally towards the west site boundary. To the north of the school buildings are the hard play area and the demountable classroom unit permitted under Ref. EL/09/0561. There is a large playing field to the east and northeast of the main buildings. There are tree belts along the east and west site boundaries and beyond the wooded wildlife area (incorporating a pond) that occupies the southern part of the site. An allotment and a chicken run are situated between the playing fields and the wildlife area. Residential uses border the site on three sides whilst the Claygate Recreation Ground lies to the southeast.

## Planning History

3. EL11/0821 Erection of two new timber clad storage sheds (permitted in May 2011)
- EL09/0561 Installation of demountable classroom unit comprising two classrooms, toilets and store for a temporary period of five years; retention of existing demountable classroom and addition of an open sided canopy; extension to hard play area (permitted in June 2009)
- EL08/2352 Construction of new footpath within school site, new pedestrian gate on school/recreation ground boundary and link path to existing path within recreation ground (permitted in December 2008)
- EL05/1972 Retention of existing demountable classroom until 31 August 2006 without complying with Condition 1 of planning permission reference EL03/1397 dated 6 August 2003 (permitted in October 2005)
- EL05/0827 Details or proposed landscaping for school extension submitted pursuant to Condition 6 of planning permission ref EL04/0496 (Approved in June 2005)



- EL04/1419 Details of investigation of potential land contamination issues submitted pursuant to Condition 9 of planning permission ref EL04/0496 (Approved in October 2004)
- EL04/0496 Construction of a single storey extension to provide three new classrooms, group room, studio and ancillary cloakrooms, toilets and circulation space (permitted in May 2004)
- EL03/1397 Installation of a single demountable classroom for a temporary period of two years (permitted in August 2003)
- 

## THE PROPOSAL

4. This proposal is for a multi use games area (MUGA) located on a grassed area north of the buildings and near to the site boundary. The MUGA would be an extension of an existing hard play area and would have a footprint of about 26m by 16m. The MUGA is proposed to have a 65mm deep top surface of porous tarmac laid on a base of porous stone 150mm deep. The development includes approximately 2m high green mesh fencing along the sides of the MUGA, approximately 3m high fencing along the ends including behind two goal areas and 2m high red mesh gates near the southwest corner nearest to the school buildings.
5. The MUGA is intended to be used as an extension to the school playground, by providing more flexible play space and a facility that could be used in wet weather. The MUGA would be used only during the normal school hours of 08:45 to 17:45. The facility is not intended to be used outside of school hours and would not have floodlights. The applicant considers that the MUGA would significantly increase the quality of physical activities available for the pupils without detracting from the overall use of the school site. Some minor adjustment may be needed to the marked playing pitches on the extensive playing field but there would be no reduction in the number and size of the pitches or the size of the running track. The proposal also involves the relocation of the portion of an existing trim trail to a little used grassed area in the northwest corner of the site.
6. The application was submitted in 2012. It became apparent from representations made by local residents that there was a significant issue with surface water drainage in the area where the MUGA is proposed to be located. Since this drainage problem has had a detrimental impact on adjoining residential property, Officers required the applicant to take measures to ensure that the drainage situation was not exacerbated by the proposed development. This situation has been improved markedly by repairs and improvements having been made to the existing drainage infrastructure in the area. Also substantial amplifying information has been submitted by the applicant addressing the drainage issue. This information includes details of further remedial work on the existing

drainage infrastructure in the area and details of the installation and maintenance of the drainage system proposed for the MUGA.

---

## CONSULTATIONS AND PUBLICITY

### *District Council*

7. Elmbridge Borough Council: No objection

### *Consultees (Statutory and Non-Statutory)*

8. County Highway Authority –  
Transportation Development Planning: No objection subject to a condition regulating the timing of construction related deliveries
9. County Noise Consultant: No objection provided the MUGA is not used regularly outside school hours
10. County Arboricultural Officer: No objection subject to conditions
11. County Flood and Water Services  
Manager: No objection subject to conditions

### *Parish/Town Council and Amenity Groups*

12. Claygate Parish Council: No response received

### *Summary of publicity undertaken and key issues raised by public*

13. The application was publicised by the posting of 2 site notices. A total of 106 owner/occupiers of neighbouring properties were directly notified by letter. Six representations

were received in 2012, four from residents living at The Firs sheltered housing development, which abuts the school site on the north. Of these residents, three have concerns with impact on their amenity in terms of loss of privacy, visual effect and nuisance from increased noise. All three of these residents suggested that the MUGA be relocated further south on the school site, two considering a location near to the swimming pool. Two of these residents and Paragon Community Housing Group Ltd. (the company that owns the sheltered housing development) have raised the issue of drainage and flooding.

14. The representation from the other resident of The Firs supported the application.
15. An additional representation was received, from a resident of Fawcus Close, whose property adjoins the northeast corner of the school site. This representation raised the issues of the accumulation of rubbish along the boundary fence, untrimmed hedges and noise from use of the swimming pool during school holidays. These matters are unrelated to the current proposal and are not addressed in this report, but the representation has been copied to the school to make them aware of the concerns.
16. A further notification of neighbours was carried out following receipt of amplifying information relating to drainage including the repairs and improvements that have been made to the existing drainage system in the area, with the final item being a letter dated 14 July 2014 from the contractor. This further notification has resulted in the receipt of fourteen additional representations. Thirteen of these were from residents of The Firs development, two of these residents having responded previously. The other representation was from another resident of Fawcus Close. All of the additional representations raised amenity issues and five suggested relocation of the MUGA. One resident also mentioned drainage and flooding, and the possibility of floodlighting. Another noted that there is a MUGA in the nearby recreation ground.

---

## PLANNING CONSIDERATIONS

17. The County Council as County Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities 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”. At present in relation to this application the Development Plan consists of the Elmbridge Core Strategy 2011 and the saved policies within the Replacement Elmbridge Borough Local Plan 2000.
18. The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in

making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.

19. The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. However, the guidance contained in the NPPF is a material consideration which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).
  
20. The NPPF highlights that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It continues by stating that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It states that Local Planning Authorities should, inter alia, give great weight to the need to create, expand or alter schools.
  
21. The school site is in the urban area of Claygate. The application is to be assessed in terms of design and visual amenity, impact on residential amenity, drainage issues, loss of playing fields, transportation considerations and impact on trees.

## **Design and Visual Amenity**

### **Elmbridge Core Strategy 2011**

Policy CS17 – Local Character, Density and Design

### **Replacement Elmbridge Borough Local Plan 2000**

Policy ENV2 – Standard of Design

22. Core Strategy Policy CS17 requires new development to deliver high quality and inclusive sustainable design which responds to positive features and integrates sensitively with the locally distinctive townscape. Local Plan Policy ENV2 seeks to protect and enhance the character and the environment of the surrounding area. Development should be sensitive to the scale, height, massing, character, design and materials of existing development.

23. Officers consider in design terms that the scale and materials of the proposed MUGA, and the height and materials of the fence, take due consideration of the scale and bulk of the existing school buildings, and the scope and situation of existing outdoor play areas. In addition the MUGA would be accessible by being an extension of an existing hard play area. Officers consider that the proposed development exhibits high quality and inclusive design and respects the character and appearance of the site and the area.
24. Officers therefore consider that the proposal complies with the Development Plan policies dealing with design and visual amenity.

### **Impact on Residential Amenity**

#### **Elmbridge Core Strategy 2011**

Policy CS17 – Local Character, Density and Design

#### **Replacement Elmbridge Borough Local Plan 2000**

Policy COM4 – Provision of Educational Facilities

### **Privacy and Visual Effect**

25. Core Strategy Policy CS17 requires new development to deliver inclusive sustainable design that protects the amenities of local residents. Local Plan Local Plan Policy COM4 permits extensions to existing schools provided that there is no significant adverse impact on local residential amenity.
26. The Firs sheltered housing development (three storeys high) adjoins the school site to the north. Immediately to the west of the Firs is a six unit two storey block of flats. The two closest residences to the school site, located in this block, are about 12m from the location of the proposed MUGA. The nearest flat in The Firs development is approximately 15m away. There is a post and wire fence and an intermittent low hedge on the property boundary shared with these flats. There are other houses to the east of the school site, located more than 50m from the MUGA. Mature trees on and near the shared property boundary provide screening between these dwellings and the development.
27. Part of the area where the MUGA is proposed is occupied by a trim trail which includes climbing apparatus and other equipment elevated above the ground. This part of the trim trail is proposed to be relocated further away from the shared property boundary, in the northwest corner of the school site adjacent to the demountable unit (Ref: EL09/0561).



28. Three residents of the sheltered housing development initially raised the issues of loss of privacy and adverse visual impact. One resident suggested installing a high fence to protect her privacy and reduce nuisance. Another resident suggested having green rather than black tarmac surfacing material. Yet another resident suggested that green mesh be used for the fencing surrounding the MUGA (the mesh being proposed is green and the double gates – these facing the school buildings – would be red).
29. On the issue of privacy, Officers consider that the installation of the MUGA would improve matters, since the pupils using the facility would be at ground level rather than at an elevated vantage point currently provided by some of the apparatus of the trim trail. The visual impact of the development would be limited by no buildings being proposed and by the wire mesh fencing allowing views across the open playing field. Officers consider that a high fence is not justified since the MUGA would continue the present use of the development area. Although the intensity of the use would be likely to increase, this use would occur only during school hours. The use of green tarmac surfacing is also not justified since the surface of the MUGA would effectively extend the black tarmac hard play area and the extent of new tarmac would not significantly diminish the natural appearance of the school site provided by the extensive playing field and the trees which are to be retained. Overall Officers consider that the minor visual impact of the MUGA would be acceptable.
30. Several of the residents of The Firs development have suggested that the MUGA be located further south, in order to reduce any nuisance effects by increasing the distance between the MUGA and their residences. Officers consider that any benefit from doing so would be negligible. Also, relocating the MUGA as suggested would reduce the area of playing field used for active sports, in contravention of the policies of Sport England and the policies of the Development Plan relating to the loss of playing fields. Two of these residents, one in a further representation, suggested that the chicken run and an allotment situated in the southern part of the site could be relocated, one suggesting the site proposed for the MUGA and the other a site south of the playing fields. Officers consider that there would be insufficient space in the southern area and that it would be unreasonable to expect the school to agree to this relocation because of the disruption that this would cause.
31. Another resident of The Firs has suggested that the school could make use of an existing MUGA located in a nearby recreation ground. Officers consider that this would be impractical since there is no direct pedestrian access connecting the school site and the recreation ground. Also it is considered prudent to have as many primary school facilities as possible located on the school sites.
32. Four representations mention the possibility of the installation of floodlighting at a future date. The current application does not include the erection of floodlights. These could only be installed following a further planning permission, that application considering any issues relating to floodlights. Therefore the MUGA would not be used in the late afternoon or evenings in autumn and winter, or on weekends or on bank or public

holidays. Officers recommend the imposition of a planning condition restricting the hours of use to those of the existing school playing field (i.e. during the school hours of 08:45 to 17:45 on weekdays during term time).

## Noise

33. A number of representations raise the issue of noise emanating from the use of the MUGA. Residents are also concerned about the use of the MUGA beyond school hours (including in evenings and at weekends) although this is not part of the current planning application. One resident of the Firs considers that locating the MUGA close to the property boundary would contravene the rights of leaseholders to the quiet enjoyment of their flats. The County Noise Consultant (CNC) has commented that the school and the surrounding dwellings are well established, and noise normally associated with the use of the school is to be expected. He has observed that the proposed development would not significantly change the level of noise. There could be a slight change because of balls bouncing off the fencing, but he does not see this as a significant issue bearing in mind the ages of the pupils and the proposed hours of use, and the fact that the MUGA would directly adjoin an existing hard play area.
34. Officers endorse the views of the CNC, considering that the use of the MUGA would not materially increase the noise levels when compared with the current situation, with noise emanating from the use of the existing hard play area and trim trail.
35. The CNC would be concerned if the MUGA was used regularly outside of school hours, as the facility is quite close to residential properties in what is a reasonably quiet area outside of school hours, with just a little background noise from traffic on the distant A3 trunk road. The imposition of a condition limiting the hours of use and restricting the use only by the school is recommended to enable planning control to be maintained over any future changes in the use of the MUGA.

## Conclusions on Residential Amenity

36. In response to the suggestion that the MUGA be relocated towards the southern end of the school site, the applicant has stated that considerable thought has been given to the location of the MUGA and it was concluded that no other location is possible. The southern end of the site would not be feasible because it is not sufficiently accessible and this is where the chicken run and allotment are located. A suggested site in the centre of the school site also would not work, because situating the MUGA here would render the playing field unusable for sport and other activities such as the Summer Fete.
37. Officers consider that the proposal would have no material adverse impact on local residential amenity. The relocation of the MUGA further south is therefore considered to be unjustified, especially since this relocation would have an adverse impact on either the playing fields or the wooded wildlife area and the pond located in the southeast part of the school site. The proposal is considered to accord with the Development Plan policies relating to impact on residential amenity.

### National Planning Policy Framework March 2012 (NPPF)

38. There are no Development Plan policies dealing with drainage. Paragraph 99 of the NPPF, under the heading of 'Meeting the challenge of climate change, flooding and coastal change', states that new development should be planned by local authorities to avoid increased vulnerability to the range of impacts arising from climate change. In areas that are vulnerable, care should be taken to ensure that any risks arising from development can be managed through suitable adaptation measures.
39. Three representations on the scheme as originally submitted raised the issue of drainage. The Paragon Community Housing Group Ltd, the owners of The Firs sheltered housing units, expressed concern with the possibility of increased water run-off from the school playing field onto their property. This representation noted that several of the flats experienced water ingress during a flood some years ago, owing to the lie of the land. Paragon requested that particular attention be paid to drainage in the area between the MUGA and their property. One resident of The Firs development mentioned the drainage problem on the school's playing field and the resulting surface water flooding, and suggested that the drainage of the northern part of the playing field be improved. Another resident also referred to the matters of drainage and flooding. He suggested that the drainage issue could be dealt with by excavation and the laying of hard core and drainage pipes. The representations relating to drainage were passed to the applicant to make the school aware of the degree and extent of concern.
40. In assessing the planning application Officers were concerned that without remedial work the existing surface water drainage system on the site, there would be a strong possibility that drainage from the MUGA would exacerbate the long standing issue of surface water flooding on the northern part of the school site and potentially on the adjoining land occupied by The Firs development. Officers made it clear to the applicant the importance of this not being allowed to happen. In response to concerns with drainage, the drains in this area were cleared and pipework was repaired, a catch pit was installed near the northwest corner of the school site and a trial pit was excavated to undertake an infiltration test.
41. Further measures are proposed including surface water draining into the existing on-site drainage system via an ACO drain, a specialty product for draining the surface of outdoor sports installations. The drain would be installed along one edge of the MUGA, and would incorporate a pot gully and a sump. The drain would be connected to the existing surface water chamber by a new pipe. The applicant proposes that these works be carried out when the MUGA is installed. A preventative maintenance regime is also proposed, comprising a monthly inspection of the ACO drain and the emptying of the sump.
42. Accordingly, the applicant has amended the application by revising the specification for the MUGA. The County Flood and Water Services Manager finds this amended

specification acceptable in principle but he recommends that it be revised slightly to ensure that the surface of the MUGA is suitably porous in compliance with advice from the Lawn Tennis Association. Starting at the bottom and working upwards, the specification recommended by the Flood and Water Services Manager comprises the following elements:

- 1) a geotextile membrane,
  - 2) a minimum of 150mm of compacted and free draining aggregate (28mm diameter, non-frost susceptible and free draining),
  - 3) a 40mm compacted binder course (10mm, 14mm or 20mm open grade tarmacadam),
  - 4) a 25mm open grade porous macadam surface course (6mm diameter aggregate) and
  - 5) an acrylic or polyurethane colour coating.
43. The County Flood and Water Services Manager also recommends the imposition of planning conditions to ensure that the drainage system is installed in accordance with the recommendations of the contractor and that the maintenance regime is followed.
44. Officers are satisfied that the drainage situation would not be exacerbated if the MUGA is installed in accordance with the above noted specification, the necessary remedial work is carried out on the existing drainage system, the drainage system for the MUGA itself is installed and maintained in accordance with the contractor's recommendations.
45. Subject to the imposition of conditions detailing these requirements, Officers are satisfied that the development complies with the NPPF.

## **Loss of Playing Fields**

### **Elmbridge Core Strategy 2011**

#### **Policy CS14 – Green Infrastructure**

46. Core Strategy Policy CS14 seeks to protect a diverse network of accessible multi-functional infrastructure. The policy requires new development involving open space to be assessed against PPG17 'Planning for Open Space, Sport and Recreation'. This PPG has been superseded by paragraph 74 of the NPPF, which states that existing open space, sports and recreational land should not be built on unless one of three criteria is met. One of these is replacing the loss from development by equivalent or better provision in terms of quality or quantity in a suitable location.
47. The Sport England Policy Statement 'A Sporting Future for the Playing Fields of England' contains a presumption against development on playing fields, including those in educational use, unless one of five exemptions are met. Exemption E5 permits outdoor sports facilities, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.
48. The school has a large playing field. During the winter months it is marked out mainly for football, the pitches being predominantly at the southern end of the field, at the opposite end from the location proposed for the MUGA. The applicant has advised that some minor adjustments may be needed to the layout of the pitches as a result of this development, but he has demonstrated that the playing field is of sufficient size that the number and size of the pitches would not be impacted. Based on this information

Officers are satisfied that although the proposal would reduce the overall extent of the playing field slightly, the provision of a play area with a consistent surface suitable for intensive play and the location of the MUGA at the northern end of the playing field, away from the portion used for the playing pitches, there would be no detrimental impact on the use of the school's playing field for sport and recreation. In fact the development would enhance the provision of outdoor sports and recreation available for pupils. Therefore the proposal is considered to qualify as development permitted under Exemption E5. The development is considered to comply with the above Development Plan policy.

## **Transportation Considerations**

### **Replacement Elmbridge Borough Local Plan 2000**

#### Policy MOV4 – Traffic Impact of Development Proposals

49. Local Plan Policy MOV4 states that all development proposals should minimise the impact of vehicle and traffic nuisance, particularly in residential areas.
50. Transportation Development Planning (TDP) have commented that the only impact in a highway context would be during the construction phase. A planning condition is recommended to ensure that there is no conflict between construction vehicles and pupils arriving and departing from school.
51. Officers endorse the conclusion of TDP and consider that the proposal is acceptable in transportation terms subject to the imposition of a condition restricting the timing of access by Heavy Goods Vehicles during the construction period. Officers consider that the development accords with the Development Plan policy relating to transport.

## **Impact on Trees**

### **Replacement Elmbridge Borough Local Plan 2000**

#### Policy ENV12 – Retention of Trees on Development Sites

52. Local Plan Policy ENV12 seeks to retain significant trees on sites proposed for development and states that planning conditions may be imposed in order to retain the maximum number of trees and to ensure their protection during construction.
53. The County Arboricultural Manager endorses the view of the arboricultural consultant, contained in an Arboricultural Implication Assessment dated April 2012, that a mature lime tree impacted by the proposed MUGA could tolerate the loss of roots in the outer part of its Root Protection Area (RPA), if ground work in this area is done in a controlled manner under the supervision of an arboricultural consultant. He subsequently recommended the installation of tree protection fencing as shown on a drawing. The County Arboricultural Manager recommends planning conditions. Officers consider that with the imposition of conditions, retained trees will be protected during construction. Therefore the proposal is considered to accord with the Development Plan policy relating to trees.



---

## HUMAN RIGHTS IMPLICATIONS

54. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda, is expressly incorporated into this report and must be read in conjunction with the following paragraph.
55. Officers consider that while potential impacts on amenity caused by visual effects and noise emanating from the MUGA during its use are acknowledged, the scale of such impacts is not considered to engage Article 8 or Article 1 of the Protocol 1. The noise impact can be mitigated by a condition. As such, this proposal is not considered to interfere with any Convention right.
- 

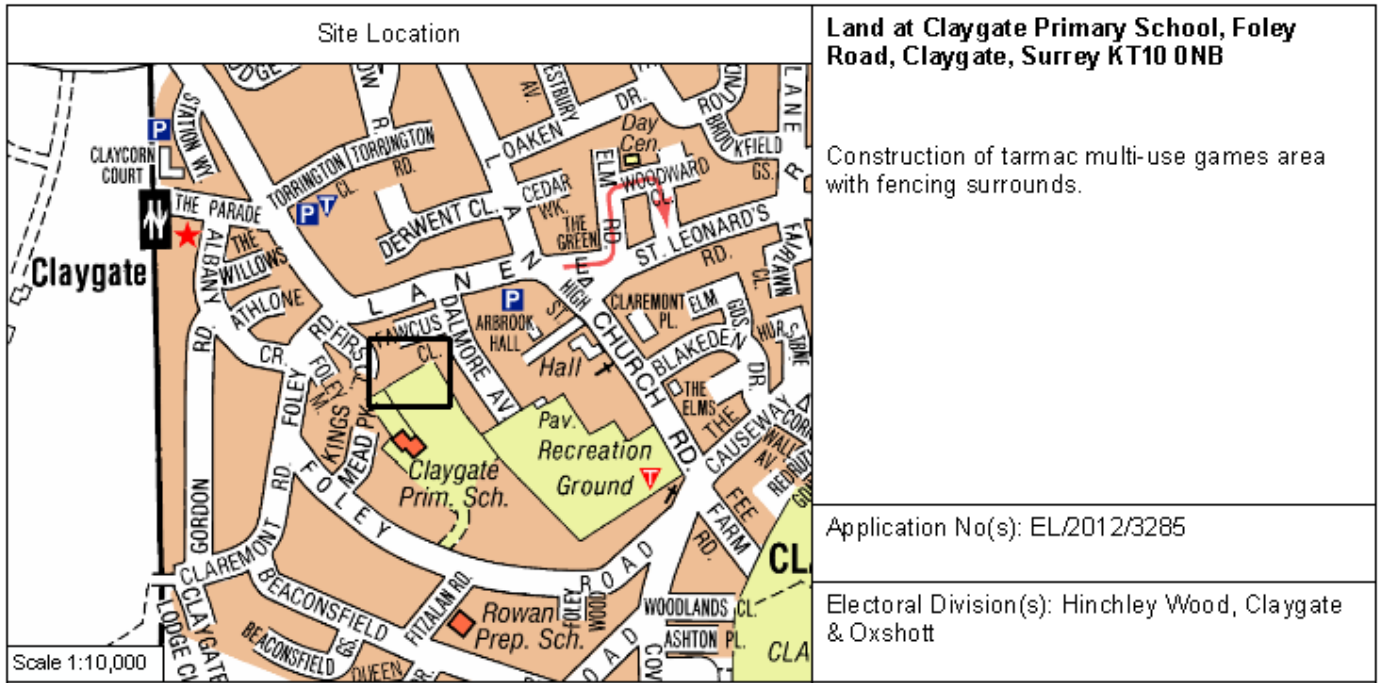
## CONCLUSION

56. Officers consider that the proposed multi use games area will have no detrimental impact on visual and residential amenity provided that the use is restricted to school hours. Officers also consider the design of the development to be acceptable. The proposal is considered to have no adverse impact on the school playing fields. All relevant planning policy tests are considered to have been met. The proposal is recommended for permission subject to conditions including ones relating to the construction of the MUGA, remedial work on the existing surface water drainage system, the installation and maintenance of the additional surface water drainage measures relating to the MUGA, the timing of construction related deliveries, the protection of retained trees and restrictions on the usage of the MUGA.

## RECOMMENDATION

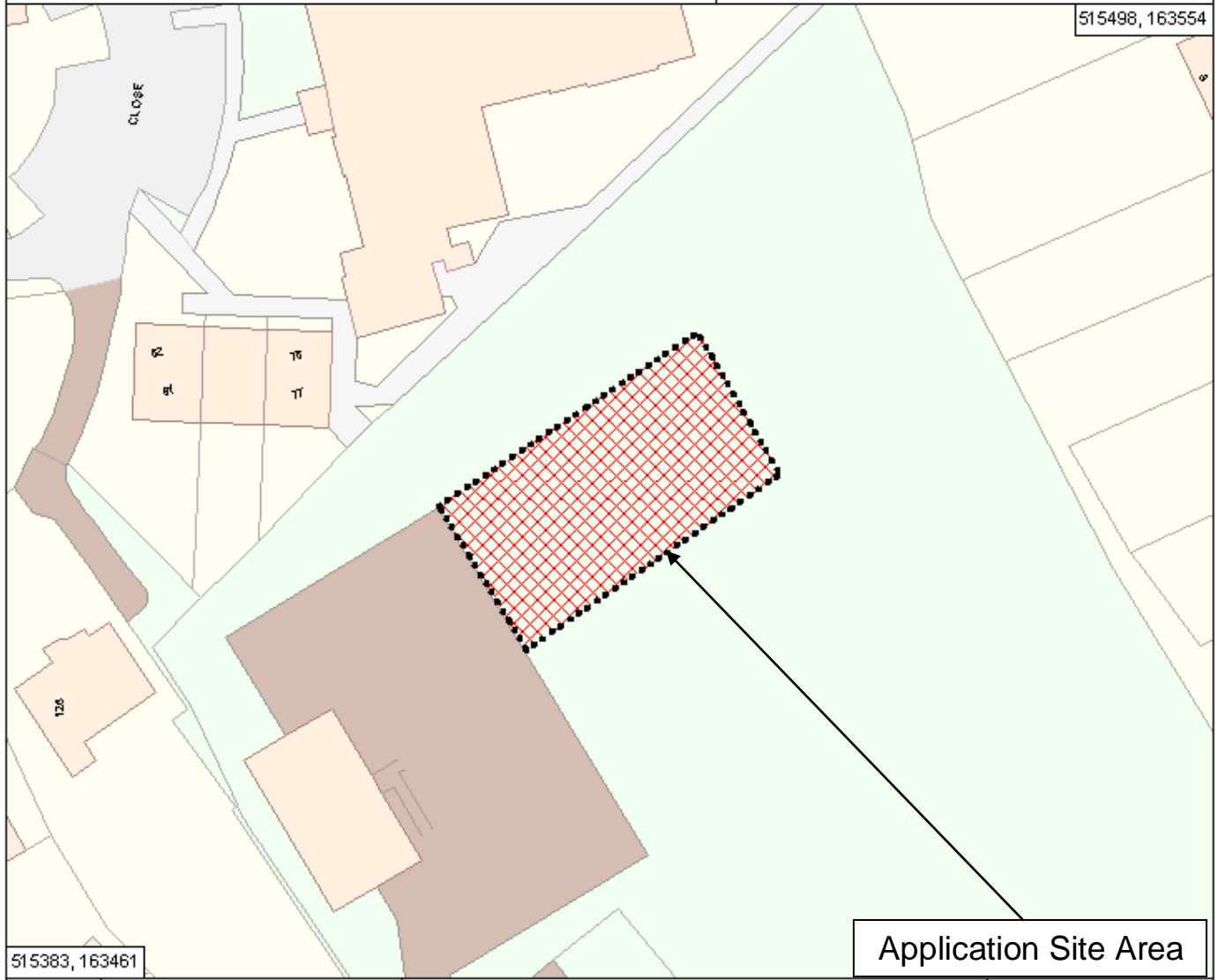
That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, Application No. EL2012/3285 be permitted subject to the following conditions:

**(For the sake of clarity the conditions have been deleted from the 15 October 2014 report)**

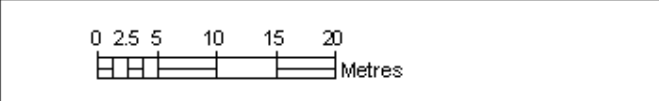


©Crown copyright. All rights reserved Surrey County Council, 100019613, 2013

This plan is for indicative purposes only



RefNo: SCC Ref 2012/0070  
Date printed: 02/10/2014



Scale  
1:600

This page is intentionally left blank





## 2012-13 Aerial Photos

### Aerial 1 : Land at Claygate Primary School



Esher

Page 379



All boundaries are approximate



## 2012-13 Aerial Photos

### Aerial 2 : Land at Claygate Primary School



Application Site Area

Page 380

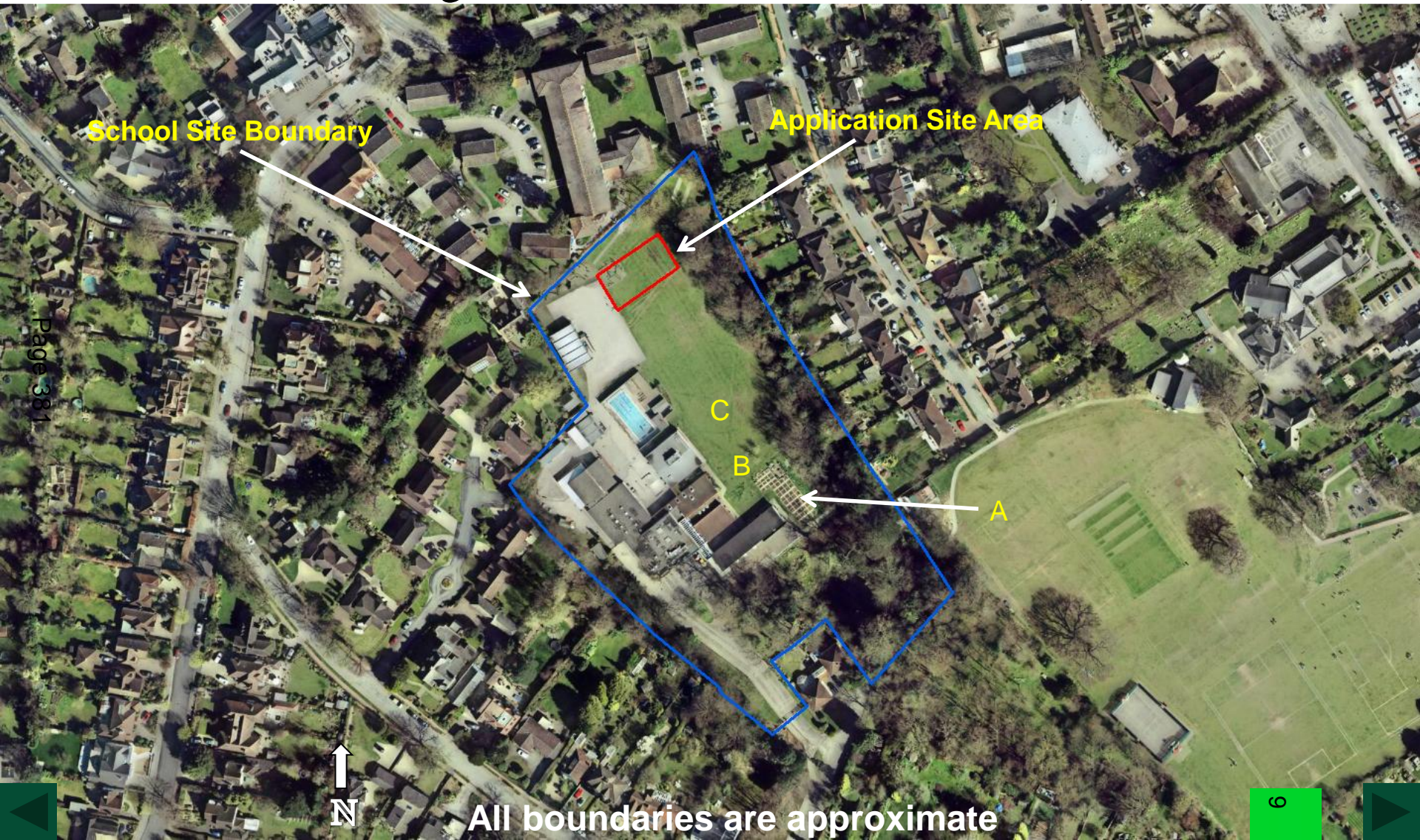


All boundaries are approximate



## 2012-13 Aerial Photos

### Aerial 3 : Land at Claygate Primary School (Showing alternative locations A, B and C)



Page 381

All boundaries are approximate



Figure 1 : Looking north from playing fields to location of proposed MUGA and adjoining housing, with The Firs development in the centre



Figure 2 : View to the northwest from the location of proposed MUGA





Figure 3 : Looking north from location of proposed MUGA



Figure 4 : View to east from hard play area towards the part of the trim rail to be relocated





Figure 5 : Looking west from the location of proposed MUGA



Figure 6 : Looking south from the location of the proposed MUGA





Figure 7 : Looking north from in front of the 2004/2005 extension with the M unit on the left



Figure 8 : View to south from playing field, looking toward 2004/2005 extension, with the chicken run and the allotment on the left





Figure 9 : Looking southwest towards the mid 1980s extension on the right and the 2004/2005 extension on the left, with the chicken run on the extreme left





Figure 10 : View looking west showing the M unit on the right and the mid 1980s extension on the left



This page is intentionally left blank

**TO:** PLANNING & REGULATORY COMMITTEE

**DATE:** 2<sup>nd</sup> September 2015

**BY:** PLANNING DEVELOPMENT CONTROL TEAM MANAGER

**DISTRICT(S):** ALL

**ELECTORAL DIVISION (S):**

**PURPOSE:** FOR INFORMATION

**GRID REF:**

---

**TITLE:** ENFORCEMENT PROTOCOL

---

### **SUMMARY**

The Enforcement Protocol has been produced following a recommendation from the review of the Planning Team that started in 2013.

---

### **THE ENFORCEMENT PROTOCOL -**

1/. The National Planning Policy Framework indicated that local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way appropriate to their area. As a result, the Enforcement Protocol has been developed by the Enforcement Team in association with the Development Team Manager with advice from Legal Services.

2/. The Enforcement Protocol is presented for information purposes.

---

**CONTACT:** Ian Gray or Alan Stones

**TEL. NO:** 020 8541 9423 or 020 8541 9426

**BACKGROUND PAPERS:**

---

This page is intentionally left blank



**ENVIRONMENT & INFRASTRUCTURE**  
**PLANNING ENFORCEMENT PROTOCOL**  
**(Minerals & Waste Development)**  
**SEPTEMBER 2015**



<b>CONTENTS:</b>	<b>Page No</b>
<b>1. PURPOSE OF THIS DOCUMENT</b> Guidance Openness Information	<b>4</b>
<b>2. INTRODUCTION TO THE COUNTY PLANNING FUNCTION</b> Responsibility	<b>5</b>
<b>3. THE MONITORING AND ENFORCEMENT FUNCTION</b> Monitoring Enforcement Investigating Sites of Unauthorised Development & Enforcement Flowchart 1 - Enforcement Procedures	<b>5</b>
<b>4. DEALING WITH ENQUIRIES/COMPLAINTS</b> How to raise a complaint or enquiry Recording & Acknowledging Complaints Table 1 - Prioritising Complaints Confidentiality and Equality & Diversity Joint Working with Local Authorities & National Organisations Procedures Dissatisfaction with the service	<b>9</b>
<b>5. CLASSIFYING PLANNING BREACHES</b>	<b>11</b>
<b>6. APPROACH TO ENFORCEMENT</b> Negotiation Cessation of Unauthorised Development Retrospective Planning Applications	<b>12</b>
<b>7. STANDARDS WHEN CONSIDERING ENFORCEMENT ACTION</b> Reasonableness, Proportionality & Expediency Deciding Whether to Take Enforcement Action: A Last Resort Discretion	<b>12</b>
<b>8. ENFORCEMENT POWERS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990</b> Rights of Entry (s196A) Requisition Notice (s330) Planning Contravention Notice (s171 C(1)) Breach of Conditions Notice (s187A) Enforcement Notice (s172 (1)) Stop Notice (s183 (1)) Temporary Stop Notice (s171 E(1)) Prosecution Court Injunctions (s187 B) Direct Action (s 178)	<b>14</b>
<b>9. SCHEDULING OF MINERALS AND WASTE MONITORING</b> Legislation Table 3 – Scheduling Mineral site visits	<b>15</b>

<b>10. FURTHER CONSIDERATION OF ENFORCEMENT ACTION</b>	<b>18</b>
European Convention on Human Rights (Human Rights Act 1998)	
Pursuing a Prosecution	
Working with the Review of Investigatory Procedures Act 2000 (RIPA)	
Potential for use of the Proceeds of Crime Act 2002 (POCA)	
<b>APPENDIX 1 – LEGISLATION, GUIDANCE &amp; POLICY DOCUMENTS</b>	<b>19</b>
A. National Policy Guidance	
B. Local Policy Guidance	
<b>APPENDIX 2 - GLOSSARY</b>	<b>21</b>
<b>APPENDIX 3 - CONTACT DETAILS</b>	<b>23</b>

# 1. PURPOSE OF THIS DOCUMENT

## Guidance

- 1.1 Surrey County Council's ("SCC") Planning Enforcement Protocol ("*the protocol*") is set out as guidance for members of the public, developers and other interested parties in relation to the principles and standards the County Planning Authority ("CPA") will seek to apply in pursuance of its planning monitoring and enforcement responsibilities: which include mineral and waste development. The protocol will also assist the CPA in considering the most appropriate action to take specific to enforcement and monitoring matters.
- 1.2 The protocol provides general guidance on the factors that the CPA will take into account when deciding whether to take enforcement action in relation to a breach of planning control. Each individual case will be considered on its own merits against not only the protocol but also the relevant Development Plan and Government guidance before any decision is taken.

## Openness

- 1.3 Officers will advise a complainant and those involved in carrying out unauthorised development of the protocol that applies and will keep as much information as is practically possible in the public domain, whilst protecting the confidentiality of a complainant and any sensitive business information. Officers will seek to maintain dialogue with operators and landowners in order to achieve an agreed solution. Where enforcement action is taken through the issue of a formal notice, these matters will be reported to the Planning and Regulatory Committee twice a year

## Information

- 1.4 This document is provided as information only. It is not a full and authoritative statement of the law and does not constitute professional and/or legal advice. Any statement in this document does not replace, extend, amend or alter in any way the statutory provisions of the Town and Country Planning Act 1990 or any subordinate legislation made under it or statutory guidance issued in relation to it.
- 1.5 The CPA accepts no responsibility for any errors, omissions or misleading statements on these pages, or any source of information to which these pages refer. In particular, it must be noted that, although SCC has made every effort to ensure that the information in this document is correct, changes in the law and the nature of implementation mean that the information in this document cannot be guaranteed as accurate.

## 2. INTRODUCTION TO THE COUNTY PLANNING FUNCTION

### Responsibility

- 2.1 Surrey County Council as the CPA has responsibility for discharging the development control planning function(s) associated with minerals extraction, management of waste, and SCC's own development under the provisions of the Town and Country Planning General Regulations 1992. These planning functions are often referred to as "county matters" and are defined by Schedule 1 of the Town and Country Planning Act 1990 and the Town and Country Planning (Prescription of County Matters)(England) Regulations 2003.
- 2.2 This document only deals with minerals and waste matters, the monitoring and enforcement of SCC's own Regulation 3 development is not addressed within this document, but will be covered within a separate procedure note.
- 2.3 The CPA has legal powers to deal with county matters. District and Borough Councils deal with all other planning matters including:
- Fly tipping and abandoned cars
  - Developments permitted by District or Borough Councils, this includes the importation and exportation of materials to develop sites where the materials are an integral part of the development and are necessary for it to be carried out
  - Agricultural determinations
  - Where a mixture of uses, including both county and non-county matters take place on a site, the relevant District or Borough Council has jurisdiction to address both planning applications or enforcement action with agreement of the CPA, but the CPA is unable to address District and Borough matters in this way
  - Housing and commercial development
  - Untidy lands

## 3. THE MONITORING AND ENFORCEMENT FUNCTION

### Monitoring

- 3.1 For all dormant and operational minerals sites and operational waste sites with planning permissions granted by the CPA, officers undertake routine monitoring to ensure compliance with conditions imposed as part of such permissions and to ensure that any unauthorised development is identified, and regularised as appropriate. The CPA has been proactive in monitoring such sites for over 20 years and this has now become mandatory through the requirements of 'The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2012', the 'Waste Framework Directive (2008/98EC)' and 'The Waste (England and Wales) Regulations 2012'.

## Enforcement

- 3.2 Where there are breaches of planning control from unauthorised mineral or waste development or from non-compliance with planning conditions, the CPA has discretion to take enforcement action if expedient.
- 3.3 The legislation governing such planning enforcement is principally provided by the following:
- Town and Country Planning Act 1990
  - Planning and Compensation Act 1991
  - Town and County Planning Act (General Permitted Development Order) 2015
  - Town and Country Planning (Enforcement Notice and Appeals) Regulations 2002
  - Planning and Compulsory Purchase Act 2004
  - Town and Country Planning (Fees for applications and deemed applications) Regulations 2012
  - Department for Business Innovation and Skills Regulators' Code April 2014
  - The Crown Prosecution - The Code for Crown prosecutors January 2013
- 3.4 In carrying out the CPA's enforcement function, procedures and decisions will have regard to legislation guidance and policy, details of which can be found in Appendix 2.
- 3.5 The Enforcement Protocol complies with the National Planning Policy Framework (NPPF), paragraph 207 which states:
- 'Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.'
- 3.6 This Enforcement Protocol sets out the CPAs approach to achieving planning compliance at mineral and waste management sites within Surrey and consists of two broad elements. The first relates to the proactive monitoring of authorised mineral and waste management sites and the second sets out how enquiries/complaints alleging that a breach of planning control has occurred will be investigated and remedied where appropriate.

### Investigating Sites of Unauthorised Development

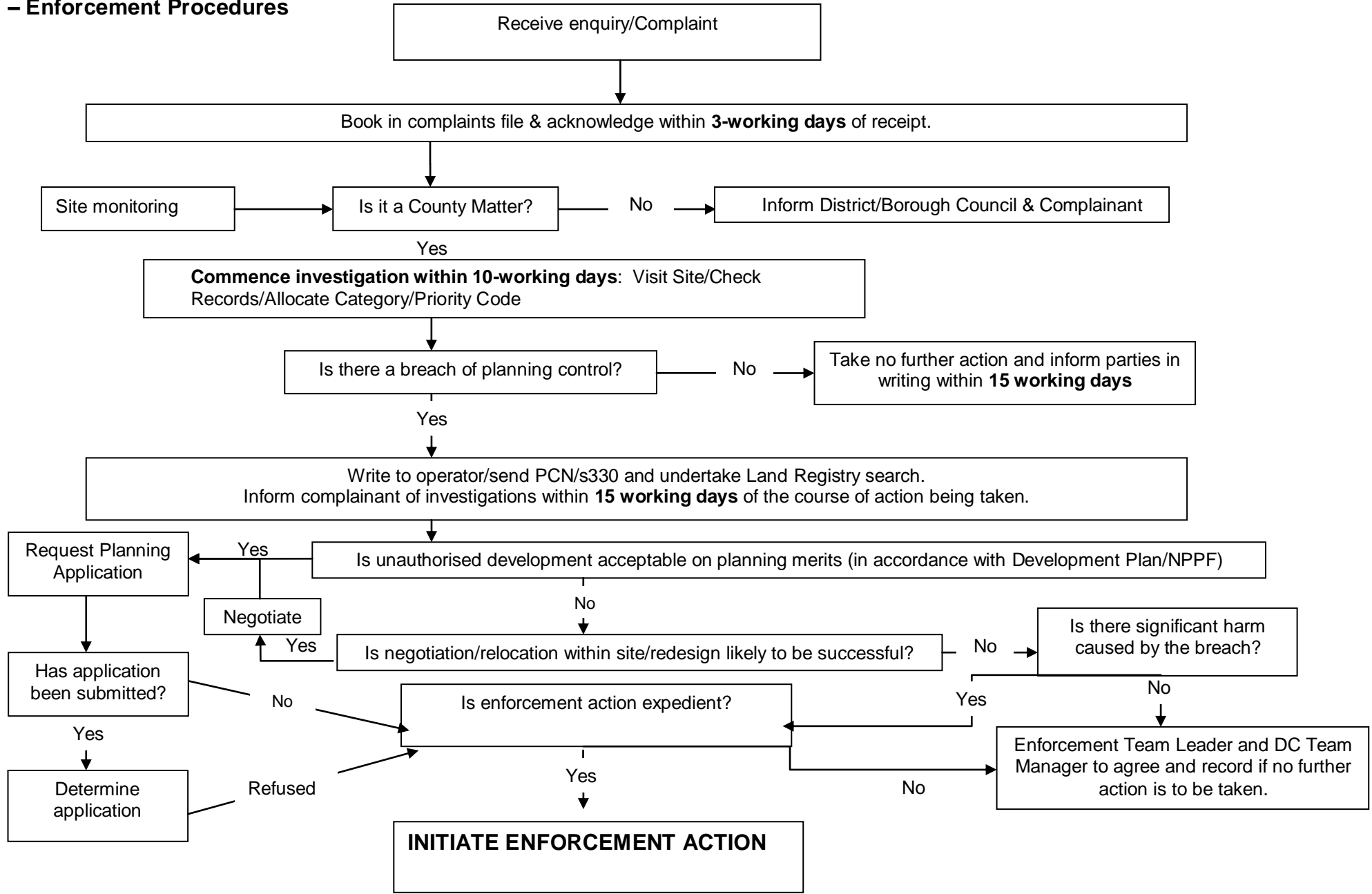
- 3.7 In addition to the monitoring of sites with planning permission, sites known to have unauthorised development are added to our schedule.
- 3.8 Planning breaches on all sites that are identified through such visits are raised with operators and landowners and compliance is sought through a process of



informal discussion and encouragement. Where such actions fail to achieve the desired effect then formal enforcement action may be taken. This may result in either a negotiated cessation, compliance through the issue of an enforcement notice or potentially the retrospective grant of planning permission, either through a planning application or at appeal.

- 3.9 Breaches of planning control may be brought to the attention of the CPA through either complaints made by members of the public, Parish Councils, District or Borough Councils, elected Members, private/charitable organisations and/or other regulatory bodies such as the Environment Agency, but can also arise by monitoring or enforcement officers identifying breaches of planning control. .
- 3.10 See Fig. 1 Enforcement Procedures for the enforcement decision making process.

Fig. 1: – Enforcement Procedures



Page 402

Note: legal advice may be sought at any point in this process and EIA screening will also be sought.

## 4. DEALING WITH ENQUIRIES & COMPLAINTS

### How to raise a complaint or enquiry

- 4.1 People should contact the CPA when they are concerned that mineral or waste development, is a cause of concern or is considered a breach of planning control. These will be investigated on a priority basis dependent upon the perception of risk (see Fig. 2 Prioritising Complaints). The CPA will seek co-operation to resolve problems and use formal enforcement powers as a last resort.
- 4.2 Wherever possible, email is the best way of communicating with the Monitoring and Enforcement Team Those wishing to enquire or make a complaint about a site should provide the following details as a minimum:
- i) Their name, contact phone number and email or postal address.
  - ii) The time and date of their communication.
  - iii) The site name and postal address of the site in question.
  - iv) The date and time of the problem, plus full details of the issue.
- 4.3 Officers are contactable by phone, email or post and contact details are provided on the [SCC website](#) and at the end of this document.

### Recording & Acknowledging Complaints

- 4.4 Upon receipt of a complaint, the CPA will make an initial risk assessment to classify the complaint, see Fig.2.
- 4.5 Details of the complaint will be recorded and allocated to a Monitoring Officer (in the case of authorised sites) or to an Enforcement Officer (where the site is unauthorised) within 2 working days of receipt of the complaint.
- 4.6 The appropriate officer will contact the complainant (*by way of writing or telephone*) to acknowledge receipt of their complaint(s) within 3 working days of receiving the complaint.

<b>Fig 2.</b>	<b>Prioritising Complaints</b>	
<b>Priority</b>	<b>Risk</b>	<b>Examples of public concern</b>
<b>Low</b>	Minor breaches of planning conditions.	A failure to turn off lights on site
<b>Medium</b>	Major breaches of planning conditions or Unauthorised activities and/or development with the potential to cause harm to the environment.	A failure to install or maintain wheel cleaning equipment
<b>High</b>	Unauthorised activities and/or development posing a significant risk of irreversible harm to public amenity and/or the environment.	The disposal of mixed waste materials causing the risk of irreversible harm to the environment

## Confidentiality

- 4.7 For the purpose of enforcement action all complainant details (*name, address, contact details etc.*) provided to the CPA will be treated as confidential and in all cases handled in accordance with the Data Protection Act 1998, though this may potentially result in such information having to be disclosed at court.

## Equality & Diversity

- 4.8 The CPA will promote equality of opportunity and no individual will receive less or more favourable treatment on the grounds of gender, sexual orientation, disability, marital status, ethnicity, race, age or religion.

## Joint Working with Local Authorities & National Organisations

- 4.9 In most cases a joint working approach is usually maintained with local, bordering and national authorities and information will therefore be shared with the district and boroughs and Environment Agency, and sometimes other organisations including the Police, HM Revenue and Customs, The Department for Transport and the Driver and Vehicle Licensing Authority (DVLA).
- 4.10 Joint investigation of sites may be arranged with the Environment Agency and the district and boroughs and if unable to attend they will be promptly advised of our findings. The operator/land owner/occupier will be advised of planning breaches in writing and other authorities will receive copies of such communications
- 4.11 Breaches of planning control that are investigated and are found not to constitute a 'county matter' will be referred to the relevant district or borough.
- 4.12 In certain circumstances, there may be occasions when the CPA's planning enforcement function overlaps or runs parallel to the different legislative functions of other authorities such as the Environment Agency or Natural England. Any enforcement action taken by the CPA will be based upon planning considerations and will not seek to substitute and/or duplicate legislative powers of different authorities.
- 4.13 Upon identifying a possible legislative contravention in relation to a different authority's remit, the CPA will notify that authority of the suspected contravention as soon as practicably possible.

## Procedures

- 4.14 Advice following an investigation will be put clearly and simply in writing. All letters/electronic mail and notices to unauthorised developers will explain the breach, the requirements of the CPA to put the matter right including time scales and remind the developer of the powers the authority has to take formal action.
- 4.15 A technical breach of planning control will be investigated and assessed as to whether it warrants enforcement action. The CPA will take enforcement action when a breach of planning control is considered unacceptable. In deciding whether to take enforcement action in relation to a breach of condition, the CPA will have particular regard to conditions that were imposed to protect and/or mitigate environmental or amenity impacts, without which planning permission would not have been granted by the CPA. The scale and

persistence of the breach of condition will also be taken into account when determining the nature of any enforcement action.

- 4.16 The rights of appeal of the operator/land owner/occupier against any formal notice will be clearly explained.
- 4.17 Before any formal enforcement action is undertaken, operators/land owners/occupiers will be invited to discuss the issues with the officer, unless immediate action against the breach of planning control is necessary.
- 4.18 Any threat of formal action will be expedited where there is inadequate evidence of steps being taken to resolve the problems.

## Dissatisfaction with the Service

- 4.19 Should an individual not be satisfied with the outcome of a specific investigation into an alleged breach of planning control, they may in the first instance write to the Planning Development Team Manager expressing their concerns and/or requesting a review of the investigation.
- 4.20 If a complainant is concerned about progress at a particular site then they may also speak to their County Councillor who will be able to pursue matters with officers on their behalf.
- 4.21 A member of public may use the [County Council's Complaints Procedure](#) if they are concerned about the nature of action taken by the CPA where unauthorised development has been alleged. If not satisfied with the outcome, the individual may then refer the case to the Local Government Ombudsman. The Local Government Ombudsman may refuse to investigate a complaint if the complainant has not followed the County Council's internal complaints procedure first.

## 5. CLASSIFYING PLANNING BREACHES

- 5.1 Monitoring and Enforcement Officers are likely to encounter several types of planning breaches whilst undertaking their work:
  - Typical planning breaches include the following:
    - i) A breach of a condition relating to an existing planning permission.
    - ii) The carrying out of development in the absence of planning permission
    - iii) The carrying out of development where no planning permission exists, and it is unlikely to gain planning permission.
- 5.2 Where a breach is suspected, any evidence test must be based upon the balance of probability. A variety of planning enforcement tools are provided by The Town & Country Planning Act 1990 (as amended), but not all are available to the CPA when dealing with breaches of planning control involving mineral and waste planning issues. It is a criminal offence not to comply with an existing enforcement notice.
- 5.3 A prosecution may be pursued where sufficient evidence of a breach has been obtained and where it is in the public interest.



## 6. APPROACH TO ENFORCEMENT

### Negotiation

- 6.1 The CPA, so far as possible, will deal with a breach of planning control informally and Officers will be helpful and will seek to rectify the breach through negotiation and, if appropriate, through the invitation of submission of a retrospective planning application or a Certificate of Lawful Existing Use or Development (CLEUD).
- 6.2 The CPA will act promptly to effectively address breaches of planning control unless it is clear that the negotiations will lead to a satisfactory remedy.
- 6.3 Where the landowner/operator/occupier admits a breach of planning control and undertakes measures to rectify the breach, enforcement action may not be necessary.
- 6.4 If the CPA, in seeking to remedy a breach of planning control, considers that a retrospective planning application is unlikely to be successful in regularising the breach, the CPA will inform the developer/landowner/occupier at the earliest opportunity.

### Cessation of Unauthorised Development

- 6.5 When considering the appropriate course of enforcement action, the CPA will have regard to the criteria set out in Table 1. In the case of a significant risk of irreversible harm being identified the CPA will take enforcement action to mitigate the risk.
- 6.6 When determining the priority of a particular breach of planning control, weight will be given to the nature and scale of the breach and consideration will be given to the perceived impact of delaying enforcement action.
- 6.7 When waste materials are being imported and deposited and stored or treated on the land, be they inert or non-inert waste, the unauthorised development will be required to cease or the use of a Temporary Stop Notice (TSN) or Court Injunction may be sought.

### Retrospective Planning Applications

- 6.8 If a retrospective planning application to address unauthorised development is invited by Officers but not submitted, the service of an Enforcement Notice is likely to be issued without further communication.
- 6.9 If a retrospective application has been invited by Officers and pre-application advice has been sought prior to submission, but the application is not subsequently forthcoming, the service of an Enforcement Notice will not take place without further discussion and due warning.

## 7. STANDARDS WHEN CONSIDERING ENFORCEMENT ACTION

### Reasonableness, Proportionality & Expediency

- 7.1 There is no statutory duty to take action against a breach of planning control in any particular circumstances. Planning Authorities, of which the CPA is one, must consider the extent of harm that may or may not result from the breach and balance the impact of that development against the impact of taking enforcement action.
- 7.2 The pursuit of formal enforcement action may not always be expedient or reasonable. Where the County Council is the responsible planning authority, any decision not to take enforcement action following a breach of planning control will normally be agreed by the Enforcement Team Leader and the Planning Development Team Manager.

## Deciding Whether to Take Enforcement Action: A Last Resort

- 7.3 Officers will advise any complainant and anyone carrying out unauthorised development as to the protocol that applies. When complaints are acknowledged, a link to this protocol will be included within the written response. Officers will make hard copies available if requested to developers on site and will include the link within subsequent written communications.
- 7.4 The following will be considered:
- i) Expediency** – The primary consideration is the acceptability of the development in planning terms, which means having regard to the Development Plan and other material considerations
  - ii) Personal circumstances** - Of the occupants of the site may influence the decision to take enforcement action
  - iii) Commensurate action** – Enforcement action must be proportionate to the breach and degree of harm
  - iv) Retrospective applications** – Applications can be submitted and/or encouraged where in accordance with the Development Plan
  - v) Immunity** - Whether any breach might become immune from enforcement action, potentially leading to lawful use.
  - vi) Financial impact on the developer/landowner** – This will be considered, but will not prevent action being taken if expedient.

## Discretion

- 7.5 The nature of enforcement action taken by the CPA in relation to a breach of planning control is within the discretion of the CPA and must be in the public interest.
- 7.6 Designated Enforcement Officers, Planning Officers and Legal Officers have delegated authority to take enforcement action, or conversely not to initiate enforcement action. Enforcement cases are not normally referred to the Planning and Regulatory Committee, though Members are kept advised of all enforcement action taken through 6-monthly reports. Borough and District as the Local Planning Authorities (LPAs) deal with all other forms of development, but may deal with waste matters where this has been agreed with the CPA in cases where there are overlapping responsibilities.

## 8. ENFORCEMENT POWERS UNDER THE TOWN AND COUNTY PLANNING ACT 1990

### 8.1 Rights of Entry (s 196A)

Planning Enforcement Officers and Monitoring Officers, who are authorised in writing, may at any reasonable hour and if they have reasonable grounds for their use, enter any land to ascertain:

- Whether there is or has been a breach of planning control on the land or on any other land;
- Whether any powers should be exercised in relation to the land or any other land; and
- Whether there has been compliance with any requirement imposed as a result of such power being exercised.

If necessary, planning enforcement officers can obtain a warrant to enter land under section 196B of the Town and Country Planning Act 1990.

It is a summary offence to willfully obstruct any person exercising a right of entry under A196A & B, punishable by a Level 3 fine in a magistrate's court.

### 8.2 Requisition Notice (s 330)

The CPA may serve a notice on the occupier of any premises and any persons receiving rent in respect of any premises, requiring information about those with an interest in the land and the use of the land. This notice may be the precursor to the issue of a formal enforcement notice; those served have 21 days to respond. Failure to comply with a s330 Requisition Notice is a criminal offence, triable at the Magistrates court or the Crown Court.

### 8.3 Planning Contravention Notice (s 171 C(1))

Where it appears to the CPA that a breach of planning control may have occurred, the CPA may serve a Planning Contravention Notice (*PCN*) to gather information about operations on the land. Those served have 21 days to respond. Failure to comply with a PCN is a summary offence

### 8.4 Breach of Condition Notice (s 187 A)

Where the CPA has granted planning permission subject to conditions, and one or more of the conditions have not been complied with, the CPA may serve a Breach of Condition Notice (*BCN*). The BCN may be served on any person who is carrying out or has carried out the development and any person having control of the land, requiring them to secure compliance with the condition(s) as specified in the BCN within a minimum of 28 days. .

Failure to fully comply or to take the steps to comply with a BCN is a criminal offence. There is no right of appeal.

### 8.5 Temporary Stop Notice (s 171 E (1))

Where the CPA consider that there has been a breach of planning control in relation to any land, and it is expedient to stop immediately the activity (or any part of the activity) which amounts to the breach, the CPA can issue a Temporary Stop Notice (*TSM*). Failure to comply with a TSN is a criminal offence.

### 8.6 Enforcement Notice (s 172 (1))

The CPA may serve an Enforcement Notice (*EN*) where there appears to be a breach of planning control and it is expedient to issue the notice. The EN is served on the owners, occupiers and all other parties who have an interest in the land concerned. There is a right

of appeal but if not appealed failure to comply with the requirement of an EN is a criminal offence.

The lodging of an appeal effectively suspends the EN until the appeal is finally determined or the notice is withdrawn.

Failure to comply with an EN upheld at appeal is a criminal offence. The EN is a local land charge and runs with the land (not the land owner) and remains in place on the land.

### **8.7 Stop Notice (s 183 (1))**

Where the CPA consider it expedient that any relevant activity should cease before the expiry of the period for compliance with an EN, it may, when it serves an EN or at a point after, serve a Stop Notice (SN) prohibiting the carrying out of that activity on the land to which the EN relates.

An appeal may not be lodged against a SN and failure to comply is a criminal offence.

### **8.8 Prosecution**

Criminal offences in relation to Enforcement Notices, Stop Notices and Temporary Stop Notices are either way offences, meaning the defendant may choose to be tried in either the Magistrate's Court or the Crown Court. If successfully prosecuted, the maximum fine that may be imposed by the Magistrates is £20,000, whilst a Crown Court may impose an unlimited fine or imprisonment in relation to an EN.

### **8.9 Court Injunctions (s 187B)**

Where it is necessary or expedient the CPA may apply for an injunction to the High Court or the County Court, either as an alternative to taking enforcement action or in addition to an extant EN or SN. An injunction may be issued on an interim basis until a full hearing is undertaken, at which point it may be granted on a permanent basis.

An application for an injunction may be contested by the landowner or operator. The evidence in a case will be considered by a judge who will then make a decision. The decision to make an injunction order is at the discretion of the judge.

Failure to comply with a court order or an undertaking given to the court is a contempt of court, punishable by an unlimited fine and up to two years imprisonment.

### **8.10 Direct Action (s 178)**

In order to secure compliance with an EN, the Town and Country Planning Act 1990 and the extended provisions in the Planning and Compensation Act 1991 empowers the CPA to take direct action in default of the owner/occupier of the land. Where the steps required by an EN are not undertaken within the period for compliance, the CPA may enter the land and take the steps and recover from the person who is the owner of the land any expenses reasonably incurred by the CPA in doing so. The agreement of the Planning and Regulatory Committee would be sought due to the costs that would be incurred by the CPA. The CPA may also choose to register a charge for a sum equal to the estimated cost of the work, on the land instead.

## **9. SCHEDULING OF MINERALS AND WASTE MONITORING**

### **Legislation**

- 9.1 A schedule of visits to mineral and waste sites is prepared annually. The number of chargeable visits to mineral sites prepared in accord with 'The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2012'. Scheduled visits to waste sites with planning permission are based on site operations and issues that have arisen over the previous year.
- 9.2 The frequency of monitoring of mineral sites, see Fig. 3 Scheduling Mineral Site Visits, is based upon considerations that take into account the following factors:
- i) Scale & size of development.
  - ii) Complexity of site and number of permissions.
  - iii) Conditions requiring regular monitoring.
  - iv) Stage of development.
  - v) Progressive nature of site work.
  - vi) Identified breaches of planning control.
  - vii) Substantiated complaints
- This results in each site being classified into one of the following:
- i) Category A – 1 visit.
  - ii) Category B – Between 2 and 4 visits.
  - iii) Category C – 6 visits.
  - iv) Category D – 8 visits.
- 9.3 Under the 2012 Regulations, each site may receive a minimum of 1 and a maximum of 8 chargeable site visits. Although additional site visits may be made, they may not be charged for. See 3: Table.

<b>Fig. 3</b>		
<b>Scheduling Mineral Site Visits</b>		
<b>Classification</b>	<b>Monitoring of Authorised Sites</b>	<b>Scheduled Annual Visits</b>
Category A	Sites fully in Aftercare or Dormant: if dormant sites become active the visits will increase.	1 visit
Category B	Sites with simpler planning permissions and/or low levels of site activity.	2 - 4 visits
Category C	Sites with several complex planning permission/s and/or legal	6 visits



	agreements. Development comprising of a number of various activities which warrant individual monitoring. Developments where variations of working have been approved.	
Category D	Sites that have not been operating in accordance with their respective planning permission(s); conditions and/or legal obligation(s). Developments that give rise to one or more substantiated complaints. Developments where enforcement action has been triggered.	8 visits

- 9.4 The CPA compile site visit reports in respect of the monitoring undertaken for all chargeable visits, a copy of which is provided to the site operator. These reports are considered to be public documents and, available for inspection by any interested party. However whilst third party written requests for reports will be considered (and may be provided in certain cases), private or commercially sensitive information will first be redacted
- 9.5 The monitoring the CPA carries out is not intended to duplicate the monitoring carried out by other authorities (*e.g. Environment Agency*).
- 9.6 The CPA's monitoring is focused on operator compliance with the activities and uses specified in relevant planning permission(s).
- 9.7 At the time of undertaking a monitoring visit, should officers identify a possible breach in relation to other regulatory authorities remit, the CPA will notify that authority of the suspected contravention as soon as practicably possible.
- 9.8 The Annual Monitoring Report (*AMR*) provides a brief summary of monitoring & enforcement performance and is available [online](#).

## 10. FURTHER CONSIDERATION OF ENFORCEMENT ACTION

### European Convention on Human Rights - The Human Rights Act (1998)

- 10.1 It is unlawful for a public authority to act in a way that is incompatible with a Convention right. The CPA will consider whether proposed enforcement action might breach any human rights. The relevant articles to consider are:
- a) 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 their possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights.
  - b) Article 6 - Right to a fair trial.
  - c) Article 8 - Right to a private and family life.
  - d) Article 14 - Prohibition of discrimination.

### Pursuing a Prosecution

- 10.2 A decision to prosecute must consider:
- i) Sufficiency of evidence - is there sufficient, admissible and reliable evidence that a criminal offence has been committed.
  - ii) Public interest – is it in the public interest to prosecute?
  - iii) The presence, or lack of financial benefit - See Proceeds of Crime Act 2002 (POCA).
- 10.3 Whilst preparing to prosecute, subsequent compliance with a notice would make it likely that a prosecution would be withdrawn.

### Working with the Regulatory Investigatory Procedures Act 2000 (RIPA)

- 10.4 Once a BCN, EN, SN, TSN, County Court Injunction (CCI) or High Court Injunction (HCI) becomes effective, failure to comply with the requirements of the notice by the designated dates becomes a criminal matter. Unannounced site visits may be undertaken on or after the due dates to check for compliance (or if new breaches are suspected), but the ability of the CPA to undertake covert surveillance or investigations is regulated by the Regulatory Investigatory Procedures Act (RIPA).
- 10.5 CPA Officers will where justified openly undertake surveillance of a site that has an extant existing notice in place in order to seek to obtain evidence of criminal activity.

### Potential for use of the Proceeds of Crime Act 2002 (POCA)

- 10.8 Following a successful criminal prosecution for non-compliance with an enforcement notice, the Proceeds of Crime Act (POCA) allows for confiscation orders to be made by the Crown Court for the recovery of the gross receipts of an illegal business as it arises from a criminal activity.

# APPENDIX 1 - LEGISLATION, GUIDANCE AND POLICY DOCUMENTS

## A. National Policy Guidance is set out within:

[The Town and Country Planning Act 1990 \(TCPA\)](#)

[The Town and Country Planning \(General Permitted Development\) Order 2015 \(as amended\)](#)

[Enforcement of Planning Control - RTPI Practice Advice Note 6 – 1996](#)

[The Human Rights Act 1998](#)

[Enforcement Concordat - March 1998 \(Endorsed by SCC in April 1998\)](#)

[Proceeds of Crime Act 2002](#)

[The Town and Country Planning \(Prescription of County Matters\)\(England\) Regulations 2003](#)

[Fees for monitoring of mining and landfill sites in England](#)

[Procedural Guidance - Enforcement Appeals and Determination of Appeal Procedure PINS July 2015](#)

[The National Planning Policy Framework 2012 \(NPPF\)](#)

[Town & Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits \(England\) Regulations 2012](#)

[Planning Practice Guidance issued 6th March 2014 \(PPG\)](#)

[Department for Business Innovation and Skills Regulators' Code April 2014](#)

[The Crown Prosecution - The Code for Crown Prosecutors January 2013](#)

## B. Local Policy Guidance is set out within:

Surrey County Council's Development Plan, comprising:

[Surrey Minerals Plan Core Strategy DPD—Adopted 19 July 2011.](#)

[Surrey Minerals Plan Primary Aggregates DPD—Adopted 19 July 2011](#)

[Surrey Waste Plan – Adopted 6 May 2008](#)

The relevant Local Planning Authority Plans:

[Elmbridge BC](#)

[Epsom & Ewell BC](#)

[Guildford BC](#)

[Mole Valley DC](#)

[Reigate & Banstead B C](#)

[Runnymede BC](#)

[Spelthorne BC](#)

[Surrey Heath BC](#)

[Tandridge DC](#)

[Waverley DC](#)

[Woking BC](#)

## APPENDIX 2 - GLOSSARY

**Breach of planning control** - Where a breach of planning control has occurred in the absence of planning permission or where the conditions of a planning permission have not been complied with.

**Development** – Defined by section 55 (1) of the Town and Country Planning Act 1990 as meaning the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

**Development Plan** – The relevant planning policy documents, to be considered for an area. In Surrey, this will include documents produced by both the County and district and borough councils.

**Metropolitan Green Belt (MGB)** – Designated land in Development Plans which is protected from development in order to prevent urban sprawl and maintain open countryside

**Area of Outstanding Natural Beauty (AONB)** – This national designation was established to maintain an area of precious landscape with distinctive character and natural beauty for the benefit of the nation.

**Area of Great Landscape Value (AGLV)** – This designation was provided to maintain a landscapes distinctive character or quality by restricting development.

**Permitted development** – Development which does not required an express grant of planning permission – see Town and Country Planning (General Permitted Development) Order 2015 or the Use Classes Order 1987.

**Ramsar Sites** - Wetlands of international importance designated under the Ramsar Convention It provides for the conservation and good use of wetlands and the convention was ratified by the UK Government in 1976 when it also designated its first Ramsar sites.

**Scheduled ancient monuments** – Nationally important archaeological sites or historic buildings.

**Section 106 agreement** - Section 106 of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally binding agreement (planning obligation) with a developer of land to secure appropriate mitigation for the development.

**Sites of Special Scientific Interest (SSSI)** – Defined under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) as an area of special interest by reason of any of its flora, fauna, or geological features.

**Special Areas of Conservation (SAC)** – These are protected sites designated under the European Community (EC) Habitats Directive. The listed habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).

**Special Protection Areas (SPA)** – These are protected sites for rare and vulnerable birds and for regularly occurring migratory species as classified in accordance with Article 4 of the EC Birds Directive.

**Flood Plain** – See the [Environment Agency's website](#) via the following link for up to date information.



**Material planning considerations** – A material consideration is a matter that should be taken into account in making a planning decision, for example traffic, noise, design and nature conservation. Non-material planning considerations include loss of property value, boundary disputes and matters controlled by non planning legislation.

**Lawful development-** A local planning authority can grant a certificate confirming that: an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is (or would be) lawful for planning purposes.

## APPENDIX 3 - CONTACT DETAILS

### **Phone Numbers:**

Ian Gray - Planning Enforcement Team Leader:	0208 541 9423
Paul Warner - Senior Enforcement Officer:	0208 541 9394
Karen Jackson - Monitoring Officer:	0208 541 9923
James Nolan - Monitoring Officer:	0208 541 9442
SCC Contact Centre:	03456 - 009009

### **Email:**

mwcd@surreycc.gov.uk

### **Post:**

Planning Enforcement & Monitoring, Room 391, Surrey County Council, County Hall, Penrhyn Road, Kingston upon Thames, KT1 2DY.

**For general planning information please see the Surrey County Council's website:**

<http://new.surreycc.gov.uk/environment-housing-and-planning/planning>

This page is intentionally left blank