

**PLANNING AND REGULATORY COMMITTEE
NOTICE OF MEETING**

Date: Wednesday, 30 July 2014
Time 10.30 am
Place: Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN

Contact: Cheryl Hardman or Huma Younis, Room 122, County Hall
Telephone: 020 8541 9075 or 020 8213 2725
Email: cherylh@surreycc.gov.uk or huma.younis@surreycc.gov.uk
[For queries on the content of the agenda and requests for copies of related documents]

APPOINTED MEMBERS [12]

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

EX OFFICIO MEMBERS (NON-VOTING) [4]

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

APPOINTED SUBSTITUTES [19]

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

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AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

2 MINUTES OF THE LAST MEETING

These will be confirmed and signed off at our next meeting on 3 September 2014.

3 PETITIONS

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

4 PUBLIC QUESTION TIME

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

5 MEMBERS' QUESTION TIME

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

6 DECLARATIONS OF INTERESTS

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

Notes:

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

7 MINERALS/WASTE TA/2013/1799 :MERCERS SOUTH, NUTFIELD, REDHILL, SURREY, RH1 4EU

(Pages 1 - 64)

This is an application for the extraction and screening of sand from Mercers South with progressive restoration to agriculture using inert waste materials, together with: the construction of a new dedicated internal access from the A25; screening bunds; the

provision of a welfare/office block and mobile home to accommodate staff and security personnel; a wheelwash, weighbridge and associated office; car parking area; reinstatement of rights of way network, woodland, historic hedgerows and ditch to include landscape and ecological enhancements, on a site of 52.2 ha and the temporary diversion of public footpath 173 for the duration of the operations.

The recommendation is to PERMIT subject to conditions.

- 8 SURREY COUNTY COUNCIL PROPOSAL EL2014/2144: LAND AT HURST PARK PRIMARY SCHOOL, HURST ROAD, WEST MOLESEY, SURREY KT8 1QW** (Pages 65 - 88)

This is an application for the installation of demountable unit comprising two classrooms for a temporary period of 3 years.

The recommendation is to PERMIT subject to conditions.

- 9 SURREY COUNTY COUNCIL PROPOSAL EP14/00362: LAND AT THE VALE PRIMARY SCHOOL, BEACONSFIELD ROAD, LANGLEY VALE, EPSOM, SURREY KT18 6HP** (Pages 89 - 116)

This is an application for the installation of a demountable classroom unit comprising one classroom and ancillary facilities for a temporary period of 7 years; external fencing works and relocation of bin store and cycle store.

The recommendation is to PERMIT subject to conditions.

- 10 ARRANGEMENTS FOR PRE APPLICATION GUIDANCE AND LOCAL FEE SETTING FOR COUNTY COUNCIL MATTER DEVELOPMENT** (Pages 117 - 122)

This report addresses the introduction of formal pre application discussion guidance and charging scheme for county matter development.

Recommendation: That Members approve the implementation of the proposed pre application guidance procedure and charging scheme to be introduced by the 15 September 2014, and to be reviewed after the first year and thereafter as appropriate.

- 11 ENFORCEMENT & MONITORING UPDATE REPORT** (Pages 123 - 128)

This report covers the period from 1st February 2014 to 30th June 2014.

12 DATE OF NEXT MEETING

The next meeting of the Planning & Regulatory Committee will be on 3 September 2014.

David McNulty
Chief Executive
Thursday, 17 July 2014

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

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

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

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

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

Thank you for your co-operation

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

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

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

NOTES:

1. The Chairman will adjourn the meeting for lunch from 12.45pm unless satisfied that the Committee's business can be completed by 1.15pm.

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

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

HUMAN RIGHTS ACT 1998 – GUIDANCE FOR INTERPRETATION

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

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

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

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

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

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

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

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

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

TO: PLANNING & REGULATORY COMMITTEE DATE: 30 July 2014

BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER

DISTRICT(S) TANDRIDGE DISTRICT COUNCIL ELECTORAL DIVISION(S):
Godstone
Mrs Windsor

PURPOSE: FOR DECISION GRID REF: 530737 151586

TITLE: MINERALS / WASTE TA/2013/1799

SUMMARY REPORT

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

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

The site is located in open countryside, west of the M23 motorway, south of the M25, north of the A25 and east of Nutfield Marsh Road. The land is east of Redhill, with the village of Nutfield to the south on the A25 (Bletchingley Road) and the village of Bletchingley is to the south-east, on the other (east) side of the M23.

The application site lies within the Metropolitan Green Belt and within the Holmethorpe Sandpits Complex SNCI (County importance for birds). The proposed extraction area lies at 85-93m AOD and the internal access haul route steadily rises to the south toward the site access off the A25 at 145m AOD. The site is within a major aquifer and close to source protection zone 3 for public water supply (Warwick Wold). FP173 crosses the extraction site area and would need to be temporarily diverted, with FPs175 and 188 crossing the proposed internal access haul road. The closest residential properties lie approximately 50m to the west of the proposed sand extraction area and 70m to the east of the haul route.

The application is for the phased (4 phases) extraction of some 4.1 million tonnes of sand over a period of approximately sixteen years (250,000tpa) commencing in 2016, with progressive restoration of the site using inert waste, restoring the site back to agriculture by 2036. Access to the site would be via a dedicated new access directly off the A25 approximately 900m to the south of the extraction area, just east of Nutfield Village. The new access route is currently grassland that was previously worked for Fuller's Earth. The development would generate an average of 75HGV movements per day for the sand extraction and 75HGV movements per day in connection with the infilling.

An Environmental Impact Assessment (EIA) has been undertaken and submitted, which considered the impacts of the application in accordance with the requirements of a Scoping Opinion provided by Surrey County Council.

The application extraction area is identified as a preferred area (Preferred Area P: Mercers Farm) in the Surrey Minerals Plan 2011 (SMP2011) for future extraction of soft sand, where it is considered that mineral working is possible without posing significant adverse impacts on the environment or local community, subject to key development requirements which need to be addressed as part of any future proposals for mineral extraction. These cover the following matters: traffic and access; local amenity; biodiversity; heritage; hydrology; agriculture; landscape; aerodrome safeguarding; and restoration.

No objections have been received from the technical consultees who were asked to comment on the above key development requirements as set out in the SMP2011. Tandridge District Council, the local parish councils, local conservation groups and local residents object to the proposed development, raising concerns in respect of; need, traffic, local amenity, biodiversity, heritage, hydrology, pollution, agriculture, landscape and restoration.

The concerns of Tandridge District Council, local residents and other organisations are acknowledged, however Officers consider that taking into account the responses from technical consultees, the proposed development can be carried out without imposing significant adverse impacts on the environment or local community, and that any impact on the environment or on amenity will only be temporary or will be able to be controlled to acceptable levels by the imposition of planning conditions. Minerals can only be worked where they are found and whilst the site is within the Green Belt, mineral extraction need not be inappropriate development as it is a temporary operation that can be carried out without compromising openness. Officers consider that the need for the mineral clearly outweighs any temporary impacts of the development and that the scheme meets the policy requirement for mineral extraction in the Green Belt, in that high environmental standards can be maintained and the site can be well restored to a beneficial afteruse within an acceptable timescale.

The recommendation is to PERMIT subject to conditions.

APPLICATION DETAILS

Applicant

J & J Franks Ltd

Date application valid

25 November 2013

Period for Determination

17 March 2014 (extension until 31 July 2014)

Amending /Amplifying Documents

Letter dated 27 February 2014 and attached response from URS (dated 26 February 2014) to consultee comments.

Letter dated 21 May 2014 (entitled Landscape)

Letter dated 29 May 2014 (entitled Environment Agency) and attached response from URS on Flood Risk (dated 28 May 2014)

Outline Management Plan dated June 2014

Schedule of Landscape Drawings dated 25 June 2014

SUMMARY OF PLANNING ISSUES

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

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Mineral Issues and Need	Yes	49-68
Highways, Traffic and Access	Yes	69-83
Landscape and Visual Amenity	Yes	85-113
Rights of Way	Yes	114-115
Cultural Heritage	Yes	116-120
Noise	Yes	121-124
Air Quality – Dust	Yes	125-130
Hydrology/ Hydrogeology/Geotechnical Assessment	Yes	131-139
Ecology and Biodiversity	Yes	140-145
Restoration and Aftercare	Yes	146-151
Green Belt	Yes	157-162

ILLUSTRATIVE MATERIAL

Site Plan

Plan

Aerial Photographs

Aerial 1

Aerial 2

Site Photographs

- Fig 1 -View N along proposed haul route from access off A25
- Fig 2 - View S up toward A25 of proposed haul route
- Fig 3 - View E from FP175 toward Glebe Cottage
- Fig 4 - View W of Peytons Cottages from proposed haul route
- Fig 5 - View NNW from proposed haul route toward extraction area beyond Glebe Lake
- Fig 6 - View NW along FP173 and proposed extraction area
- Fig 7 - View N across proposed extraction area
- Fig 8 - View NE from FP173 across proposed extraction area toward M23
- Fig 9 - View E along FP173 of proposed extraction area

BACKGROUND

Site Description

- 1 The application site, some 52ha, is located in open countryside on land at Mercers Farm, west of the M23 motorway, south of the M25, north of the A25 and east of Nutfield Marsh Road. The site is approximately 2.5km northeast of Redhill, with Merstham to the north, and the villages of Nutfield and Bletchingley on the A25 to the south and south east respectively. To the west is Mercers Park, a former silica sand quarry and now a country park used mainly for watersports. To the north lies Spynes

Mere, another former silica sand quarry, restored to a lake and nature reserve. The application site (referred to as Mercers South) comprises the extraction area (approx 22ha) to the south and east of Mercers Farm buildings and comprises managed arable agricultural land with some hedgerows, with land to the south of the proposed extraction area, which is to be used for the access to the A25 and planting. This southern access area is a former Fullers Earth/sand working area, and now restored (unmanaged grazing and hedgerows), incorporating Glebe Lake (used for fishing). Public Footpath No.173 crosses the southern end of the proposed extraction area (E - W), with Public Footpath Nos.175 and 188 crossing the line of the proposed internal access haul route to the south.

- 2 The application site lies within the Metropolitan Green Belt and within the Holmethorpe Sandpits Complex SNCI (County importance for birds). The northern boundary of the site marked by Redhill Brook borders the southern edge of the Surrey Hills Area of Outstanding Natural Beauty (AONB). The southern half of the application site borders land to the east designated as Surrey Hills Area of Great Landscape Value (AGLV). Access to the application site is proposed to be gained from a dedicated new access off the A25 to the south, between the villages of Nutfield and Bletchingley. The proposed extraction area lies at 85-93m AOD and steadily rises to the south, with the site access off the A25 at 145m AOD. There are listed buildings adjoining the western boundary of the site and in close proximity to the site. The site is within a major aquifer and close to source protection zone 3 for public water supply (Warwick Wold). The site also lies within the 13km safeguarding area of Biggin Hill and Gatwick Airports. Redhill Aerodrome lies approximately 3km to the south of the site.
- 3 The closest residential properties lie approximately 50m to the west of the proposed sand extraction area. The closest residential properties to the access road are the properties along the A25 approximately 70m to the east of the site access. An overhead electricity pylon (aligned N-S) is located along the far western edge of the site south of Mercers Farm buildings.

Planning History

- 4 The Nutfield area forms a complex of historical workings for Fullers' Earth (clay – important industrial uses) and overlying sands both north and south of the A25. The complex of workings is based on a Ministerial decision in 1954 to give planning consent to extraction from over 1,000 acres (405ha) of land north of the A25, subject to approval of the detail programmes of working and restoration. This 1954 consent comprises almost the whole of the area of open land north and west of Nutfield to Redhill and South Merstham, which includes the majority of the application site extraction area. An eastward extension of this 1954 consented area, comprising 68 acres (28 ha) of land around Glebe House, was granted consent by Surrey County Council in 1971. Two smaller areas remain within the original consented area: Mercers South (south and east of Mercers Farm buildings) and Chilmead (north of Chilmead Lane), which have reserves of building (soft) sand.
- 5 The application extraction site area at Mercers South is identified as a preferred area (Preferred Area P: Mercers Farm) in the Primary Aggregates Development Plan Document (DPD) for future extraction of soft sand for the period 2009-2026. The Primary Aggregates DPD, 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 Mercers Farm these cover the following matters: access and traffic; local amenity; biodiversity; heritage; hydrology; agriculture; landscape; aerodrome safeguarding; and restoration.

THE PROPOSAL

6 The application is for the extraction and screening of approximately 4.1 million tonnes of sand over a 16 year period commencing around 2016, with progressive restoration back to agriculture using imported inert construction waste materials by 2036. The proposed extraction area forms the northern half of the application site area, to the north of Glebe Lake, south and east of Mercers Farm buildings. The southern half of the site is narrower and will facilitate the construction of the internal access haul road and dedicated new access on to the A25 to the south. The proposal includes ancillary development, comprising: HGV wheel spinner and washing facility; two weighbridges, office/staff welfare facilities, mobile home for security and car parking, to be located in the south eastern corner of the extraction area. The sand dry screening plant will be moved around the quarry floor as extraction progresses in accordance with the phasing.

Site Preparation

7 A dedicated new access off the A25 and internal access road to the extraction area is proposed to be constructed in 2015 over a period of 6 months, prior to the operational development of the quarry working area. No site development vehicles will access the site from Nutfield Marsh Road or Cormongers Lane. Before the western part of the extraction area is prepared, the overhead power line would need to be diverted. Prior to sand extraction, topsoils would be placed in temporary storage areas, and subsoils would be used to construct screening bunds around the extraction site periphery (progressive with working phases). Clay overburden will be stored in the northwest corner of the site (final phase) and used progressively in advance of the restoration phases as a geological barrier for groundwater protection.

Working, Phasing and Restoration

8 The site will be worked and progressively restored in four phases working from east to west (Figures 6, 7, 8 and 9), with each phase projected to last around 4 years. The quarry will be worked to a depth of 67m AOD, which would be up to a maximum of 21m below the current ground level. Approximately 2m of sand will be worked above the watertable and then the site will be dewatered down to 72m AOD, with the remaining sands worked wet.

9 The extraction of sand will create a quarry void space of approximately 2.5 million cubic metres that would be progressively filled over a period of approximately 16 years in four phases, using inert construction waste materials. Infilling of the quarry would not commence until the first phase of sand extraction is complete, which would be 5 years from the start of the extraction. The site would be brought up to level with the imported inert waste materials and then restored back to agricultural use utilising the site derived subsoils and topsoils. It is anticipated that approximately 181,000 tonnes per annum (tpa) of inert waste infill material would be needed to fill the void created from the proposed 250,000 tpa sand extraction.

10 The development would generate an average of 75 HGV movements per day in connection with the sand extraction, and 75 HGV movements per day in connection with the importation of inert infill materials for the backfilling of the site. The site would operate Mondays – Fridays: 0700 – 1800 hours, and Saturdays: 0700 – 1300 hours, however any quarrying of sand would not commence until 0730 hours. There would be no operations on Sundays or Bank Holidays, although maintenance may be undertaken.

11 Prior to extraction works, a temporary stopping up of Public Footpath No. 173 would be required, and temporary diversion along the southern boundary of the sand extraction area running from Nutfield Marsh Lane to the junction with Public Footpath Nos. 175 and 623. The temporarily diverted Public Footpath No 173 and also existing

Public Footpath Nos. 175 and 188 cross the internal access road, as such appropriate signage would be provided to protect pedestrians.

CONSULTATIONS AND PUBLICITY

District Council

12 **Tandridge District Council**

Object. The following comments were received:

A - Extraction

Tandridge District Council is opposed in principle to sand extraction at the site. This proposal would not result in short term impacts but the impacts would extend over a 16 year period commencing around 2016 for the extraction and screening of sand with progressive restoration back to agriculture using imported inert construction waste materials by 2036. Given the potential impacts on amenity, living conditions, ecology, landscape and the highway network over approximately 20 years, the proposal is unacceptable.

A1 Access - The Council has particular concerns about the proposed development in terms of access to the site via the A25 in view of the pinch point on the A25 in Nutfield where HGVs cannot pass each other. This was a significant issue raised at the Public Inquiry held in the period November 1995 to March 1996 concerning the proposed erection of buildings and plant for use as a recycling and bio-thermal waste to energy facility at the Copyhold Works site further along the A25 to the west towards Redhill. This was subsequently refused planning permission by the Secretary of State for the Environment on 29 July 1996. In the event that extraction is approved, it is considered that an alternative method of transporting the sand should be investigated.

The extraction proposals submitted for Mercers South can only be achieved with unacceptable repercussions which would result in the highway problems caused by HGVs on the A25 being exacerbated with continuing environmental impacts such as noise, vibration and fumes. The impacts on the highway network would stretch along the A25 affecting the historic villages of Nutfield, Bletchingley and Godstone. The impact of extraction is unacceptable enough and the continued further impact of restoration would be ultimately destructive.

A2 Amenity and Environmental Impact - It is considered that the extraction of sand from this site would lead to an environmental impact on nearby dwellings in terms of noise, dust and general disturbance and would be damaging to the rural character of the Nutfield Marsh area. In the event that extraction is approved, any mitigation measures carried out need to ensure that the potential environmental impacts of noise and dust are kept to a minimum.

A3 Visual Impact and Landscape - The Council has concerns about the proposed development in terms of the visual and environmental impact of the site on the Area of Outstanding Natural Beauty to the north and the Area of Great Landscape Value to the east and on the Green Belt itself. It should be noted that planning authorities in Surrey are seeking the assimilation of Areas of Great Landscape Value into the Surrey Hills Area of Outstanding Natural Beauty. The site is an important part of the open attractive landscape between Redhill/Merstham and Nutfield and within the Holmesdale Greensand Valley Landscape Character Area, which would be seriously affected by the extraction of sand from this site. The visual impact of workings and any restoration would have a long term impact on the surrounding landscape which in general terms is attractive and open countryside. The site is also very visible from public elevated areas and viewpoints on the North Downs, which are within the

Surrey Hills Area of Outstanding Natural Beauty. For the reasons outlined above, it is considered that these landscape objections are insurmountable.

A4 Ecology - In view of the presence of Great Crested Newts, Wintering Lapwing, Bullfinch and Reed Bunting, the Council has concerns about the potential ecological impact of sand extraction from the site on the Site of Nature Conservation Importance. In the event that extraction is approved, any mitigation measures carried out need to ensure that the potential environmental impacts on ecology and biodiversity are kept to a minimum.

A5 Drainage - The Council has drainage concerns about the impact of sand extraction from the site on the Nutfield Marsh area and accordingly, in the event that extraction is approved, Surrey County Council would need to be satisfied that with any necessary mitigation measures in place, the proposed development would not increase the risk of flooding during operations or restoration of the site.

B - Restoration

In the event that extraction is approved, restoration should be undertaken to include a landscaped lake with ecological benefit (and bird strike precaution) with limited opportunities for public access and low key informal recreation. Any restoration programme should include a legally binding method statement to control the nature and quantity of material; and the number and routing of vehicles. The restoration proposals submitted for Mercers South can only be achieved with unacceptable repercussions using HGVs to bring in materials to restore the land. This would result in similar highway effects to that described above in A1 Access.'

- 13 **Tandridge District Council – Environmental Health**
No comments received

Consultees (Statutory and Non-Statutory)

- 14 **Reigate & Banstead Borough Council**
No objection. Raise concern in terms of increased traffic, noise and air pollution.
- 15 **The Environment Agency**
No objection, subject to conditions in respect of: flood risk, groundwater monitoring and restoration.
- 16 **Natural England**
No objection, subject to conditions to safeguard soil resources and promote a satisfactory standard of reclamation appropriate to the approved afteruses.
- 17 **Surrey Wildlife Trust**
No objection, subject to further information on ecological issues and that a Landscaping and Ecological Management Plan (LEMP) is provided.
- 18 **English Heritage**
No objection. In view of the number of grade II listed buildings adjacent and in close proximity to the site, there was a recommendation that that the proposals are determined with the input of Surrey County Council conservation staff.
- 19 **County Highway Authority - Transportation Development Control**
No objection, subject to conditions in respect of: visibility zones, means of access, HGV movements and transport management.
- 20 **County Landscape Officer**
No objection, subject to conditions including the requirement for a landscape and ecological management plan.

- 21 **County AONB Adviser**
No comments received
- 22 **County Environmental Enhancement Officer**
No objection, subject to conditions
- 23 **County Biodiversity and Ecology Officer**
No objection, subject to conditions including the requirement for a landscape and ecological management plan.
- 24 **County Archaeological Officer**
No objection
- 25 **County Historic Buildings Officer**
No objection
- 26 **County Environmental Assessment Officer**
No objection, the ES submitted in support of the planning application is of an acceptable standard to inform the determination of the application. As submitted, the ES is considered to be fully compliant with the minimum information requirements set out in Part II of Schedule 4 of the EIA Regulations 2011 (as amended), and provides as much of the information listed under Part I of Schedule 4 of the EIA Regulations 2011 (as amended), as could be reasonably required.
- 27 **Countryside Access Officer - Rights of Way**
No objection.
- 28 **County Noise Consultant**
No objection, subject to conditions in respect of noise levels and site operations.
- 29 **County Air Quality Consultant**
No objection, subject to conditions in respect of dust management.
- 30 **County Geotechnical Consultant**
No objection provided the Environment Agency are satisfied and subject to conditions in respect of flood risk and groundwater monitoring.
- 31 **National Grid (National Transmission System)**
No comments received
- 32 **Gatwick Airport Safeguarding**
No objection, subject to a condition in respect of landscaping (incorporating bird hazard management)
- 33 **Health and Safety Executive**
No comments received.
- 34 **Traffic Action Group (TAG) A25**
No comments received
- 35 **Sutton and East Surrey Water Plc**
Continue to voice concern that no further mineral abstraction should be permitted in this area because of the potential disruption to, and/or pollution of, groundwater abstracted from the public water supply.
- 36 **Thames Water**
No comments received

37 **CPRE**
Object. Raise the following concerns: blott on the landscape and visible from AONB and AGLV; HGV traffic impacts; dust emissions; noise; flooding and pollution; contamination from infilling; biodiversity - impacts on plants, birds and newts.

38 **Surrey Botanical Society**
Concern over impact on biodiversity, in particular the loss of rare species of plant (three species on the Vascular Plant Red Data List for Great Britain 2005 – Corn Marigold, Common Cudweed, Corn Spurrey).

39 **The Ramblers Association**
No comments received

Parish/Town Council and Amenity Groups

40 **Bletchingley Parish Council**
Object. Raise the following concerns:

- increase in HGV movements per day and associated impacts, particularly on Nutfield and Bletchingley,
- impact on the aquifer in terms of potential disruption to supply and potential contamination,
- significant impact on heritage and listed building Mill Cottage,
- reduction in air quality, with need for a dust management plan.

41 **Godstone Parish Council**
Object. Raise the following concerns:

- damage to trees,
- no survey of traffic through Godstone and any increase in HGV traffic will have a material effect on locality and air quality,
- access road not justified in Green Belt,
- no proven need for building sand as sufficient landbank,
- inadequate protection of aquifer from contamination,
- possible contamination from landfilling with inert waste,
- Redhill airport is less than 3km away and needs consideration in terms of bird hazard,
- protection/consideration of great crested newts.

42 **Nutfield Parish Council**
Object. Raise the following concerns:

- Inspector at SMP2011 examination raised concerns regarding environmental impact and hydrological issues,
- flood risk and ground instability with adjacent Glebe Lake,
- water pollution and refer to Sutton & East Surrey Water Company objection at SMP2011 examination,
- air quality management inadequate due to sensitive receptors nearby and need for dust management plan,
- the Marsh has important ecological interests including Great Created Newts and wintering lapwings, no adequate survey of plants has been carried out, impacts on ecology not adequately assessed,
- higher percentage of HGVs than quoted with impacts in respect of noise and vibration from HGVs,
- no justification in respect of need for sand, presumption against working in AGLV/AONB .

43 **Nutfield Conservation Society**

Object. Raise similar concerns as the Parish Council above in respect of: groundwater pollution; flood risk; air quality; road access; AONB status; HGV traffic; need for sand; noise and vibration levels from HGVs; impact on ecology.

44 Nutfield Marsh Residents Group

No comments received.

45 Quarry Observation Group (QOG)

Object, as the potential harm to health and the ecosystem has neither been demonstrated to be insignificant nor controllable.

Summary of publicity undertaken and key issues raised by public

- 46 The application was publicised by the posting of 6 site notices and an advert was placed in the local newspaper. A total of 286 of owner/occupiers of neighbouring properties were directly notified by letter. 74 letters of representation were received from the above notifications of which 10 letters are in support of the planning application. A petition was also received from local residents, which had 128 signatures. Comments made within these letters of representation and petitions are as follows:

Green Belt

- no more industry in Green Belt

Amenity

- too close to residential properties
- devastating effect on area
- existing landfill already blights landscape and area
- visual impact - limited screening of access road
- impact from proximity of site buildings/infrastructure
- screening bunds will have limited effect due to position at bottom of wide valley
- cumulative impact on amenity with landfill and other pits in area
- impact of haul road close to boundary with Glebe Cottage
- hours of working anti-social - there should be no working on Saturday, and no maintenance on Sundays – suggest no activity before 0800, no working after sunset or 1700 whichever is the earlier
- want assurances that mitigation measures are carried out
- clay storage area too close to boundary and too high, higher than perimeter bunding – noise, vibration and dust impact
- phase 4 will get too close to residential properties
- haul road not in a cutting or hidden by means of bunding – little detail provided of road profile and raised areas
- contest the low visual impact in winter – simple solution tree planting and gap filling

Highways

- impact of 150 HGV movements per day on local area and villages
- existing traffic along A25 already dreadful, further impact on infrastructure
- further adverse impact on road conditions
- pedestrian and cyclists safety
- noise impact on neighbourhood
- pollution impact and air quality (health hazards), carcinogenic fumes
- new junction on A25 will create increased back-log of traffic
- vibration from HGVs
- increased accidents from number of HGVs
- close to primary school (safety and health issues)

- roadside footpath damage
- recommend CCTV be installed to monitor existing HGVs
- would want alternative to HGV route, e.g. direct onto M23
- A25 between Redhill and Godstone already at over capacity

Ecology

- destruction of historic hedgerows and woodland, loss of habitat and damage to ecosystems
- nature reserve SNCI of County importance for birds and borders SSSI
- rare flora and fauna in area, including great crested newts, bats and birdlife (incl. Lapwings, tawny and brown owls) that may have their habitats irrevocably affected
- jeopardise surrounding habitats of Spynes Mere, Homethorpe and Mercers Park
- 3 species of vascular plant red data list for GB 2005 – vulnerable and threatened, tragic loss if such rare species lost, loss of hedgerows
- surprised at lack of species recorded, questions raised over surveys
- not enough wildlife improvements

Landscape

- borders AONB and AGLV
- destruction of arable farmland and replacement with quarrying for 20 years
- screening bunds will have limited effect due to sit at bottom of wide valley and also only 2m
- viewed from Pilgrims Way to the east
- loss of historic hedgerows
- originally informed by applicant that sides of the access road would have planted bunds

Restoration

- monitoring needed to ensure site restored as promised
- request screening of M23 with hedgerows
- request advance planting
- backfilled land only good for grazing
- restoration and enhancement should start prior to any works in quarry – comply with Code of Good Agricultural Practice
- extend field margins to 6 m – providing and enhancing wildlife habitats
- opportunity to improve on a poor restoration (Glebe Lake) – water level 6m higher and sick grassland

Rights of Way

- loss of public access to countryside
- National Cycle Route 21 crosses Nutfield Marsh Road
- negative effect on leisure activities –walking, bird watching, rambling, jogging and horse-riding

Dust & Air Quality

- dust nuisance from operations as nearest property is less than 50 m from extraction area and access road
- silica dust and silicosis, classified by the International agency for Research on Cancer as Group 1 (highest) human lung carcinogen
- cumulative impact as other sand site in area (Pendell), and impacts on school situated between both (Hawthorns School)
- air quality monitors at Nutfield High St and at Bakers Mead in Godstone showed NO₂ readings higher than permitted levels in 2010
- poor air quality a result of diesel exhaust fumes

- air quality not adequately assessed in ES

Noise

- noise nuisance from operations as nearest property is less than 50 m from extraction area and access road
- noise from HGVs climbing steep access road from 95m at Glebe Lake to 146m at High St (A25), only 100m to Glebe Cottage, 250m to Peytons Cottages and 200m to Nutfield Court
- suggest recess access road into hillside with acoustic screening in form of bunds to mitigate noise
- no cross sections of road or profile of access road
- the application suggests that the quarry could be worked within acceptable noise limits, which is not definite

Hydrology and groundwater

- lead to contamination of groundwater, water pollution of wells has not been satisfactorily researched
- difficult to prevent release of water from Glebe Lake – pollution potential
- due to location proximate to unlicensed landfills the proposed works will provide a hydraulic connection between the landfills and the subsurface aquifer leading to potential contamination of the water supply wells
- extraction will affect groundwater levels – impacts - seeps, flooding and stability – question over the adequacy of the surveys carried out
- ground already contaminated from previous backfilling along access route – oil at surface
- de-watering will draw contaminants from nearby Beechfield Landfill (which took industrial wastes including spent metal plating wastes containing cyanide residues – elevated concentrations of contaminant in nearest borehole 2011-003
- storage of fuel oils
- errors and omissions in whole assessment...applicant states that '*no significant effect on ponds associated with mineral extraction but that the hydraulic continuity is not known*'

Surface Water

- area prone to flooding, with landslips on neighbouring former extraction sites
- increased surface water run-off will lead to contamination of water supply as sand acts as filter
- area suffering from increased surface flooding, with levels in Glebe lake overflowing onto farm land and gardens,
- in flood zone 1 and catchment of river Mole
- measures to prevent flooding of Nutfield Marsh and monitoring to ensure in place – sustainable drainage systems
- no detail of management plan, which is being relied on – not robust, weak structural design
- figures for flows along Warners Brook are not precise, no mention of increasing size of culvert
- discharge to Redhill Brook via Glebe Lake and Warners Brook – however RB does not comply with Water Framework Directive
- Glebe Lake has overflowed several times and Canal Cottage has flooded more than the once

Geotechnical

- question mitigation measures in respect of potential subsidence of neighbouring properties
- concerns over stability and integrity of stand-off between Glebe Lake and proposed workings

Need

- no social need or benefit to local residents
- not opposed to mineral extraction as recognise need and economic benefits, but would want alternative HGV route
- no need as adequate supplies elsewhere, not sustainable, sufficient landbank in Surrey to cover 7-13 years
- uncertainty over quality and quantity (in assessment of yield report)

Heritage

- damage to historic properties from HGV vibration
- impact on the setting of the designated heritage assets – namely Charman Cottage, Folly Tower in Grounds of Redwood, Church of St Peter and St Paul, Clement Chest Tomb

Climate Change

- Intergovernmental Panel on Climate Change (IPCC) urges that in order to mitigate the effects of both past and future anthropogenic carbon dioxide emissions, land use is one of the key factors – pristine land should be maintained
- construction of new road contrary to IPCC recommendations of shift to rail transport, thus contributing to climate change or use of conveyor system as with previous extraction at Mercers Park
- increase in greenhouse gas emissions

Waste and pollution

- uncertainty over type of inert waste for infilling
- uncertainty over waste supply, and hence delay in restoration
- pollution from nearby restored old industrial landfill sites (Beechfield and North Cockley) where the leachate is in continuity with surrounding groundwater, elevated level of nitrate (NO₃) in groundwater well between landfills and proposed site
- question dry working, wet working would avoid issue and impact of the potential of mobilising contaminants from the landfills

NPPF

- concerns over various issues in order to ensure ‘mutually dependent economic, social and environmental roles of the planning system to achieve sustainable development’ NPPF paras. 7-8
- MPAs are expected to ensure that proposals do not have an unacceptable impact on human health

Human Rights Act

- contravention of obligations and responsibilities under the HRA, particularly Protocol 1 Article 1 and the provisions of Article 8 – protection of the countryside

Letters of Support (x8)

- support from local brick industry that needs sand supply, meets sustainable policy of sourcing raw materials close to production site
- support from local builders and soft sand suppliers to building industry
- support from local residents providing necessary controls are put in place to protect the roads and local environment from noise, dust and odours from the landfill, and that the roads and pavements are cleaned more regularly than they are at the moment
- support from users (fishing club) of Glebe Lake – proposal to maintain levels at lake

- upturn in activity and need to provide quality aggregate, Betchworth has limited reserves and Runfold could be exhausted by the end of the year

PLANNING CONSIDERATIONS

Introduction

- 47 The County Council as Minerals Planning Authority (MPA) has a duty under section 70(2) of the Town and Country Planning Act 1990 and 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. In this case, the statutory Development Plan consists of the Surrey Minerals Plan 2011 - Core Strategy and Primary Aggregates Development Plan Documents (DPD) (SMP2011), the Surrey Waste Plan 2008 (SWP2008), the saved policies of the Tandridge District Local Plan 2001 (TDLP2001), along with the Tandridge District Core Strategy 2008 (TDCS2008). Adopted alongside the SMP2011 was the Minerals Site Restoration Supplementary Planning Document (SPD).
- 48 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 and emerging local development documents. 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. 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. Where a proposal accords with an up-to-date development plan it should be approved without delay, as required by the presumption in favour of sustainable development at paragraph 14 of the NPPF. The weight to be given to policies in the adopted development plan documents should be determined according to their degree of consistency with the NPPF. Officers consider that the policies in the above development plan documents are, so far as is relevant, up to date and consistent with the NPPF.
- 49 In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. Planning issues to consider are: minerals issues and need; highways and traffic; landscape and visual amenity; rights of way; noise; air quality and dust; hydrology and hydrogeology; geotechnical (land contamination and land stability); ecology and biodiversity; restoration and aftercare; cultural heritage; and Green Belt. The planning application is accompanied by an Environmental Statement.

MINERALS ISSUES

Surrey Minerals Plan 2011 Core Strategy and Primary Aggregates Development Plan Documents (DPD) (SMP2011)

SMP 2011 Core Strategy DPD

Policy MC1 - Spatial Strategy – location of mineral development in Surrey

Policy MC7 - Aggregate minerals supply

SMP 2011 Primary Aggregates DPD

- 50 The NPPF and the NPPG guidance sets out the Government's approach on the management and planning's role with regard to minerals and facilitating their supply. Paragraph 142 of the NPPF states that *"minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource and can only be worked where they are found, it is important to make best use of them to secure their long term conservation"*.
- 51 Paragraph 144 of the NPPF 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."*
- 52 Paragraph 145 of the NPPF requires mineral planning authorities (MPAs) to plan for a steady and adequate supply of aggregate through what is known as the Managed Aggregate Supply System (MASS). Guidance on this is now provided through the NPPG (Minerals - Para.060). Paragraph 145 of the NPPF sets out a number of bullet points as to how this can be achieved including by preparing an annual Local Aggregate Assessment (LAA), taking account of published National and Sub National Guidelines on future provision, using landbanks of aggregates mineral reserves principally as an indicator of the security of aggregate minerals supply and to indicate the additional provision that needs to be made for new aggregate extraction. The paragraph requires MPAs to make provision for the maintenance of landbanks of at least 7 years for sand and gravel.
- 53 Guidance on aggregate landbanks in the NPPG (Minerals – Para.080) states that landbanks are principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land won aggregates in their area. In taking decisions on planning applications the NPPG (Minerals - Para.082) states that *"low landbanks may indicate that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates."* NPPG (Minerals – Para.084) states that each application should be considered on its own merits regardless of the length of the landbank and although there is no maximum landbank level, a landbank below the minimum level may be seen as a strong indicator of urgent need.
- 54 The SMP2011 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 for soft sand will be concentrated on land within the Lower Greensand Formation in south west and eastern Surrey with preferred areas for future sand and gravel production being identified in the Primary Aggregates DPD.

- 55 In line with the NPPF and NPPG the Core Strategy DPD (CSDPD) seeks to ensure a supply of aggregate minerals over the plan period for the county. Paragraph 5.12 of the CSDPD states that proposals for mineral extraction within the preferred areas will be determined in the context of the apportionment to the county (regional apportionments have now been abolished, replaced by the reformed MASS and delivery through the LAA) and the landbank position at the time when applications are considered. 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.
- 56 Policy MC7 of the CSDPD states that preferred areas will be identified in the SMP 2011 Primary Aggregates DPD for soft sand and concreting aggregates 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). 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 first Surrey LAA October 2013.
- 57 The SMP 2011 Primary Aggregates DPD recognises that resources of primary aggregates 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 SMP2011 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 concreting aggregate and soft sand, comprising 15 million tonnes of concreting aggregate and 9 million tonnes of soft sand between 2009 – 2026. The policy states that preferred areas will be identified which together with permitted reserves will enable production of concreting aggregate 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.
- 58 The site at Mercers South is considered a suitable location for soft sand under the Core Strategy DPD Policy MC1 and is identified as a preferred area under the Primary Aggregates DPD Policy MA3 for the extraction of primary aggregates. The preferred areas provide the locations where it is considered that mineral working is possible without imposing significant adverse impacts on the environment or local community, subject to key development requirements (listed below) being met for each preferred area. The boundaries of the preferred areas do not necessarily indicate the extent of mineral extraction that may be permitted. It is possible that some land outside the preferred area boundaries may have to be included in proposals, for example in this proposal to provide access to the site from the public highway or allow room for additional landscaping. However, actual mineral extraction beyond the boundaries of the preferred areas will not normally be permitted without good justification. The DPD goes on to state that identification of a preferred area does not mean that permission will automatically be granted for aggregate extraction because proposals will also be tested under the relevant

development plan policies. In addition, conditions will be imposed on planning permissions to protect features of importance and restrict operations in order to address impacts on local communities and the environment.

59 The Primary Aggregates DPD key development requirements for the Mercers South site (identified as Preferred area P: Mercers Farm, Nutfield) are as follows:

- *Access* : a comprehensive package of measures is required to provide suitable access and local highways improvements
- *Local amenity* : assess and identify mitigation for potential environmental impacts of noise and dust, and visual impact, on nearby residents arising from mineral working and processing; phase working and restoration to limit adverse impacts on the surrounding communities and environment; select location of processing plant so as to limit visual impact; divert footpath (FP173) and leave suitable unworked margins to it and bridleway (BW182)
- *Biodiversity* : preferred area is designated as a site of nature conservation importance and notable for wintering lapwing, bullfinch and reed bunting, and great crested newts so assess baseline ecology including record of protected species and species of principal importance; identify and mitigate potential impacts; assess potential indirect impacts on ecology and biodiversity from any changes to the hydrological regime, particularly around Redhill Brook
- *Heritage* : assess the impact of working and restoration on conserving the character and setting of the listed buildings (Leather Bottle Cottage and Charmin Cottage) adjoining the western boundary; prior archaeological assessment and, if necessary, evaluation is required
- *Hydrology* : within a major aquifer and close to source protection zone 3 for public water supply (Warwick Wold); hydrogeological assessment is required
- *Agriculture* : assess impact of mineral working on the viability of the agricultural holding
- *Landscape* : the preferred area adjoins the AONB and AGLV and is within the Holmesdale Greensand Valley Landscape Character Area; assess important landscape characteristics and features and how they would be protected and integrated into restoration and how any adverse impacts on the AONB and AGLV would be mitigated
- *Aerodrome safeguarding* : preferred area lies within 13km of Biggin Hill and Gatwick Airports; assess potential hazard to aircraft from birds attracted by the development during operations, restoration and from proposed after-use
- *Restoration* : restore to existing levels to meet a combination of local informal recreational, landscape and nature conservation objectives

Landbank

60 The landbank is measured in years and is the sum in tonnes of all permitted reserves for which valid planning permissions are extant divided by the annual mineral provision rate or the current annual production rate. The sum of permitted reserves include current non-working sites but exclude those sites where mineral working cannot take place until there has been a review of the planning conditions attached to their planning permission. As outlined above, Government guidance is that minerals planning authorities should seek to maintain a landbank of at least seven years for land won sand and gravel.

61 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 published on the county council website in the Spring in

advance of publication of the annual monitoring report. From 2012/13 the AMR will also include Surrey's LAA which will include information on mineral production and reserves plus an assessment of all mineral supply options.

- 62 The latest information on sales, reserves and the landbank of primary aggregates is contained in the Aggregates Monitoring Update: May 2014 which reflects the results of the Aggregates Monitoring Survey 2013 (AM2013). This supersedes the data contained in the October 2013 LAA and the AMR 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 concreting aggregate (sharp sand and gravel) and 0.43mt of soft sand. 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 2013. This was due to a significant fall in soft sand reserves resulting from a reserve reassessment / additional quality information at three quarries, and the expiry of planning permission at Alton Road Sandpit where soft sand extraction never commenced in earnest.
- 63 The fall in the landbank to well below 7 years is considered to indicate a pressing need for the granting of new planning permissions for sand and gravel workings in Surrey in order to bolster dwindling reserves. This view is supported by the NPPG (Minerals – Para.082) which states that “*low landbanks may indicate that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates.*” In addition, Minerals - Para.084 adds that each application should be considered on its own merits regardless of the length of the landbank and although there is no maximum landbank level, a landbank below the minimum level may be seen as a strong indicator of urgent need. The granting of planning permission would increase the amount of permitted primary aggregate reserves in the county by 4,100,000 tonnes (4.1mt). This would increase the landbank by 2.9 years to 7.3 years based on the amount of permitted reserves remaining at the end of 2013.
- 64 However, the total landbank position masks a significant distortion between the landbanks for sharp sand & gravel and soft sand which fell to 1.9 years and 8.7 years respectively at the end of 2013. The granting of planning permission at Mercers South would increase the landbank for soft sand by 8.2 years (4.1mt/0.5mtpa) to 16.9 years based on the amount of permitted soft sand reserves remaining at the end of 2013. Therefore, it is acknowledged that there is a more pressing need to replenish permitted reserves of sharp sand and gravel in the county which fell to 1.75 mt at the end of 2013 and remain very low.
- 65 However, in terms of landbanks, government guidance contained in paragraph 145 of the NPPF advises that longer periods for landbanks than at least seven years for sand and gravel may be appropriate to take account of the need to supply a range of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites. This paragraph also highlights the need for MPAs to ensure that large landbanks bound up in very few sites do not stifle competition. Furthermore, the NPPG also refers to known constraints on the availability of consented reserves that might limit output over the plan period as a reason for bringing forward an application for mineral extraction in an area where there exists an adequate landbank.
- 66 Although the landbank for soft sand in the county is in excess of seven years, the applicant states that the significantly greater proportion of the future supply of soft sand will be tied up in a single quarry, which is confirmed in the AMR2012/13. In this respect, the applicant has stated that this would undermine national policy which states that permitted reserves bound up in very few sites should not stifle competition.

- 67 Once soft sand extraction commences at the application site in 2016, one soft sand quarry near Farnham is expected to have completed mineral extraction and it is anticipated that a further soft sand quarry near Betchworth ('Land South of Old Reigate Road' – which is under the applicant's control) will be nearing completion. As a consequence, only two existing soft sand quarries are considered likely to remain soon after 2018. These comprise Moorhouse Sandpits, Limpsfield and Homefield Sandpit, Runfold, the latter of which has been inactive over the past two years. The applicant has provided a letter from the operator of the Homefield Sandpit confirming that the site would not contribute in any meaningful way to the landbank or to the delivery of the annual apportionment for soft sand in the period to 2026. The proposal will therefore help to ensure continuity of supply to the local market in NW Surrey and SW London following the closure of some existing sites where soft sand extraction is nearing completion, as the Limpsfield site will only contribute approximately 30% (0.15mtpa) of Surrey's annual apportionment rate (0.5mtpa).
- 68 It should be acknowledged that there is currently one further planning application for the extraction of 770,000 tonnes (0.14mtpa) of soft sand awaiting determination at Alton Road. However, as it cannot be assumed at this time that planning permission will be granted, its existence cannot be used to influence the determination of this application which should be considered on its merits. Therefore, although the landbank for soft sand is currently above the minimum threshold of at least seven years, taking into account the likely exhaustion of existing soft sand sites over the next three year period Officers are satisfied that there is sufficient justification for the need for the sand in this proposal, in order for Surrey to maintain a steady and adequate supply of soft sand to meet the annual apportionment rate of 0.5mtpa and avoid stifling competition, in accordance with the Development Plan and government guidance contained within the NPPF and the NPPG. For these reasons the proposal is considered acceptable under SMP2011 Policy MA1.

HIGHWAYS, TRAFFIC and ACCESS

Surrey Minerals Plan 2011 Core Strategy and Primary Aggregates Development Plan Documents (SMP2011)

Policy MC14 – Reducing the adverse impacts of mineral development

Policy MC15 - Transport for minerals

Tandridge District Local Plan 2001 (saved policies)

Policy RT12 – Rights of Way

Tandridge District Core Strategy 2008 (TDCS2008)

Policy CSP 12 - Managing Travel Demand

Introduction

- 69 This section considers the traffic generation and access arrangements, the impact on the highway network and the relative accessibility of the site. The application is accompanied by a Transport Assessment (TA), which addresses the environmental impact of the proposals in terms of highways and transport. The SMP2011 Primary Aggregates DPD key development requirements, requires a comprehensive package of measures to provide suitable access and local highway improvements.

Policy context

- 70 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. 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.

- 71 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 states that applications for mineral development should include a transport assessment of potential impacts on highway safety, congestion and demand management and explore how movement of minerals within and outside the site will address issues of emissions control, energy efficiency and amenity. The policy requires applicants to consider alternatives to road transport, though the supporting text at paragraph 7.9 acknowledges that as the majority of mineral produced in Surrey is transported over relatively short distances, transport by lorry is often the only practicable, cost effective option. The policy goes on to state that:

'Mineral development involving transportation by road will be permitted only 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.'*

- 72 Tandridge District Core Strategy 2008 (TDCS 2008) Policy CSP 12 - Managing Travel Demand states

"That the Council will require new development to:

- Make improvements, where appropriate, to the existing infrastructure network, including road and rail, facilities for bus users, pedestrians and cyclists and those with reduced mobility.*
- Have regard to adopted highway design standards and vehicle and other parking standards".*

Development

- 73 When the site at Mercers South was considered and allocated as a preferred area in the SMP2011, it was envisaged that HGV traffic from the A25 would use Cormongers Lane adjacent to Patteson Court landfill and then into Nutfield Marsh Road south of Mercers Country Park. Hence, the key development requirements required a comprehensive package of measures to provide suitable access and local highways improvements, imposing limits on HGV movements. However, since that allocation the applicant has acquired land to the south of the proposed extraction area leading directly up to the A25, with approximately 130m of frontage with the A25 to the east of Nutfield village. The land rises from the extraction area at 85m

AOD up to the A25 at 145m AOD. The County Highway Authority has advised that the construction of the proposed vehicular access to the A25 will need to be secured by and carried out under a Section 278 agreement between the developer and Surrey County Council.

- 74 The application is accompanied by a Transport Assessment (TA), which was undertaken in consultation with SCC as Highway Authority, who confirmed that the dedicated new access off the A25 could meet their highway requirements. The proposed development anticipates that the quarry will be active over a period of some 16 years, with around 250,000 tonnes of sand extracted annually, which equates to 38HGVs per day (76 movements). From about year 5 the inert waste will be brought into the site (180,000tpa), which equates to 37HGVs per day (74 movements) and the land fill would extend over a similar 16 year period completing some five years after the sand extraction. Therefore, years 6 to 16 would involve both extraction and infilling HGV traffic, resulting in a combined 150 HGV movements per full working day. All vehicle access to the quarry site will be from a new access directly off the A25 just outside Nutfield village where the speed limit is 40mph. The quarry would operate from 7am – 5pm Mondays to Fridays and 7am-1pm on Saturdays. There would be no quarrying on Sundays, Bank Holidays or National Holidays although maintenance may be undertaken on these days.
- 75 The applicant has stated that there is a seasonal variation in supply and demand of soft sand, which is offset by a similar but opposite supply of inert waste. The busiest time for sand is likely to be between April and October. The SMP2011 anticipated a maximum of 240 HGV movements per day, whereas the proposal involves 150 HGV movements per day, which is more than one third less HGV movements. Based on market demand, the applicant anticipates that the majority of the sand (85%) will be transported eastwards along the A25 towards Junction 6 of the M25, with the remainder (15%) travelling westwards towards Redhill. Whereas, the inert waste will be more dependent on local sources and construction activity but still reliant on the Strategic Road Network. The applicant expects that the majority of the inert waste will come from the east (70%), along the A25 from Godstone and Junction 6 of the M25, with the remainder (30%) from Redhill.
- 76 Policy MC15 as outlined above requires an assessment of the opportunity for transporting minerals by non-road based means, especially the use of rail. The applicant has commented that whilst this may be appropriate for the movement of minerals long distances, this site primarily will supply the local processing plants for which here is no realistic alternative to the use of road transport. Officers agree with this assessment as road transport was the considered option within the SMP2011. The TA therefore assesses the likely impact of the additional HGVs on the adjoining road network.
- 77 The applicant has stated that at present there are some 11,000 vehicles per 12 hour day passing through Nutfield village of which around 800 are large vehicles, i.e. HGVs, buses and coaches. When both sand extraction and inert waste import will be in progress some 34 HGVs per day will travel through Nutfield, which represents some 0.3% of the total 12 hour traffic or 4.2% of the existing HGV traffic. Traffic flows east of Nutfield are much higher at 14,000 vehicles (800 large vehicles), which means the additional 116 HGVs per day from the site travelling eastwards represents an increase of 0.8% to the daily traffic and 14% increase in large vehicle traffic.
- 78 Objections in respect of highway impacts have been received from Tandridge District Council, the local parish councils and residents. The objectors raise concerns about the impact of existing traffic on the A25 and increased traffic from the development in terms of congestion, road safety, pollution and noise. Reigate and Banstead Borough Council do not object, however raise concern in respect of the increased

traffic and associated noise and air pollution. No objection has been raised by the County Highway Authority, subject to conditions in respect of HGV movements, access and safety.

- 79 When the Mercers South site was allocated in the SMP2011 as a Preferred Area for Soft Sand, it was envisaged that all HGV access would be onto Nutfield Marsh Road and then via Cormongers Lane to the A25. The Key Development Requirements for this site requires a comprehensive package of measures to provide suitable access, which includes a series of local highways improvements along Nutfield Marsh Road and Cormongers Lane. However, these highway improvements are no longer necessary as it is now proposed to avoid these routes avoiding the conflict with the Patteson Court Landfill traffic by constructing a new dedicated access to the site from the A25. The applicant has stated that the new purpose built access has been carefully located to minimise the impact on existing trees and with a route designed to minimise impacts on nearby residential properties.
- 80 The Transport Assessment considers the distribution of HGVs from the site onto the adjoining highway network, i.e. the A25. Taking into account the national guidance the above HGV flows, the applicant has concluded that the impact of the proposed quarry and subsequent landfill would be marginal. Following a request from the County Highway Authority, the applicant has also undertaken some sensitivity testing, assuming 100% of HGV traffic travelling to and from the east and 100% of HGV traffic travelling to and from the west, which would represent the absolute worst case scenario in each direction. If all HGV traffic were to travel to and from the east, there would be an additional 150 HGVs (i.e. 75 in each direction) along the A25 through Bletchingley and Godstone per day. However, it should be noted that the Biffa Landfill site at Patteson Court on Cormongers Lane is currently permitted to generate up to 600 HGV movements per day until December 2014, after which HGV traffic must reduce to no more than 400 movements per day. Traffic surveys undertaken at the A25/Cormongers Lane junction in February 2012 showed that around 75% of the HGV traffic from the Biffa site turned to and from the east, passing through Nutfield and then along the A25 through Bletchingley and Godstone. Therefore, by the time the operations at the Mercers South site commence, the HGV flows on the A25 in this direction are likely to have reduced by more than the site is likely to add.
- 81 If all HGV traffic were to travel to and from the west, there would be an additional 150 HGVs (i.e. 75 in each direction) through Nutfield Village and then along the A25 to Redhill per day. However, the future reduction in the Biffa site traffic would offset some of this increase. It should also be noted that when the Mercers site was first considered for allocation in the Surrey Minerals Plan, it was expected that up to 240 HGVs per day would use Cormongers Lane, and that the majority (approximately 180 HGVs) would then turn east and pass through Nutfield Village. The site was subsequently allocated in the Minerals Plan and the Key Development Requirements for this site imposes a maximum of 240 HGV movements per day. The development would in fact generate 90 HGVs fewer per day (150 HGVs), and if all of this HGV traffic were to travel to and from the west through Nutfield, this would still be less than what was originally thought. It is acknowledged that the carriageway of the A25 narrows in Nutfield, however there is no prohibition on HGVs on the A25 and it remains a primary route for all traffic. The impacts in respect of emissions from HGV traffic is considered within the environment and amenity section of the report below.

Conclusion

- 82 The applicant has assessed the environmental impacts of the HGV traffic associated with the proposed development, particularly on Nutfield Village and the conservation areas of Bletchingley and Godstone, which are considered to be sensitive areas or 'receptors'. The County Highway Authority (CHA) is satisfied that even under the

absolute worst case scenarios, where 100% of HGV traffic travels to and from the east through Bletchingley and Godstone, or 100% of HGV traffic travels to and from the west through Nutfield, the additional traffic flows on the A25 through these villages would not exceed the relevant significance thresholds, and the impacts would be regarded as either 'minor' in the case of Nutfield, or 'moderate' in the case of Bletchingley and Godstone. The CHA therefore considers that the TA provides a robust assessment of the highway and transportation impacts of the development. Subject to imposition of conditions relating to access, traffic and protection of the public highway, Officers conclude on highways and traffic matters that the proposal is acceptable and is consistent with the aims and objectives of the NPPF and development plan policies relating to such matters.

ENVIRONMENT AND AMENITY

Surrey Minerals Plan 2011 Core Strategy Development Plan Document (SMP2011)

Policy MC2 - Spatial Strategy – protection of key environmental interests in Surrey

Policy MC14 – Reducing the adverse impacts of mineral development

Policy MC17 – Restoring mineral workings

Policy MC18 – Restoration and enhancement

Surrey Waste Plan 2008 (SWP2008)

Policy DC3 – General Considerations

Policy WD7 – Disposal by Landfilling, Landraising, Engineering or other Operations

Tandridge District Local Plan 2001 (saved policies) (TDLP2001)

Policy BE2 – Development on the Edge of Built-up Areas and Villages

Policy BE4 – Landscape Design of New Developments

Policy EV3 – Development in Flood Plains

Policy EV6 – Water Quality

Policy EV7 – Contaminated Land

Policy EV10 – Noise

Policy EV12 – Environmental Pollution and New Development

Policy RT12 – Rights of Way

Tandridge District Core Strategy 2008 (TDCS2008)

Policy CSP17 – Biodiversity

Policy CSP20 – Areas of Outstanding Natural Beauty

Policy CSP21 – Landscape and Countryside

Introduction

- 83 This part of the report deals with environmental and amenity matters, including: landscape and visual amenity; rights of way; noise; air quality and dust; hydrology/hydrogeology and flood risk; ecology and biodiversity; restoration and aftercare. 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.
- 84 The Inspector's report into the examination of the SMP2011 stated in respect of the Mercers preferred site, that *'any potential impact in terms of dust, noise and similar unneighbourly effects are all capable of being controlled to within acceptable limits through good site design, supported by planning conditions, to incorporate appropriate standoff distances from the working area and locate haul routes, wheel washing and processing plant away from houses. For the same reasons, the setting of listed buildings around the site could be safeguarded and with progressive*

working and restoration, limiting the amount of disturbed land, any intrusion into views from the higher ground of the Surrey Hills Area of Outstanding Natural Beauty (AONB) to the north would be minimised.'

Policy Context

- 85 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. Matters relevant to this application include:
- i) noise, dust, fumes, vibration, illumination, including that related to traffic, generated by the development;*
 - ii) flood risk, including opportunities to enhance flood storage, dewatering and its potential impacts, water quality, and land drainage;*
 - iii) the appearance, quality and character of the landscape and any features that contribute to its distinctiveness;*
 - iv) the natural environment, biodiversity and geological conservation interests;*
 - v) the historic landscape, sites or structures of architectural and historic interest and their settings, and sites of existing or potential archaeological interest or their settings;*
 - vi) public open space, the rights of way network, and outdoor recreation facilities;*
 - vii) the use, quality and integrity of land and soil resources, land stability;*
 - viii) the need to manage the risk of birds striking aircraft;*
 - ix) cumulative impacts arising from the interactions between mineral developments, and between mineral and other forms of development;*
 - x) any other matter relevant to the planning application.*
- 86 Policy MC2 requires protection of key environmental interests, and that mineral development that may have direct or indirect significant adverse impacts on an AONB, a SSSI, or nationally important heritage assets, including scheduled ancient monuments, listed buildings and registered parks and gardens, will be permitted only if it has been demonstrated to be in the public interest, and the applicant can establish that development and restoration can be carried out to the highest standard and in a manner consistent with safeguarding the specific relevant interests. Proposals for new mineral sites for soft sand within the AGLV will, pending review of the boundary of the Surrey Hills AONB, be subject to the tests above.
- 87 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.
- 88 Policy WD7 of the SWP2008 states that planning permission will only be granted for waste disposal by landfilling provided that the proposed development is both

essential for and involves the minimum quantity of waste necessary for the purposes of restoring current or former mineral working sites.

- 89 Policy CSP17 of the TDCS2008 states that development proposals should protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan. Saved policy BE4 of the TDLP2001 requires that proposals for development should demonstrate that particular care has been taken that the landscape design is suitable for the site and form of development. Policy CSP20 advocates that the conservation and enhancement of the natural beauty of the landscape is of primary importance within the AONB, reflecting their national status and therefore the principles to be followed in the area are to:
- (a) *conserve and enhance the special landscape character, heritage, distinctiveness and sense of place of the locality,*
 - (b) *conserve and enhance important viewpoints, protect the setting and safeguard views out of and into the AONB,*
 - (c) *protect prominent locations on skylines and slopes and for development to take advantage of existing landscape features and tree screening,*
 - (d) *support suitable located sustainable development necessary to facilitate the environmental, economic and social well being of the AONBs and their communities,*
 - (e) *promote access to, particularly by means other than the car, recreation within and enjoyment of the area, and*
 - (f) *apply the highest environmental design standards to development.*
- 90 This policy goes on to confirm that the same principles will be applied in the associated AGLV which will be retained for its own sake as a buffer to the AONB and to protect views from and into the AONB. Further, policy CSP21 of the same seeks protection of the character and distinctiveness of the District's landscapes and countryside for their own sake with new development being required to conserve and enhance landscape character.
- 91 Policy EV10 of the Tandridge District Local Plan 2001 (TDLP2001) states that development will not be permitted where it would generate an unacceptable level of noise and which would affect noise sensitive development. The policy requires adequate information to be provided in order to assess the proposal in terms of noise.
- 92 Saved policy EV3 of the TDLP2001 states that in areas liable to flood, development will not be permitted unless it can be demonstrated to the satisfaction of the CPA, in consultation with the Environment Agency, that by itself or cumulatively with other development, it will not (i) impede the flow of flood water, or (ii) reduce the capacity of the flood plain to store water, or (iii) increase the number of people or properties at risk from flooding. It goes on to state that any proposed flood protection measures should not harm the character, appearance or nature conservation value of the area. Saved policy EV6 states that, in consultation with the Environment Agency, the CPA will resist development that would adversely affect the quality of surface water or ground water or the environment of water courses or water bodies and goes on to confirm that the CPA will generally support initiative that lead to restoration, conservation or enhancement of the water environment and improvement in water quality. Whilst saved policy EV7 is clear that where the CPA is aware that land is or may be contaminated, it will consult with the Environment Agency and other pollution control authorities and that development will be permitted provided that there will be no risk to health or the environment and provided adequate remedial measures are proposed which would mitigate the effect of any contamination and render the site

suitable for use.

- 93 Saved policy EV12 of the TDLP2001 states that permission will not be granted for sensitive development where the occupiers would suffer significantly from fumes, smell or other forms of pollution unless practical measures can be taken and maintained to reduce the effects to an acceptable level where they would not be significant or intrusive to those occupiers.

Landscape and Visual Impact

- 94 The application site lies within the Green Belt, with the northern boundary marked by Redhill Brook adjoining the Surrey Hills Area of Outstanding Natural Beauty (AONB) and the site is potentially visible from the North Downs within the AONB. The eastern most point of the proposed internal access road adjoins the Surrey Hills Area of Great Landscape Value (AGLV) boundary. The site lies within the Holmethorpe Sandpits Complex Site of Nature Conservation Interest (SNCI).
- 95 The land is located in open countryside, east of the M23 motorway, south of the M25, north of the A25 and east of Nutfield Marsh Road. The land is east of Redhill, with the village of Nutfield south on the A25. To the south-east, on the other side of the M23 is the village of Betchingley and to the north-west lie the settlements of Merstham and South Merstham. To the south-west is Nutfield Marsh, a flat area of open land dissected by Nutfield Marsh Road. To the west is Mercers Farm and a cluster of dwellings, beyond that is Mercers Park, a former quarry and now a country park used mainly for watersports. To the north lies Spynes Mere, a former quarry, restored to a lake and nature reserve. Mercers East quarry lies to the north-west and is being restored. Glebe Lake and scattered residential properties lie to the south.
- 96 The application site extraction area consists of a number of open arable fields, slopes gently down from east to west, and is bounded by hedgerows and some mature trees. The eastern boundary is separated from the M23 by arable fields. The north-eastern boundary is delineated by Redhill Brook. The land to the north of the brook is designated as AONB and AGLV, important for their landscape value. The western boundary follows Nutfield Marsh Road and lies to the east of Mercers Farm complex. The southern boundary of the extraction area runs north of Glebe Lake and follows field and hedgerows boundaries. To the south-west are a number of cottages on Nutfield Marsh Road and on Nutfield Marsh, some of which adjoin the land and others that overlook it. The access route south to the A25 climbs steadily from the extraction area at 85-93m AOD up to the site access off the A25 at 145m AOD.
- 97 The site is surrounded by previous workings and landfill. Beechfield Quarry lies to the south-west, Glebe Quarry lies to the south-east, Pendell Farm lies to the east on the other side of the M23, North Cockley lies to the south-west, and beyond that Patteson Court, an existing landfill. Mercers Park lies to the west, Spynes Mere to the north and Mercers East to the north-east. The whole area is subject to a restoration and enhancement project called Nutfield Ridge and Marsh project.
- 98 Landscape is one of the key development requirements for the site within the SMP2011 and it states that there needs to be an assessment of the important landscape characteristics and features and how they would be protected and integrated into restoration and how any adverse impacts on the AONB and AGLV would be mitigated. The application site is within the Wealden Greensand Regional Character Area and is characterised by green pastureland and hedged fields, with a range of woodland types reflecting the diversity of soil types. At a local level the area is categorised as Holmesdale – Greensand Valley, which is a flat to gently undulating landscape with open views towards the North Downs.

- 99 The applicant submitted a comprehensive assessment of the landscape and visual effects of the development within the local area and in the context of the relevant local and national landscape designations and policy.

Agriculture

- 100 The application undertook an assessment of agricultural land quality of the site, which showed that the proposed extraction area of approximately 22.4ha comprises the following areas of soil classification: Grade 2 - 4.2ha (19%), Subgrade 3a – 13.7ha (61%) and Subgrade 3b – 4.5ha (20%). A further 4ha of Subgrade 3a and 3b soils would be beneath the periphery bunding. This classification would inform the way in which the soils would be separated and stored during sand extraction. The applicant has stated that the agricultural tenancy covers an extensive landholding beyond the extent of the application site as such the temporary phased removal of the land from agricultural use would not significantly affect the tenant's business.
- 101 Natural England (NE) confirms that it would be appropriate to specify agriculture as an afteruse, and for the physical characteristics of the land to be restored, so far as practicable, to what they were when last used for agriculture. NE are generally satisfied that the best and most versatile (BMV) land (ALC Grades 1, 2 and 3a) should be capable of being reclaimed without loss of quality, subject to conditions in respect of soil handling, soil storage bunds and aftercare. The applicant submitted a soils handling programme as an annex to the soils and land classification report contained within the ES.

AONB/AGLV

- 102 The application site is not within either the AONB or AGLV, but abuts the AONB to the north and AGLV to the east. An assessment of the landscape and visual impacts associated with the proposed development, together with the cumulative impacts in relation to other developments in the area was submitted within the application documents and supporting ES. The applicant has stated that the review of the landscape character indicates that the existing landscape of the site is predominantly large fields under cultivation, with much of the historic field pattern lost, which does not closely reflect the key characteristics of the Holmesdale-Greensand Valley character area. The quarry would be set largely within the existing landscape pattern retaining all existing boundary features and requiring limited removal of remnant hedges. The applicant has commented that the impacts would be considered as slight in the context of the views of and background noise from the M23 and vehicle movements associated with the nearby Patteson Landfill Site on Cormongers Lane.
- 103 The applicant has acknowledged that the mineral extraction and infilling process will impact on the physical landscape, and this impact will vary from extraction through to restoration. The applicant has stated that the combination of temporary bunding and landscape mitigation will restrict near views into the quarry or operational area, apart from a limited number of viewpoints to the north and east. There will be more distant views from within the AONB along the North Downs Ridge, however due to the landform and vegetation cover there are only short sections of publicly accessible land and rights of way from which more open and expansive views can be gained. The applicant's assessment concluded that the visual impact of the operations will be neutral to slight adverse from the vast majority of viewpoint throughout the life of the quarry and restoration, and therefore not significant.
- 104 Tandridge District Council, Nutfield Parish Council, CPRE and local residents have objected due to the impact on the AONB/AGLV. The development plan seeks to protect views from and into the AONB. The Inspector in the SMP2001 examination commented that progressive working and restoration would limit the amount of disturbed land, thereby minimising any intrusion into views from the higher ground of

the Surrey Hills Area of Outstanding Natural Beauty (AONB) to the north.

- 105 The County Landscape Officer (CLO) generally agrees with the findings of the applicant's landscape and visual impact assessment on the visual impact of the site, and on the extent of impact that the proposals would have on the landscape character of the area. The site is located where fields are much larger and used for arable cropping, which limits the impact of the extraction on the landscape structure. The proposal seeks to maintain sufficient boundary hedgerows which alongside the screening bunds should help reduce the visual impact of the operations in the wider landscape. Mitigation includes bolstering the hedgerows with new planting and allowing them to grow out which will should also help assimilate the bunds into the landscape. This mitigation has taken account of the long views of the site from the Surrey Hills AONB. Retention of the boundary hedgerows also links to the ecological mitigation. Officers therefore consider that taking into account the limited viewpoints, and progressive working of the site and landscape enhancement, the impact on the setting of the AONB and viewpoints from the AONB are minimised.

Access Road

- 106 The CLO noted that one of the more sensitive receptors is Glebe Cottage to the north west of Glebe House. Whilst noise mitigation have not been recommended for this receptor, it has been made clear from a site visit that the route of the access road could have an adverse effect on visual amenity, especially at Glebe Cottage. Further landscape mitigation has been provided by the applicant in the form of land modelling, bunds and new planting, to assist in screening the access track from Glebe Cottage. Because the access road comes so close to the western boundary of Glebe Cottage, the space available for mitigation is very limited, and in the form of a very unsympathetic bund. The mitigation proposed on drawing number LMSL/17/JJF/MC/GC/1 is generally the best that could be achieved with the existing route, however separation from Glebe Cottage is limited, and the form of the bund is not the best fit. This bund was intended to be part of the restoration plan, however the CLO does not consider that the form of this bund is acceptable in the longer term, as it adversely affects the character of the footpath, and the wider landscape. As such the final restoration plan for this access road shows that the bund has been removed (Dwg.LMSL/16/JJF/MC/10RevA).
- 107 The route of the access road was questioned by officers, with the applicant providing an answer in that a balance had to be struck between various receptors. The northern end of the bund was re-designed at the request of the CLO (Drawing No. LMSL/18/JJF/GC/4) and provides the required extra planting detail around Glebe Cottage to achieve the optimum screening of the access road in views from Glebe Cottage during the operational life of the quarry. The access road would be re-instated to grazing land with the retention and expansion of the proposed tree belt and hedge planting to form a network of hedges and woodland/copses. A farm access would be retained from the A25.

Tree and boundary vegetation protection

- 108 A provisional protection zone of 10 metres between the bund and existing trees (mitigation Dwg. LMSL/18/JJF/MC/2) is proposed to be maintained along the entire southwestern boundary. A fully dimensioned tree protection plan (including hedgerows) for the area between Mercers Farm and Glebe Lake should be secured by condition, 1 year before commencement of operations in year 8. In addition, the CLO requested that the Arboricultural Assessment be reviewed for years 8-16 to cover any modifications to positions of bunds and presence of European Protected Species in trees that are destined to be removed to start the second phase of the works. This review can included within the landscape conditions.

- 109 The site is proposed to be quarried and progressively restored in four phases working from east to west, each projected to last around four years. Throughout the phases for years 4, 8, 12 and 16 there would be interim screening and material storage with the creation of bunds created from the overlying clay and soils. During the phases there would be progressive planting to re-establish elements of the local field pattern and provide new and enhanced areas of woodland. The agricultural land use would be re-instated following restoration. An Outline Landscape Management plan (OLMP - June 2014) details the principles, approach, responsibilities, timing and phasing and operations associated with the management of the proposed landscape. A full Management Plan - detailed Landscape and Ecological Management Plan (LEMP) will be submitted for approval and would provide for the management of the progressive planting and landscaping features in addition to the final restoration phase.
- 110 The CLO noted that the area to the west and south of Glebe Cottage is suffering from very poor drainage, or a perched water table. There are a number of stunted oak trees growing to the north and south of the existing woodland planting, and these are clearly suffering from poor growth. The planting mixes will need to be reviewed with these ground conditions in mind, to include more wet loving species to create a wet or Carr woodland (e.g. alder, willow, birch, guelder rose, and dogwood). The better management of this existing planting would be incorporated within the LEMP.
- 111 The planting around the access track needs to have clear implementation and management proposals, at this stage of the application, to ensure timely delivery of this area of mitigation. As such the CLO recommended that an Outline Landscape Management Plan (OLMP) be submitted with a clear indication of timing of planting and commencement and responsibility of management linked to timescale of development to be supplied up front. The OLMP was submitted (dated June 2014) and provides the detail and commitment for early implementation of all boundary and screening planting. This OMP also satisfies the landscaping requirements of the Environment Agency.

Conclusion

- 112 In conclusion, whilst the site is not within the AONB or AGLV, it will be visible from both however operations will be well screened with bunding, advanced planting and existing woodland. The County's Landscape Officer has reviewed the application and environmental statement and does not raise objection to the proposal on landscape and visual impact grounds. The development would have some detrimental effect on the landscape during its period of operation, nevertheless, given its temporary nature and degree of impact, Officers do not consider that the development would have a significant impact on the conservation of the natural beauty of the landscape or that the harm is so great as to justify refusing the proposal on the grounds of visual impact and impact on the AONB and AGLV. Officers are satisfied that the proposal is in accordance with the above policies of the Development Plan and the key development requirements of the SMP2011.

Rights of Way

- 113 Public footpath 173 crosses the southern edge of the proposed extraction area from Bridleway182 in the west linking up with FP175 to the east, just south of Mill Cottage (west of M23). The development will require the temporary diversion of approx 1 km of FP173, moving this W-E traverse slightly to the south. The temporary route along the southern boundary of the extraction area would run between the southern boundary bund and Glebe Lake, as shown on Drawing Nos LMSL/16/JJF/MC/6 to 8.

The proposed temporary diversion route will be shorter than the definitive route, running from Nutfield Marsh Road in the west to FP175 in the east. In addition, two rights of way (FPs 175 and 188) will cross the access road, to the west of Glebe House. These crossings will require safe crossing points with warning signs for both vehicle and footpath users. Sections of FPs 175, 187 and 188 will run parallel to the access road over a short distance, although they will be separated by a soil bunding/screening.

- 114 It should be recognised that the any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. In the event that planning permission is granted for this development, it will be necessary to divert the rights of way by obtaining an Order under Section 257 of the Town and Country Planning Act 1990. Objections have been raised by residents stating that there would be a loss of public access to countryside and the quarrying would have a negative effect on leisure activities.
- 115 The County Countryside Access Officer (CCAO) raises no objection to the application since the applicants have made sufficient provision for the temporary diversion of public footpath 173 and for the safety of the other footpath crossings. The CCAO has suggested that the applicant consider upgrading FP173 to a bridleway when re-instated (some 20 years time), which is an issue that can be discussed with applicant with the progressive restoration and landscape management. The CCAO has recommended that where sections of the footpath are adjacent to the bunds and are affected by drainage run-off, the surface of the path is protected through surfacing with some compacted stone to provide a dry walking surface. This can be controlled by way of an appropriately worded condition.

Cultural Heritage

- 116 The following listed buildings and structures are within 500 metres of the site boundary: Leather Bottle Cottage, Charman Cottage (adjacent to SW boundary) Halfway House, Glebe House, Inn on the Pond (within 100m); Mill Cottage, Church of St Peter and St Paul, Clement Chest Tomb (within 200m). *The initial phase of the archaeological investigation comprised archaeological fieldwalking and geophysical survey, and this was followed by the production of a Cultural Heritage Baseline Assessment and assessment of Aerial Photographs covering the application site. The conclusion is that there is the potential for a broad spread of archaeological features across the site, and the impact on these can be adequately mitigated by means of an appropriate strategy. In terms of the closest listed buildings, the impact is considered to be 'not significant' during the operational phase and in the long-term after restoration, the effects are considered 'neutral'.*
- 117 Bletchingley PC and some local residents have raised concern over the impact on local listed buildings. English Heritage commented that they *'do not consider that the proposal would cause serious harm to the setting of the grade II* Church of St Peter and St Paul due to its distance from the site and intervening vegetation. However, there are a number of grade II listed buildings adjacent and in close proximity to the site and we would therefore recommend that the proposals are determined with the input of your own specialist conservation staff'.*
- 118 The County Heritage Officer (CHO) considers that the Cultural Heritage Assessment correctly identifies the listed buildings in the area, and that the proposed development does not affect the fabric or curtilage of any of the listed buildings, only their setting. Given that the land will eventually be returned to agriculture with the same topography the CHO considers that the setting of the listed buildings and their residential amenity can be considered as effectively the same for the determination of this application. If the impact on residential amenity is acceptable then the impact on the setting of the listed buildings is also acceptable.

- 119 The County Archeological Officer (CAO) commented that it does not appear that assets with sufficient archaeological significance to warrant preservation in situ are likely to be present across the areas of the site proposed for extraction, the screening bunds, and the settlement lagoon. As such, the CAO is in agreement with the recommendations contained within the Cultural Heritage Assessment that a Mitigation Strategy of preservation by record of the Assets present through a programme of archaeological work is acceptable within these areas.
- 120 The CAO raises no objection to the application from an archaeological perspective, and would be in a position to recommend that the programme of archaeological work within the areas proposed for extraction, the screening bunds, and the settlement lagoon, could be undertaken after a decision on planning permission and secured by attaching the standard archaeological condition to any planning permission that may be granted.

Noise

- 121 The applicant carried out a noise assessment for the proposed sand extraction with subsequent progressive restoration using the importation of waste materials, with site noise calculations undertaken for eleven representative dwellings in the vicinity of the site. The assessment showed that noise levels were controlled mainly by local and distant road traffic noise and, in particular the M23. Some of the measurements were made when the wind direction was away from the M23, during which road traffic noise from other roads such as the A25 was the dominant noise source. The noise assessment concluded that the calculated "with mitigation" site noise levels for routine operations at the proposed extraction and infill area would comply with the suggested site noise limits at all eleven assessment locations. As such, the applicant concludes that with respect to both overall site noise levels and duration of operations, it is considered that the site can be worked while keeping noise emissions to within environmentally acceptable limits.
- 122 Nutfield PC and Conservation Society and local residents have raised noise as a concern, due to site operations being close to neighbouring properties and an additional concern is in respect of noise generated by HGVs climbing the steep access road from the extraction area up to the site entrance off the A25.
- 123 The County Noise Consultant (CNC) agrees with the existing noise levels quoted in the noise assessment report. The existing noise levels are high on account of the proximity of the M23, even at 0700 in the morning. According to the advice in the NPPF and NPPG (the same as the Surrey Noise Guidelines) the upper limit for mineral extraction (and thus also for restoration) is 55 LAeq. The applicant's noise assessment showed that the average ambient noise level is already at or above this figure. The CNC agrees that with the noise bunds in position the noise levels from the development will be within the 55 LAeq limit. Work on the site will only really be noticed when work is quite close to the western edge of the site and even then they will not be higher than the existing ambient noise. However when building the bunds close to Canal Cottage and Leather Bottle Cottage (closest properties on western boundary) for a short period noise will be close to the limit of 70 LAeq.
- 124 Residents have raised the issue of noise from HGVs climbing the internal access road, however the CNC has commented that noise from the access route will be of a similar nature to the motorway traffic noise and will not generally be noticed. However it is important that the road surface is kept in good condition and speed should not be controlled by speed bumps which are likely to cause additional noise. The closest property to the access road traffic is Glebe Cottage (approx. 90m to east of access road), where the current ambient noise is 57 LAeq due almost entirely to traffic noise from the M23 and thus an additional lorry noise contribution of 50 LAeq

will add less than 1 dBA to the overall noise levels. Whilst residents will notice the additional peaks from time to time the CNC does not consider that these can be considered significant in this location. The properties either side of the site entrance on the A25 whilst closer than Glebe Cottage, currently experience high background noise levels provided by the A25 traffic. Taking into account the existing high background noise levels, Officers consider that the development would not have an adverse impact in terms of noise, subject to appropriate conditions.

Air Quality – Dust

- 125 The existing air quality for the site area is impacted by the heavy traffic on the M25, M23 and A25, and other factors potentially affecting dust and air quality in the area include agricultural operations on the sandy soils and Patteson Court landfill about 1km to the southwest. Additionally, planning permission has been granted for the extraction of silica sand from the Pendell site, about 800m to the northeast.
- 126 There are two issues concerning airborne sand from quarries – the impact upon residential amenity by causing a nuisance; and the impact upon health. Small particles (PM₁₀) 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 (µ = microgram)) make up the greatest proportion of dust emitted from mineral working 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*. The other concern is in connection with HGV exhaust emissions and levels of NO₂ (Nitrogen Dioxide) and NO_x (Nitrogen Oxides), however the number of HGVs is below the threshold (200HGVs) for determining the need for an air quality assessment [*Development Control: Planning for Air Quality (2010 Update)* - Environmental Protection UK (EPUK)].
- 127 The applicant carried out an Air Quality Assessment (AQA) in accordance with Government guidance (NPPG) and with the scoping opinion provided by Surrey County Council. The air quality assessment comprised of the following: site visit to view the existing workings and application site; walkover of the surrounding area; baseline dust monitoring; review baseline air quality and weather conditions; assessments of dust, fine particulate matter and traffic emissions, including cumulative impacts of other activities; recommendations for mitigation; and assessment of residual effects. The assessment concluded that with the implementation of best practice dust suppression measures including: slow site speed limits; the damping down of stockpiles; phased restoration; additional mitigation in the form of advance planting in the vicinity of Canal, Puckhaw and Charman Cottages; and the adoption of a dust management and monitoring programme, there should be no significant adverse impacts from dust emissions at any receptor in the vicinity of the site. The assessment showed that other effects associated with PM₁₀, PM_{2.5} and HGV exhaust emissions, are in compliance with the National Air Quality Strategy objectives.
- 128 Tandridge District Council, the local parish councils, Nutfield Conservation Society, CPRE and local residents have raised dust and air quality as a concern, particularly when the nearest property is less than 50 m from extraction area. Concerns have also been raised in respect of: silica dust and silicosis; the cumulative impact as other sand quarry in area (Pendell); impacts on school (Hawthorns School) situated between both sites; air quality and NO₂, NO_x and PM₁₀ levels.
- 129 The County Air Quality Consultant (CAQC) considered that the submitted AQA was reasonable and robust, and that in respect of NO₂ levels a wider view needs to be

taken, concluding that the average is below the AQS objective. In respect of PM₁₀ the long term average concentration is well below the long-term AQS objective, and the CAQC considers that the development contributions from all of the quarries could be accommodated within the annual mean objective (40 µg.m⁻³) therefore no significant cumulative effects would be expected for deposited dust. The CAQC has recommended conditions formalising the implementation of dust mitigation measures and that a Dust Action Plan (DAP) and Dust Monitoring Scheme (DMS) be submitted for approval. The DAP is a documented site-specific operational plan to prevent or minimise the release of dust from the site and a DMS is a programme of ongoing dust monitoring to validate the outcome of the assessment and to check on the continuing effectiveness of control/mitigation measures.

- 130 Whilst the concerns of local residents are acknowledged, on the basis of the responses received from technical consultees and in assessing national and local policy matters, Officers consider that with the imposition of appropriate conditions and the DMS / DAP, the proposed extraction of sand from Mercers South would not give rise to significant or unacceptable impacts in terms of air quality.

Hydrology, Hydrogeology and Geotechnical Assessment

- 131 The key development requirements for the site within the SMP2011 states that the site is within a major aquifer and close to source protection zone 3 for public water supply (Warwick Wold), therefore a hydrogeological assessment is required. This assessment would need to cover the following: a groundwater-monitoring programme to investigate the hydrological regime in the area and to establish baseline information on groundwater quality and any movement of contaminants from adjacent landfills; assess the relative advantages and disadvantages of working the area wet or of dewatering, both on groundwater flows and contamination; address potential impacts on the adjoining wetland nature reserve to the north, on Redhill Brook and on Mercers Park lake to the west, identify suitable margins to Glebe Lake; provide an unworked margin of at least 10m from Redhill Brook; 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 development.
- 132 The applicant submitted a Hydrological Impact Assessment (HIA), which covers the surface water and groundwater aspects of the proposed development. A geotechnical assessment was also submitted in respect of land contamination and land stability. The proposed site is located in an area of agricultural land between historical Fullers Earth excavations to the south (Glebe Lake), and former silica sand operations in the upper part of the Folkestone Formation to the north (Spynes Mere). The proposed development would involve the extraction of sands up to a maximum depth of 67 m AOD (a maximum of 21 metres below current site ground level), with part excavated dry by dewatering to approximately 72m AOD. This would involve lowering the water table by a maximum of approximately 10m. To minimise the extent and duration of dewatering the quarry will be worked wet below 72m AOD to a maximum depth of 67m AOD. Water pumped from the dewatering operations will be discharged into a settling lagoon and thereafter transferred to Glebe Lake and / or the Brewer Street Brook. Seepage to ground will take place from Glebe Lake and Brewer Street Brook, returning water to ground and to the aquifer. An overflow will be constructed from Glebe Lake and excess flow will be channeled via Warners Brook into Redhill Brook downstream of the site. Stockpiled overburden from the site will be placed into the base of the quarry below the water table. This will create a platform on which a geological barrier (clays) can be placed and compacted, creating an appropriate lining for the containment of the inert imported materials.
- 133 The applicant's HIA was prepared in consultation with the County Planning Authority and the Environment Agency, taking into consideration the key

development requirements for the site in respect of hydrology, and identified that the main potential impacts of the proposed development on the water environment include:

- Dewatering and lowering of the water table during extraction
- Discharge of pumped water and ditch diversion
- Restoration with a low permeable clay liner and inert fill
- Change in groundwater levels and flows due to the presence of the clay liner

The receptors identified were as follows: Folkestone Formation aquifer; protected rights and abstraction; restored quarries – Glebe Lake; restored quarries – other lakes (Mercers Marina, Mercers East, Spynes Mere); active landfills – Patteson Court NEQ; and surface water and other water bodies such as ponds.

- 134 Tandridge District Council objected to the development raising drainage concerns and stated that in the event that extraction is approved, Surrey County Council would need to be satisfied that with any necessary mitigation measures in place, the proposed development would not increase the risk of flooding during operations or restoration of the site. The local parishes and residents have also raised concerns over drainage and groundwater impacts, including questions over the stability of quarry adjacent to Glebe Lake. Sutton & East Surrey Water have commented that no further mineral abstraction should be permitted in this area because of the potential disruption to, and/or pollution of, groundwater abstracted from the public water supply, which is supported by the local parish councils. These concerns were also raised at the examination of the SMP2011, with the Inspector responding as outlined below.
- 135 Nutfield PC commented that the Inspector (SMP2011 examination) raised concerns about environmental impact on rural area and hydrological situation. For clarity, the Inspector did state that there are concerns about hydrology and other matters and he concluded the following *'the preferred area P would make a significant contribution to meeting production levels for soft sand set out in the plan. There are concerns about hydrology, traffic and cumulative impacts and these are identified as key development requirements that need to be addressed before an application for development is made. Additional work will be necessary, at the planning application stage, to provide a more detailed analysis.and other relevant evaluation studies which would identify design constraints and appropriate mitigation. Overall the identification of Mercers Farm is properly justified and likely to be delivered in the expected timescale.'* The Inspector also commented (Core Strategy DPD2011) that *'The Environment Agency is the body responsible for protecting and enhancing the quality of surface waters and groundwater and for conserving and enhancing water resources. In these circumstances, it is reasonable for the County Council to rely on the views of the Environment Agency.'*
- 136 The HIA has addressed the potential impacts which might arise as a result of dewatering, discharge and associated diversions, and restoration plans, with further clarifying information following a request by the Environment Agency (EA) and the County Geotechnical Consultants (CGC). This HIA is the additional work necessary to provide a more detailed analysis, as recommended by the Inspector at the SMP2011 examination. The Folkestone Formation aquifer in the area Mercers South can be subdivided into two aquifers, the upper and lower aquifers, which are separated by the 'black silt' horizon which acts as a restriction to groundwater flows. Mercers Marina, Mercers East and Spynes Mere are all located in the upper aquifer blocks, whilst the Mercers South site, Patteson Court and Glebe Lake are all located within the lower aquifer block. Groundwater in the lower aquifer naturally flows from the area of recharge in the south to the north west in the direction of rock strata dip. However, locally, flows are also towards the dewatering at Patteson Court, which

causes a substantial groundwater depression. The site is not within the source protection zones (SPZ) of Warwick Wold and Brewer Street public supply boreholes (PWS), and without compensation flows, the potential drawdown at Warwick Wold and Brewer Street PWS, as a result of dewatering would be <1.0m and therefore with discharge to Glebe Lake the magnitude of impact is considered to be low.

- 137 Dewatering of the whole site would not be necessary as the site will be worked in phases, as such the radial extent of groundwater drawdown (cone of depression) would be reduced. Groundwater flow pattern beneath the site would change due to the clay lining, however to ensure ongoing flow from south to north, part of the runoff which currently flows from the Glebe Lake catchment into Glebe Lake and then to groundwater would be diverted around the lake and allowed to recharge the aquifer along the route of the Brewer Street Brook. These measures would improve water quality and benefit The Moors wetland habitat area. The HIA concluded that dewatering and discharges are temporary during the operational life of the quarry and with mitigation the impacts on the receptors (as listed above in para.133) are assessed as Moderate/Low during operation, and Low or Negligible during restoration. In addition monitoring would be needed to record the impact of the proposed development, including groundwater levels and groundwater quality; surface water flows and surface water quality. To ensure appropriate mitigation and implementation of these measures the EA and CGC require that detailed schemes in respect of water discharge and water management/monitoring be submitted for approval to ensure the adequate control over water levels and quality, in accordance with the SMP2011 key development requirements for the site.
- 138 In terms of flood risk, the Flood Risk Assessment (FRA) assesses and proposes mitigation measures to address the potential flood risks during operations and restoration of the site. The proposed quarry extraction limits are located within Flood Zone 1 of Redhill Brook. A proposed dewatering system would keep workings dry and water pumped to Glebe Lake would then be controlled into a new outfall ditch into Warners Brook. An overflow mechanism is proposed to prevent the lake from overflowing and an alarm system would alert the operator to take action in accordance with the site flood plan. Surface water from the access road would be directed into swales with or without infiltration trenches which would be constructed at regular intervals along the road extending away from the road along the contours. The swales would facilitate infiltration of the runoff into the ground. The EA and CGC require that an Operational Flood and Drainage Management Plan be submitted for approval.
- 139 The issue of stability as been raised by the local parish and residents, which has been addressed by the applicant's geotechnical assessment (Appendix 11) to the HIA, and covers the issue in respect of stand-off distance required between the proposed mineral workings and Glebe Lake and appropriate slope angles for the proposed excavation. The CGC has commented that the Quarry Regulations would address the issue of stability and also the Environment Agency's Permitting Regime will provide control over the design and engineering of this quarry to enable it to be safely backfilled with inert waste. The applicant's assessment has also confirmed that there would be no contamination and land stability impacts associated with the proposed new access road, as the historic data shows that between 1 - 5m of Fullers Earth was removed and then site derived overburden (no imported material) was used to restore this area of former working. The internal access road would be surfaced to asphalt (7.3m in width) with a slight fall to the west to enable surface water to drain into gullies alongside the western kerbs. The surface water management would be subject to the approval of a detailed scheme, as already mentioned above.
- 140 The Environment Agency and County Geotechnical Consultants raise no objection to the development following receipt of further clarifying information in respect of

flood risk and groundwater dated February and May 2014, subject to conditions in respect of surface water and flood risk; including the submission of an Operational Flood and Drainage Management Plan; a scheme finalising discharge quantities and arrangements from the site; and a long term water management and monitoring plan, which are required to ensure adequate flood risk and groundwater protection, in accordance with the SMP2011 key development requirements for the Mercers site. The concerns of local residents and organisations are acknowledged, but on the basis of the responses received from technical consultees, which includes the Environment Agency who are the body responsible for protecting and enhancing the quality of our water, Officers consider that any impact on the hydrology and hydrogeological environment or on amenity will be able to be controlled / mitigated to acceptable levels by the imposition of planning conditions. As such Officers consider that the proposal is consistent with the aims and objectives of Government guidance (NPPF & NPPG) and the Development Plan.

Ecology and Biodiversity

- 141 The proposed extraction site area consists of primarily arable land with sporadic hedges and trees. The proposed access road area crosses grassland, to east of Glebe Lake, which is an area that has been previously been restored following working for Fuller's Earth. The application site lies within the Holmethorpe Sandpits Complex SNCI (County importance for birds).
- 142 The applicant carried out an Ecological Assessment of the proposed site, which involved detailed surveys (details determined through scoping opinion and liaison with County Ecologist) of the extraction area and land to south covering the proposed access road to the A25. This included Redhill Brook, Warners Brook (on and off the site), and Brewer Street Brook and Glebe Lake. The assessment evaluated the effects of mineral extraction and moving the mineral off-site and also further assessed the impact of infilling the land as part of the progressive restoration of the site. The assessment has stated that there *'will a loss of 32.2 hectares agricultural land (pasture, rough scrub and arable), 0.02 hectares of woodland, 854 metres of hedges and Warner's Ditch on a sequential development of extraction and infilling before restoration, also on a phased basis to agricultural land,'* ... and that *'the losses will be replaced by 30.8 hectares arable land, reinstatement of 0.6 hectares grassland, reinstatement of the Warner's Ditch, creation of 2,050 metres hedgeline and planting 6.9 hectares woodland in three areas. Thus although there will be a short-term low negative impact, overall there will be a long-term low positive impact. These habitat gains will contribute to the woodland and hedgerow Habitat Action Plans within the Surrey Biodiversity Action Plan.'*
- 143 The assessment concluded that, overall, the effect of the proposed development on ecology would be low negative, insignificant or none. The exception is the potential loss of bat roosts and, as mitigation, bat boxes would be provided. During operations there would be temporary benefit to bird species such as the sand martin and to the range of specialist invertebrates which are found on damp bare ground. Following restoration the site would be returned to a landscape in keeping with the surrounding landscape with a matrix of habitats providing opportunities for the long term maintenance and enhancement of biodiversity in the area.
- 144 Tandridge District Council have objected raising concern in respect of ecology, stating that *'In view of the presence of Great Crested Newts, Wintering Lapwing, Bullfinch and Reed Bunting, the Council has concerns about the potential ecological impact of sand extraction from the site on the Site of Nature Conservation Importance. In the event that extraction is approved, any mitigation measures carried out need to ensure that the potential environmental impacts on ecology and biodiversity are kept to a minimum.'* The local parishes, CPRE, Surrey Botanical Society and local residents have raised similar ecology concerns, including: the loss

of historic hedgerows and woodland; loss of habitat and damage to ecosystems; impact on rare flora and fauna in area, including great crested newts, bats and birdlife (incl. Lapwings, tawny and brown owls) that may have their habitats irrevocably affected; and not enough wildlife improvements.

- 145 Natural England and Surrey Wildlife Trust raise no objection, subject to conditions in respect of ecology mitigation measures, which includes the protection of the soils, rare flora and fauna, great crested newts and the submission of a detailed Landscape and Ecological Management Plan (LEMP) for approval. The County Biodiversity and Ecology Officer and Environmental Enhancement Officer agree with the need for additional mitigation measures, which can be required by condition, through the submission of a Construction Environmental Management Plan (CEMP) and a LEMP. The CEMP would include the more immediate ecological mitigation detail such as: fencing the area of common spotted orchids; reptile strategy including replacement ditch, habitat retention and creating reptile refugia using timber from hedgelines; great crested newt avoidance strategy; bat enhancements, i.e. bat boxes to compensate for loss of the noctule roost; and tree protection in accordance with submitted Arboricultural Implications Report dated March 2013 (ES Chapter 5 – Appendix 1). Whilst the LEMP would secure the longer term landscape management of the site including: mitigation; enhancement; vegetation removal and vegetation replacement; detailed work schedules for the progressive restoration. Officers therefore consider that the proposal would accord with the SMP2011 key development requirements and relevant Development Plan policies in terms ecology and biodiversity.

Restoration and Aftercare

- 146 The importance of securing a good quality restoration is central to the consideration of mineral working and associated proposals. Delay in restoration has environmental costs and guidance in the NPPG (Minerals - Paragraph: 044) states that: *‘For mineral extraction sites where expected extraction is likely to last for many years, early agreement on the details of at least the later stages of aftercare may not be appropriate. In such cases, it would still be appropriate:*
- *for the applicant to provide a general outline of the final landform and intended after-use;*
 - *for the mineral planning authority to agree at the outset outlines of requirements covering the main stages of reclamation of a site (e.g. filling, restoration and aftercare), together with detailed schemes for stripping and storage of soil materials’*
- 147 The NPPG goes on to state that *‘Planning conditions for proposals with a longer term duration should:*
- *normally require the submission of a detailed scheme or schemes for restoration and aftercare, for agreement, by some specific stage towards the end of the life of the permission;*
 - *where progressive reclamation is to be carried out, require submission of schemes for agreement from time to time as appropriate.’*
- 148 The SMP2011 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. Restoration is one of the key development requirements, which requires the site to be restored to existing levels (which would involve infilling with inert waste) to meet a combination of local informal recreational, landscape and nature

conservation objectives.

- 149 The applicant has stated that the application proposes infilling as part of the restoration of the mineral working back to agricultural use, involving the minimum quantity of inert material necessary to achieve this, as required by the SWP2008. The site is proposed to be quarried and progressively restored in four phases working from east to west, each projected to last around four years. Throughout the phases would be progressive planting to re-establish elements of the local field pattern and provide new and enhanced areas of woodland, which is illustrated by Figures 12 and 13 of the approved drawings. The agricultural land use would be re-instated following restoration. An Outline Landscape Management plan (OLMP - June 2014) details the principles, approach, responsibilities, timing and phasing and operations associated with the management of the proposed landscape. Details have been provided for soil stripping, handling, storage and replacement, restoration and aftercare would ensure the long term agricultural potential of the land is preserved. The Final Site Restoration (Dwg. LMSL/16/JJF/MC/9, dated March 2014) closely resembles the indicative scheme associated with the 'fill option' as shown in the Surrey Minerals Plan 2011 Site Restoration Supplementary Planning Document (SPD). The restoration includes a number of the enhancements referred to in the SPD notably new woodland and the reinstatement of historic hedgerows and public rights of way network. In addition the ditch which crosses the central and western parts of the site would be re-instated and enhanced to deliver landscape and ecological benefits.
- 150 Tandridge District Council objected to the development raising issues regarding the restoration, stating that *'In the event that extraction is approved, restoration should be undertaken to include a landscaped lake with ecological benefit (and bird strike precaution) with limited opportunities for public access and low key informal recreation. Any restoration programme should include a legally binding method statement to control the nature and quantity of material; and the number and routing of vehicles. The restoration proposals submitted for Mercers South can only be achieved with unacceptable repercussions using HGVs to bring in materials to restore the land'*. The local parishes, local conservation society along with local residents objected, raising issues including: possible contamination of the inert waste for infilling; monitoring needed to ensure site restored as promised; request screening of M23 with hedgerows; request advance planting; backfilled land only good for grazing; restoration and enhancement should start prior to any works in quarry; extend field margins to provide and enhance wildlife habitats; opportunity to improve on a poor restoration (Glebe Lake).
- 151 Natural England and the Environment Agency raise no objection to the backfilling of the site with inert waste and restoring the site back to agriculture (arable land), with additional hedgerows, woodland and enhanced biodiversity, subject to conditions in respect of the soil handling and replacement, restoration plans, management and aftercare. The County Enhancement Officer, County Landscape Officer and County Biodiversity and Ecology Officer requested further minor amendments and enhancements as provided in the updated landscape drawings dated 25 June 2014, and raise no objection to the restoration proposals, subject to conditions in respect of landscape, restoration and aftercare.

Other issues

- 152 Residents have raised the issue of impact on human health from the development, in particular dust from the sand extraction and emissions from HGV traffic. For sand particles to be respirable they have to be small and fine enough to be inhaled. Particles small enough to be inhaled into the lungs are known as PM₁₀. This issue has been already been addressed above under air quality, and that the AQA showed that other effects associated with PM₁₀, PM_{2.5} and HGV exhaust emissions, are in

compliance with the National Air Quality Strategy objectives, as such there is no evidence that ambient levels pose an unacceptable risk to health. Public concern about the potential health impacts of a development, as opposed to actual risk to health, can in principle be a material consideration; but it is for the CPA to determine what, if any, weight should attach to it in the context of any particular application. People's perception of the level of risk for an activity can differ markedly from the real risk. Decision-makers need to be aware of the prospect that perceptions of risk may be misinformed, and they should in Officers' view not be lightly dissuaded from making a sound evidence-based judgment informed by evidence of the actual risks. Officers have, nonetheless, duly noted the concerns raised by residents throughout the consultation process regarding perceived risk to human health but taking into account the responses technical consultees do not consider that substantial weight should be attach to them.

- 153 Some residents have raised the issue of climate change and increased greenhouse gas emissions. The site is identified in the SMP2011 which states that the County Council is committed to helping communities and businesses in Surrey to act on climate change in their own work and lives. The minerals plan is specific to a single subject and consequently may only make a limited contribution to this critical objective. The SMP2011 goes on to state that part of the vision is '*adopting an holistic approach to ensure that mineral sites are worked and restored to the highest standards, that restoration and management proposals are considered at the outset and that climate change mitigation is incorporated where possible*'. Minerals can only be worked where they are found, and the proposal involves the minimum amount of inert waste to restore the site back to arable use, and the restored site will also contribute to the creation or maintenance of green corridors enabling wildlife migration and adaptation to pressures such as climate change.

Cumulative Impact

- 154 Paragraph 144 of the NPPF states that in granting planning permission for mineral development mineral planning authorities should '*take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality*'. Paragraph 6.35 of the SMP 2011 Core Strategy DPD identifies the cumulative effects of working quarries and the way they relate to existing developments as important issues, particularly so in areas which are already under significant development pressure, or have concentrations of several existing and potential mineral workings. The paragraph goes on to state that cumulative impacts may, for example, arise where mineral sites that are in close proximity to each other would be worked at the same time, or where working has taken place over a long period of time. Measures to avoid or mitigate cumulative impacts include phasing of working and restoration, imposing planning conditions and controlling the number and timing of permissions.
- 155 The applicant has considered the in-combination effects and interactions between the various areas of impact (as discussed above) associated with the proposed development at Mercers South, and the effects likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The applicant concluded that there would be no significant impact from cumulative or interactive uses as a result of the proposed development.

Environment and Amenity Conclusion

- 156 The Development Plan states that mineral development will be permitted only where a need has been demonstrated and the applicant has provided information sufficient for the mineral planning authority to be satisfied that there would be no significant adverse impacts arising from the development. Key development requirements for the Mercers South site include; access and traffic; local amenity; biodiversity;

heritage; hydrology; agriculture; landscape; aerodrome safeguarding; and restoration, which have been addressed above. Officers consider that any impact on the environment or on amenity will only be temporary and will be able to be controlled / mitigated to acceptable levels by the imposition of planning conditions. As such Officers consider that the proposal, subject to planning conditions, is consistent with the aims and objectives of development plan policies relating to the environment and amenity.

METROPOLITAN GREEN BELT

Surrey Minerals Plan 2011 Core Strategy Development Plan Document (SMP2011)

Policy MC3 – Mineral development in the Green Belt

Policy MC17 – Restoring mineral workings

Tandridge District Local Plan 2001 (saved policies)

Policy RE2 – Development in the Green Belt outside the settlements

- 157 The 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 in Part 13 'Facilitating the sustainable use of minerals' (paragraphs 142 to 149) and the 'Minerals' section of the NPPG. 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'*.
- 158 SMP2011 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'*. The supporting text at paragraphs 3.45 and 3.47 refer to almost all mineral working in Surrey being in the Green Belt, and the need for restoration and afteruse of mineral workings to be appropriate to the designation and objectives for the use of land in the Green Belt, which include securing nature conservation interest and retaining land in agricultural, forestry and related uses. 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.
- 159 Saved Policy RE2 of the TDLP2001 states that there is a presumption against inappropriate development within the Green Belt. The policy does not specifically mention mineral development but states that engineering and other operations and making a material change in the use of land are inappropriate unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.
- 160 Given the site's Green Belt location it is necessary to consider whether the proposed development would maintain high environmental standards during operation and whether the restoration of the site can be achieved to a good standard and will provide an acceptable afteruse consistent with Green Belt objectives. Much of the consideration of whether high environmental standards could be maintained and whether an appropriate and acceptable restoration can be achieved has already been demonstrated in the sections above. Mineral working is a temporary use of land and minerals can only be worked where they are found.

- 161 The applicant has stated that the proposed extraction of sand and filling at Mercers South would by virtue of the associated perimeter screen mounding, soil/clay stockpiles and sand screener result in some impact on openness. The mineral processing plant and associated site infrastructure including haul roads and accesses to the public highway have the potential to impact on the openness of the Green Belt. However, even if in place for prolonged periods such as with this proposal, 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. The site would be progressively worked and restored to agricultural use and local landscape features reestablished and enhanced in keeping with local character, and consistent with Green Belt objectives.
- 162 Officers consider there is no reason to believe that the site could not be well restored to the proposed after-uses, which are uses consistent with Green Belt objectives. Any adverse impact on the visual amenities of the Green Belt would be limited and adequately controlled. The need for the sand has been demonstrated as outlined above and that high environmental standards would be achieved and that the site well restored. Officers do not consider that the proposal constitutes inappropriate development in the Green Belt and does not conflict with the Development Plan or national guidance with regard to Green Belt policy.

HUMAN RIGHTS IMPLICATIONS

- 163 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.
- 164 It is recognised within the Officers report that there would be some impact in terms of visual amenity and noise during the site preparation works and bund formation and there would be some harm to the visual amenities of the Green Belt. 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

- 165 The application site is located in the Metropolitan Green Belt where mineral related development need not be inappropriate development provided that high environmental standards are maintained and the site is well restored. Minerals can only be worked where they are found. The District Council, local parishes, residents and other objectors have expressed concerns about various issues including: need for the sand; highways and traffic; landscape impacts; rights of way; noise; air quality and dust; hydrology and hydrogeology; land contamination and land stability; ecology and biodiversity; restoration; cultural heritage; and Green Belt. The applicant undertook an environmental assessment and has provided further information where necessary. Some of the concerns raised by objectors relate to issues controlled under other regulatory regimes. Technical consultees have carefully considered the application and information provided and have not objected to the development.
- 166 The views of technical consultees have been reported under individual issues earlier in the report. There is no reason to believe that high environmental standards cannot be maintained during the extraction and progressive restoration of the site. Consideration has been given to whether any adverse environmental impacts can be

suitably mitigated and Officers consider that the planning conditions recommended relating to the protection of the environment are suitable.

- 167 The applicant is proposing that the site is restored to agriculture, including landscape and ecological enhancement, which would link to the surrounding area. A detailed landscape and ecological management plan is being sought by way of planning condition, which requires specific management measures aimed at enhancing habitat quality or specific species and detailed prescriptions for management actions including mitigation, enhancement, vegetation removal and vegetation replacement. This aim is to ensure the restored site is absorbed back into the local landscape and where possible, provide some benefit in terms of enhanced nature conservation interest. Once restored the site would return to fulfilling the objectives for use of land within the Green Belt in terms of its use for agriculture, with enhanced biodiversity. There is no reason to believe that the site could not be well restored and therefore Officers consider that the proposal is acceptable in terms of Green Belt policy.
- 168 Government advice recognises that minerals may only be worked where they occur and that provided that high environmental standards are maintained and the site well restored, planning permission can be granted. The site at Mercers South is an identified site in the Surrey Minerals Plan 2011 and the report concludes that the need for releasing further sand reserves into the Surrey landbank is justified. It is considered that the proposal is not inappropriate development in the Green Belt and that the proposed development will not adversely impact on the adjacent AONB and AGLV. The concerns of local residents and organisations are acknowledged, but on the basis of the responses received from technical consultees and in assessing national policy and development plan policy, Officers consider that with the imposition of appropriate conditions where necessary, the proposed extraction of sand and progressive restoration at Mercers South would not give rise to significant or unacceptable environmental or amenity impacts and can be permitted subject to conditions.

RECOMMENDATION

The recommendation is to PERMIT subject to the following conditions.

Approved Documents

- 1 The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the terms of this permission: the following approved plans are contained in the application:

Drawing Title	Drawing No.	Date
Site Location	Figure 1	08.03.2013
Site Plan	Figure 2	29.07.2013
Rights of Way and Utilities Plan	Figure 3	26.07.2013
Proposed Interim Screening and Material Storage	Figure 4	18.07.2013
Proposed Overall Phasing Plan	Figure 5	18.07.2013
Indicative Quarry Phasing Year 4	Figure 6	18.07.2013
Indicative Quarry Phasing Year 8	Figure 7	18.07.2013
Indicative Quarry Phasing Year 12	Figure 8	18.07.2013
Indicative Quarry Phasing Year 16	Figure 9	18.07.2013
Proposed Office, Welfare, Wheel Cleaning and Weighbridge Layout	Figure 10	19.09.2013
Proposed Restoration Plan - Quarry Area	Figure 14	13.08.2013
Proposed Restoration plan – Access	Figure 15	13.08.2013
Landscape Proposals Years 1-8 (Year 4)	LMSL/16/JJF/MC/6	June 2014

	RevB	
Landscape Proposals Years 8-16 (Year 12)	LMSL/16/JJF/MC/7 RevB	June 2014
Indicative Sections Year 4	LMSL/16/JJF/MC/7B	March 2014
Indicative Sections Year 8	LMSL/16/JJF/MC/7A	March 2014
Indicative Sections Year 12	LMSL/16/JJF/MC/7C	March 2014
Mitigation Drawing	LMSL/18/JJF/MC/3	March 2014
Access Road – Landscape Proposals	LMSL/16/JJF/MC/8 RevB	June 2014
Final Site Restoration	LMSL/16/JJF/MC/9	March 2014
Access Road - Landscape Restoration	LMSL/16/JJF/MC/10 RevA	June 2014
Landform Proposals for Access Road near Glebe Cottage	LMSL/17/JJF/MC/G C/1 RevA	June 2014
Access Road Contour Plan	LMSL/18/JJF/MC/2 RevB	June 2014
Glebe Cottage – Landscape Details	LMSL/18/JJF/GC/4	June 2014
Proposed Access off the A25	Figure T9	16.04.2013

Commencement

- 2 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

- 3 The extraction and transport of indigenous minerals shall cease by 31 December 2031 thereafter the site shall continue to be infilled with inert waste until 31 December 2035. The restoration of the site shall be completed by 31 December 2036 by which date all buildings, fixed plant or machinery, internal access roads and hardstandings, together with their foundations and bases, shall be removed from the land and the site shall be restored to a condition suitable for agriculture in accordance with the approved restoration plans.

Hours of Operation

- 4 Except in emergencies to maintain safe site operations which shall be notified to the County Planning Authority as soon as practicable, no lights shall be illuminated (other than PIR security lighting) nor shall any operations or activities authorised or required by this permission be carried out except between the following times:

0700 - 1800 hours Monday to Friday
0700 - 1300 hours Saturdays

Notwithstanding this the formation of the screen bunds around the site and their subsequent removal when required for restoration, shall only be carried out between: - 0800 – 1600 hours Monday to Friday and 0900 – 1300 hours Saturdays there shall be no working on Sundays, Bank Holidays or National Holidays.

Limitations

- 5 Notwithstanding any provision to the contrary under Parts 19 or 22 of the Town and Country Planning (General Permitted Development Order) 1995 or any subsequent Order,

- (a) no plant, building or machinery whether fixed or moveable other than those permitted by this application, shall be erected on the application site;
- (b) no lights other than those permitted by this application shall be installed or erected at the application site.

Access and Highways Protection

- 6 Before any operations are commenced, the proposed vehicular access to the A25 Bletchingley Road shall be constructed and provided with visibility zones in general accordance with the scheme shown on Figure T9 (Approved Documents) of the Transport Assessment, all to be permanently maintained to the satisfaction of the County Planning Authority and the visibility zones shall be kept permanently clear of any obstruction.
- 7 The means of access to the development for HGVs associated with the extraction of sand and the import of inert waste materials at Mercers South shall be via the proposed vehicular access from the A25 Bletchingley Road only. There shall be no means of access to the site for HGVs via Cormongers Lane and Nutfield Marsh Road.
- 8 There shall be no more than an average of 150 HGV movements per day associated with the extraction of sand and the import of inert waste materials at the Mercers South site, with HGV movements on any single day not exceeding 240 movements. 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.
- 9 No development shall start until a Construction Transport Management Plan for the construction of the proposed access and haul route, to include details of:
 - (a) parking and turning for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works including measures for traffic management
 - (e) HGV deliveries and hours of operation
 - (f) vehicle routing
 - (g) measures to prevent the deposit of materials on the highway
 has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.
- 10 Prior to the export of sand from the site, facilities shall be provided as shown on Figure 10 (Approved Documents), 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. The measures shall thereafter be retained and used whenever the said operations are carried out.

Rights of Way

- 11 Before any soil stripping or mineral extraction operations hereby permitted commence, safeguards shall be put in place to protect persons using the approved diverted Public Footpath 173, and Public Footpaths 175 and 188 so that the route is safe and unobstructed for the public to use at all time; such protection to include suitable surfacing in the event of drainage run-off from proposed bunding; and signage for the crossing points on FPs 175 and 188.
- 12 Within three months of the completion of the restoration of the site, Public Footpath 173 is to be re-instated to its original line as shown on the approved restoration plans and to

an appropriate standard and specification.

Surface and Ground Water Protection

- 13 No development shall take place until an Operational Flood and Drainage Management Plan has been submitted to and approved in writing by the County Planning Authority. The management plan shall address all flooding and drainage elements by considering a suitable baseline and extreme storm events. It should be based on the information noted within the submitted Planning Statement (prepared by WGY Group), dated October 2013 including paragraph 4.9. The management plan shall be carried out in accordance with the approved details.
- 14 The development permitted by this planning permission shall only be carried out in accordance with the findings of the Flood Risk Assessment (FRA) undertaken by URS dated July 2013 and the following mitigation measures detailed within the FRA:
 1. The design and provision of a suitable compensatory flood storage area approved by the Environment Agency and Surrey County Council. As referenced in section 6.1 of the FRA.
 2. Limiting the surface water run-off generated by the 1% AEP critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. As referenced in sections 5.1 and 6.2 of the FRA.
 3. Confirmation of the increase in size of the culvert upstream of Canal Cottage from 450mm to 600mm is undertaken prior to any mineral workings. As referenced in section 5.3 of the FRA.
 4. Demonstration that the improvement/protection and maintenance of new outlet control devices on Glebe Lake are constructed to the satisfaction of both the Environment Agency and Surrey County Council.
 5. Provision of a satisfactory Operational Flood Management Plan to deal with significant rainfall events, is approved by both the Environment Agency and Surrey County Council. As referenced in section 5.4 of the FRA.
 6. The de-silting of the culvert under Cormongers Lane is undertaken by the applicant in advance of any mineral workings. As referenced in section 5.3 of the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 15 No development with the exception of the road access works and associated landscaping as shown on Dwg No.LMSL/16/JJF/MC/8 revB, shall take place until a scheme finalising discharge quantities and arrangements from the site to Brewers Brook and Warners Brook are determined, including design, quantities, timing, management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the County Planning Authority. The scheme shall be carried out in accordance with the approved details.
- 16 No development with the exception of the road access works and associated landscaping as shown on Dwg No.LMSL/16/JJF/MC/8 revB approved by this planning permission shall take place until a long term water management and monitoring plan has been submitted to and approved in writing by the County Planning Authority. It shall include identification of suitable monitoring locations and a timetable for monitoring and publication of the reports to the County Planning Authority over the lifetime of the development. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by County Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports.

- 17 Any facilities for the storage of chemicals and fuels shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Noise

- 18 When measured at, or recalculated as at, a height of 1.2 m at least 3.5 m from a noise sensitive building, the level of noise emitted as a result of any activity or operation at the site and associated with the development hereby permitted shall not exceed 55 LAeq for any 0.5 hour period.
- 19 During the period of essential site preparation and bund construction the level of noise arising from such construction, when measured or recalculated as at, a point at least 3.5 m from any noise sensitive property during any 0.5 hour period shall not exceed 70 LAeq between 0800 to 1600 hours Monday to Friday and 65 LAeq from 0900 to 1300 on Saturdays. No bund construction work shall be carried out outside these times.
- 20 All plant and company owned HGVs operating at the site shall be fitted with reversing alarms which do not emit a warning noise that could have an adverse impact on residential amenity.

Dust

- 21 No development with the exception of the road access works and associated landscaping as shown on Dwg No.LMSL/16/JJF/MC/8 revB shall take place until a Dust Action Plan (DAP) and Dust Monitoring Scheme (DMS) has been submitted and approved by the County Planning Authority. The DAP and DMS shall be implemented as approved and maintained for the duration of the development. Operations and activities shall be carried out in strict accordance with the DAP including the measures, controls and actions contained therein.
- 22 No activity hereby permitted shall emit dust, which causes a nuisance beyond the boundaries of the site, due to either inappropriate working or adverse weather conditions. If such an emission should occur appropriate (good practice) measures shall be taken to abate the problem, but if unsuccessful the activity shall be suspended until it can be resumed without causing emission as a result of different methods of working, the addition of additional dust suppression measures or changed weather conditions.

Archaeology

- 23 No development with the exception of the road access works and associated landscaping as shown on Dwg No.LMSL/16/JJF/MC/8 revB shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation submitted to and approved in writing by the County Planning Authority.

Soil Movement and Placement

- 24 All topsoil, subsoil, and soil forming material shall be retained on site. The handling of soils shall be in accordance with Sheets 1-4 of Defra's 'Good Practice Guide for

Restoration, Landscaping and Ecology

- 25 The restoration of the site shall be carried out in stages, progressively as the extraction proceeds in accordance with the approved Indicative Quarry Phasing Plans (Figures 6, 7, 8, 9) and the approved Restoration Plans for the Quarry Area and Access (Figures 14 and 15).
- 26 The landscape works as shown in the approved drawings (Condition 1) shall be undertaken in accordance with the submitted Outline Landscape Management Plan dated June 2014.
- 27 No development shall take place until a Construction Environmental Management Plan (CEMP) is submitted and approved by the County Planning Authority. The CEMP shall include the following ecological details:
- Fencing along access road for the protection of existing woodland and to include details for the protection of the area of common spotted orchids
 - Reptile strategy including replacement ditch, habitat retention and creating reptile refugia
 - Great crested newt avoidance strategy
 - Bat enhancements, i.e. bat boxes to compensate for loss of the noctule roost
 - Tree protection in accordance with submitted Arboricultural Implications Report dated March 2013 (ES Chapter 5 – Appendix 1)

The CEMP shall be implemented on approval.

- 28 No works to trees or adjacent to trees in Phases 3 and 4 (western half of site) as identified in the Arboricultural Implications Report dated March 2013 (ES Chapter 5 – Appendix 1) shall be undertaken before the submission and approval by the County Planning Authority of an arboricultural report and bat assessment.
- 29 Within 12 months of the date of this permission a detailed Landscape and Ecology Management Plan shall be submitted to the County Planning Authority for approval. The Landscape and Ecology Management Plan shall include the following details:
- Aims and objectives of the Management Plan for the completion of all phases of restoration and subsequent 5 year aftercare;
 - Plan showing management compartments for each habitat or landscape type;
 - Description and evaluation of features including any new planting;
 - Any constraints on site that may influence management;
 - Management options for achieving the aims and objectives;
 - Any specific management measures aimed at enhancing habitat quality or specific species;
 - Detailed prescriptions for management actions including mitigation, enhancement, vegetation removal and vegetation replacement;
 - Management and enhancement of area north of Redhill Brook
 - Resources to be used in and personnel responsible for implementation of the Management Plan;
 - Detailed work schedules for the progressive restoration of the site including a matrix indicating timing of annual operations;
 - Interim assessment on completion of each of the phases of restoration

The Landscape and Ecology Management Plan shall be implemented on approval.

REASONS

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To comply with Section 91 of the Town and Country Planning Act 1990
- 3 To enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity and to ensure the prompt and effective restoration to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Surrey Minerals Plan 2011 Policy MC17.
- 4 To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Policy MC14; Tandridge District Local Plan 2001 Policy EV10; and Tandridge District Core Strategy 2008 Policy CSP15.
- 5 To safeguard the environment and protect the amenities of the locality in accordance with the terms of Surrey Minerals Plan 2011 Policies MC3 and MC14, and Surrey Waste Plan 2008 Policy DC3.
- 6 To enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity and to ensure the prompt and effective restoration to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990, Surrey Minerals Plan 2011 Policy MC17 and Surrey Waste Plan 2008 Policy DC3.
- 7-10 In order that the development should not prejudice highway safety nor cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Policy MC15; Surrey Waste Plan 2008 Policy DC3; Tandridge District Local plan 2001 Policies M09 and M013; and Tandridge District Core Strategy 2008 Policy CSP12.
- 11-12 To protect the route of the public footpaths and bridleways and the amenities of the users and comply with Surrey Minerals Plan 2011 Policy MC14, Surrey Waste Plan 2008 Policy DC3 and Tandridge District Local Plan 2001 Policy RT12.
- 13-14 In accordance with paragraph 103 of the National Planning Policy Framework 2012 (NPPF) to ensure that that flood risk is not increased onsite or elsewhere; Surrey Minerals Plan 2011 Policy MC14; Surrey Waste Plan 2008 Policy DC3 and Tandridge District Local Plan 2001 Policy EV6.
- 15 To clarify the dewatering proposals and ensure the ecological opportunities on site are maximised and that there is no deterioration to water dependent wildlife habitats in accordance with paragraph 109 of the National Planning Policy Framework 2012 (NPPF) and in conjunction with the European Water Framework Directive (WFD); Surrey Minerals Plan 2011 Policy MC14 and Tandridge District Local Plan 2001 Policy EV6.
- 16 To ensure that the proposed development will not have a significant adverse impact on water quality or water resources in accordance with paragraphs 103 and 109 of the National Planning Policy Framework (NPPF), Water Framework Directive (WFD); Surrey Minerals Plan 2011 Policy MC14 and Tandridge District Local Plan 2001 Policy EV6.
- 17 To protect groundwater from contaminants and pollution in accordance with paragraph 109 of the National Planning Policy Framework 2012 (NPPF); Surrey Minerals Plan 2011 Policy MC14; Surrey Waste Plan 2008 Policy DC3 and Tandridge District Local Plan 2001 Policy EV6.

- 18-22 To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Policy MC14; Surrey Waste Plan 2008 Policy DC3; Tandridge District Local Plan 2001 Policy EV10 and Tandridge District Core Strategy 2008 Policy CSP15.
- 23 To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide on any action required for the preservation or recording of such remains in accordance with the terms of the Surrey Minerals Plan 2011 Policy MC14; Surrey Waste Plan 2008 Policy DC3 and Tandridge District Local Plan 2011 Policies HE6 and HE5.
- 24 To prevent loss or damage of soil and to ensure that the land is restored to a condition capable of beneficial afteruse to comply with the Surrey Minerals Plan 2011 Policies MC14 and MC17.
- 25-26 To secure restoration to the required standard and enhance biodiversity in accordance with the Surrey Minerals Plan 2011 Policies MC17 and MC18; Surrey Waste Plan 2008 Policy WD7 and Tandridge District Core Strategy 2008 Policy CSP17.
- 27-28 To secure protect and enhance biodiversity in accordance with Surrey Minerals Plan 2011 Policies MC14 and MC18; and Tandridge District Core Strategy 2008 Policy CSP17.
- 29 To secure restoration and assist in absorbing the site back into the local landscape as soon as practical to accord with Surrey Minerals Plan 2011 Policies MC3, MC14 and MC17; and Tandridge District Core Strategy 2008 Policies CSP20 and CSP21.

Informatives

1. The permission hereby granted shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a Section 278 agreement must be entered into with the County Council before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway, in association with the construction of the proposed vehicular access to the A25. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see: www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice
2. 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).
3. The applicant is advised that as part of the detailed design of the highway works required by the above conditions, 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.
4. An environmental permit will be required when the quarry is to be infilled with inert waste. Inert waste is defined by Landfill Directive, article 2(e): 'Inert waste' means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in away likely to give rise to

environmental pollution or harm human health.

5. Additionally the Landfill Directive requires the operator to submit construction proposals to cover the construction and quality assurance of the geological barrier across the base and sides of the landfill. The geological barrier will be provided by suitable selected in situ or imported materials. The operator's CQA plan must set out how he will ensure that suitable materials are used in construction of the geological barrier.
6. The applicant will require written consent from the Environment Agency in order to discharge effluent resulting from dewatering activities.

CONTACT

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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 (NPPF) March 2012

Planning Practice Guidance (NPPG) March 2014

The Development Plan

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

Surrey Minerals Plan 2011 Primary Aggregates Development Plan Document (SMP 2011 Primary Aggregates DPD)

Surrey Minerals Plan 2011 Minerals Site Restoration Supplementary Planning Document
Surrey Waste Plan 2008 (SWP 2008)

Tandridge District Local Plan 2001 (saved policies) (TDLP2001)

Tandridge District Core Strategy 2008 (TDCS2008)

Other Documents

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

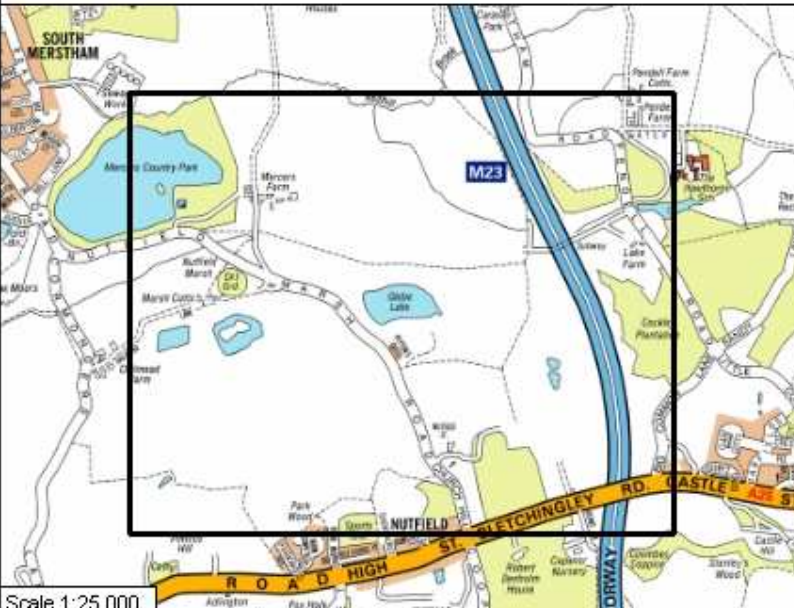
Surrey County Council Aggregates Monitoring Update August 2013

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

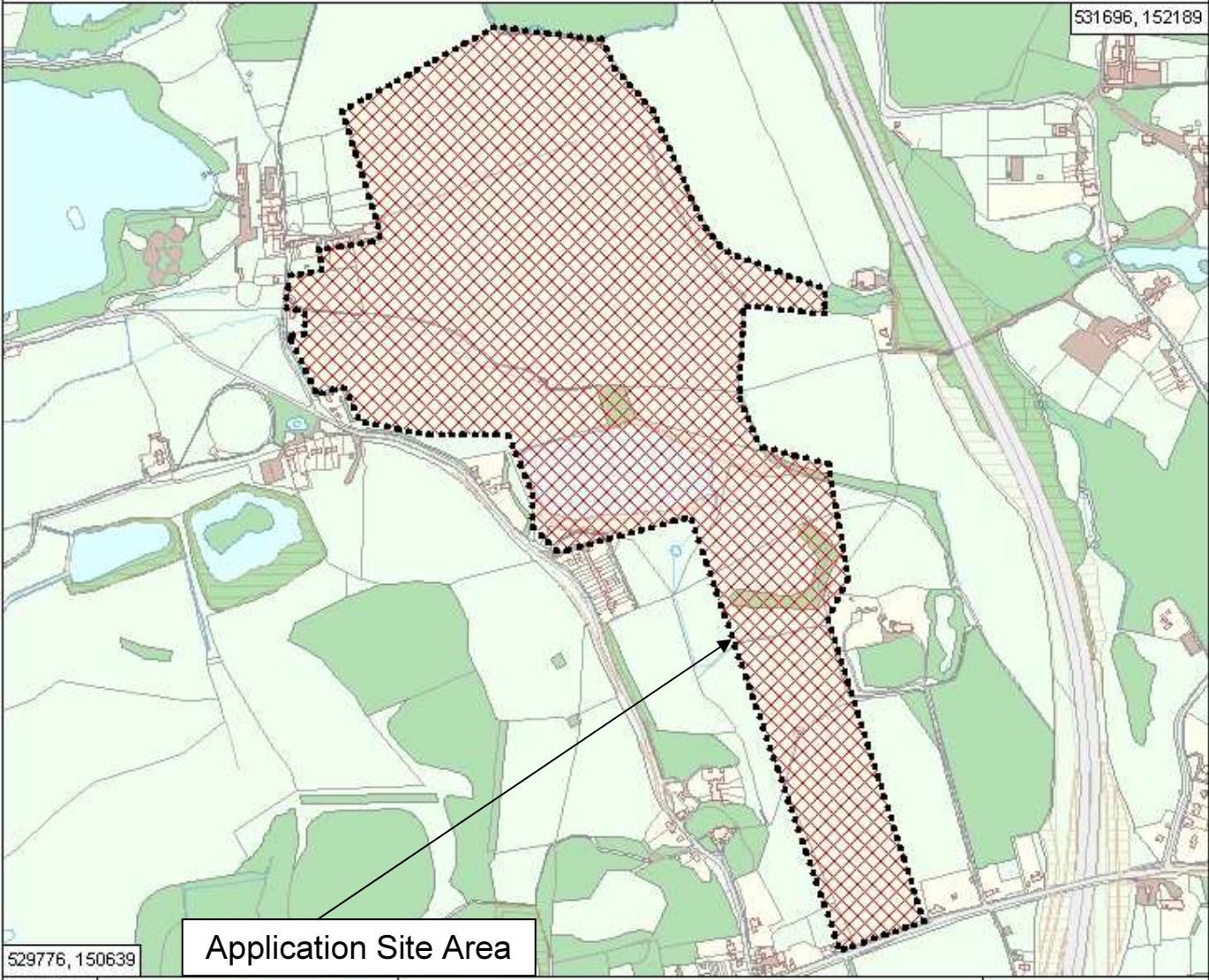
Surrey County Council Aggregates Monitoring Update: May 2014


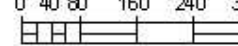
The Future of Surrey's Landscape and Woodlands – Surrey County Council 1997

Development Control: Planning for Air Quality (2010 Update) - Environmental Protection UK (EPUK)

<p style="text-align: center;">Site Location</p>  <p>Scale 1:25,000</p>	<p>Mercers South, Nutfield, Redhill, Surrey, RH1 4EU</p> <p>Extraction and screening of sand from Mercers South with progressive restoration to agriculture using inert waste materials, together with: the construction of a new dedicated internal access from the A25; screening bunds; the provision of a welfare/office block and mobile home to accommodate staff and security personnel; a wheelwash, weighbridge and associated office; car parking area; reinstatement of rights of way network, woodland, historic hedgerows and ditch to include landscape and ecological enhancements, on a site of 52.2 ha and the temporary diversion of public footpath 173 for the duration of the operations.</p> <p>Application No(s): TA/2013/1799</p> <p>Electoral Division(s): Godstone</p>
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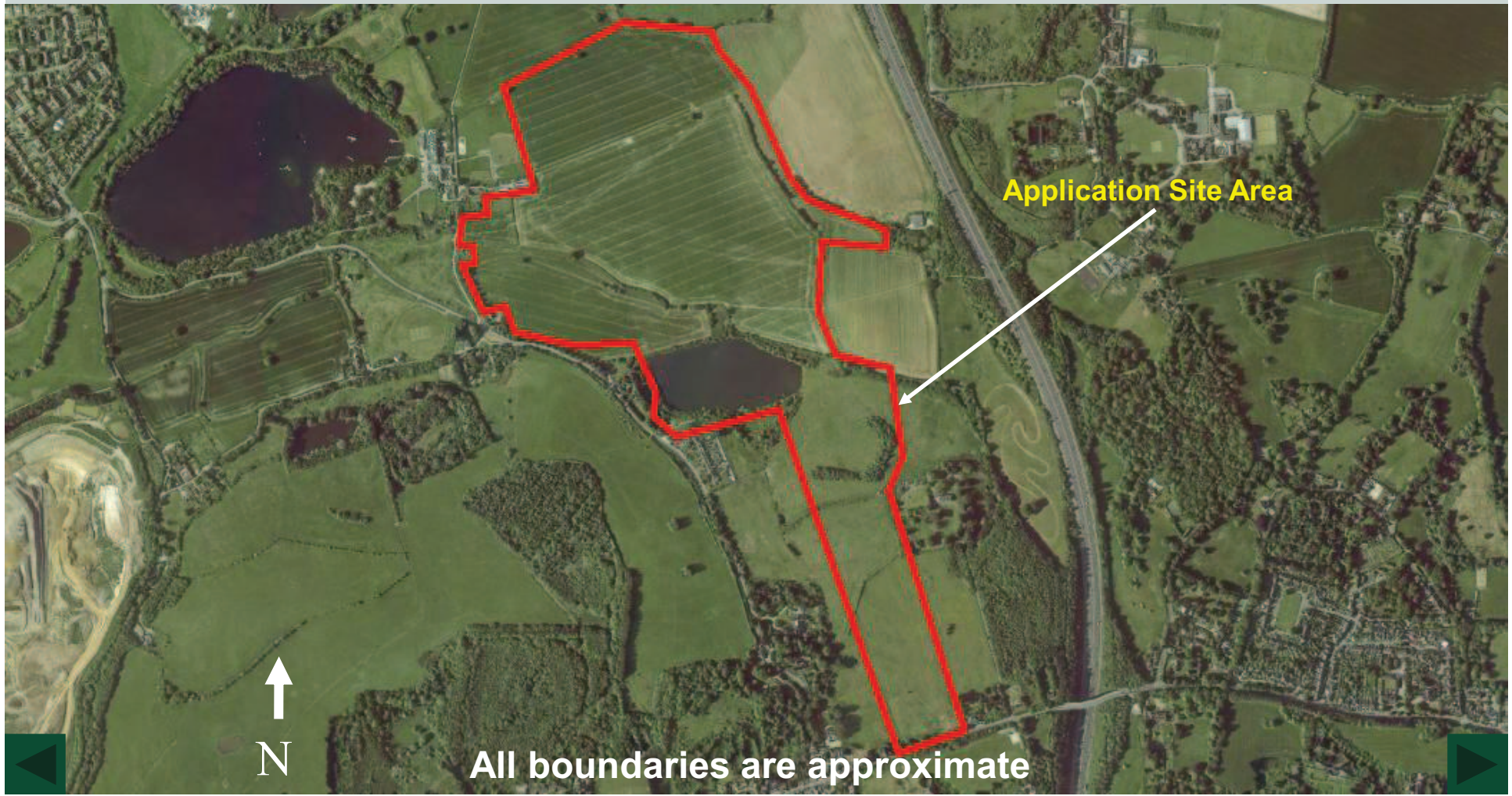
 <p>ORD NORTH</p>	<p>Ref No: SCC Ref 2013/0186</p> <p>Date printed: 17/07/2014</p>	<p>0 40 80 160 240 320</p>  <p>Metres</p>	<p>Scale</p> <p>1:10,000</p>
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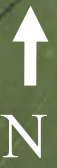
Aerial 1 : Mercers South, Nutfield, Redhill



Aerial 2 : Mercers South, Nutfield, Redhill



Application Site Area



All boundaries are approximate

Fig 1 : View N along proposed haul route from access off A25



Fig 2 : View S up toward A25 of proposed haul route



Fig 3 : View E from FP175 toward Glebe Cottage



Fig 4 : View W of Peytons Cottages from proposed haul route



Fig 5 : View NNW from proposed haul route toward extraction area beyond Glebe Lake



Fig 6 : View NW along FP173 and proposed extraction area



Fig 7 : View N across proposed extraction area



Fig 8 : View NE from FP173 across proposed extraction area toward M23



Fig 9 : View E along FP173 of proposed extraction area



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TO: PLANNING & REGULATORY COMMITTEE

DATE: 30 July 2014

BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER

DISTRICT(S) ELMBRIDGE BOROUGH COUNCIL

ELECTORAL DIVISION(S):

West Molesey

Mr Mallett

PURPOSE: FOR DECISION

GRID REF: 513211; 168846

TITLE: SURREY COUNTY COUNCIL PROPOSAL EL2014/2144

SUMMARY REPORT

Land at Hurst Park Primary School, Hurst Road, West Molesey, Surrey KT8 1QW

Installation of demountable unit comprising two classrooms for a temporary period of 3 years.

Hurst Park Primary School is located in the urban area of West Molesey. The buildings date from the 1960s. There is a need to accommodate an additional 30 pupils at the school in September 2014 to meet the demand for school places in the Molesey area.

The proposal comprises a two classroom demountable unit with approximately 165 sq m of floorspace. The unit is currently being erected on hard standing adjacent to the south of a demountable classroom unit erected in 2012. One classroom is needed for the 30 new pupils and the other is proposed in case the nearby new Hurst Park Primary School is not completed in time for occupation in September 2015.

Eleven representations were received, all raising issues relating to traffic congestion and on-street parking. The County Highway Authority and Officers have no objection to the proposal subject to the imposition of planning conditions.

The proposal is considered to have no adverse impact on the Thames Policy Area or on residential amenity. The design and materials of the proposed new unit are considered appropriate. There are no visual amenity concerns. A planning condition is recommended to ensure protection of trees.

Officers are satisfied that the proposal complies with the policies of the Development Plan.

The recommendation is to PERMIT subject to conditions.

APPLICATION DETAILS

Applicant

Estates Planning and Management

Date application valid

23 May 2014

Period for Determination

18 July 2014

Amending Documents

email dated 21 May 2014 from the Arboricultural Consultant stating the specification for tree protective fencing

Drawing A-101, Rev A - Site Location Plan dated

extract from McAvoy Construction Phase Plan received on 30 May 2014

Mar-Train Heavy Haulage Ltd – Hurst Park Primary School received on 30 May 2014 (document relating to construction traffic management)

email dated 11 July 2014 from the Agent

SUMMARY OF PLANNING ISSUES

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

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Design and Visual Amenity	YES	19 - 24
Impact on Residential Amenity	YES	25 - 28
Transportation Issues	YES	29 - 34
Impact on Trees	YES	35 - 37

ILLUSTRATIVE MATERIAL

Site Plan

Plan

Aerial Photographs

Aerial

Site Photographs

Figure 1 – Looking south from hard play area toward demountable unit under construction

Figure 2 – View looking northwest toward demountable unit under construction

Figure 3 – Looking northwest showing new demountable unit and trees with a section of protective fencing

Figure 4 – View looking northwest showing part of new demountable unit, the existing demountable unit and other existing school buildings

BACKGROUND

Site Description

- 1 The school is situated in West Molesey, on a rectangular site between Hurst Road and the River Thames. Vehicular access is from Hurst Road via a drive running along the western site boundary. There is also a pedestrian access on the eastern boundary accessed from Garrick Gardens. Footpath FP1 runs along the rear boundary of the school. Immediately adjoining the site to the east and west are the gardens of properties along Hurstfield Road to the west of the site, and in Garrick Gardens, a residential cul-de-sac to the east.

- 2 The main school building, a 1960s single storey block, is situated towards the north of the site. This is finished in facing brick with a mix of dual pitch and flat roof. Towards the centre of the main building is the school's auditorium which is shaped in the form of an 'M' with the roof sloping downwards to a central valley gutter. The auditorium is approximately 3 metres higher than the rest of the school, one side being finished with facing brick with a television aerial standing between 0.5 to 1 metre higher than the roof line and the other finished with white timber frames with glass panels of differing sizes, ranging from 1 metre to 2 metres in height. To the front of this, is a nursery block.

- 3 To the eastern end of the main building is the kitchen which also has a raised extension some 1.5 metres in height above the flat roof. Beyond the kitchen is a galvanised flue approximately 7 metres above ground and 3 metres above the height of the kitchen extension. The southern half of the site is occupied mainly by the school's playing field. The site features a number of trees, mainly along the eastern and western boundaries, although there are four trees in the vicinity of the new building.

Planning History

- | | | |
|---|--------------|---|
| 4 | EL/2012/2057 | Installation of demountable unit comprising two classrooms for a temporary period of 7 years; modifying tarmac path and gates and construction of new fence to allow access by emergency vehicles; installation of new sheds (permitted in July 2012) |
| | EL10/0711 | Installation of three freestanding shade canopies incorporating two flagpoles (permitted in June 2010) |
| | EL07/2231 | Installation of two solar panels and a micro wind turbine on existing school buildings (permitted in October 2007) |
| | EL99/1044 | Retention of a single demountable classroom previously permitted for 5 years under planning permission Ref EL94/0766 for a further temporary period ending 31 July 2000 (permitted in August 1999) |
| | EL94/0766 | Installation of two demountable classrooms for a temporary period of five years (permitted in July 1994) |
-

THE PROPOSAL

- 5 This proposal is for a modular building comprising two classrooms, a lobby, toilets and stores, located on a portion of hard play area used a games court. The location is in front of (south) of the main school buildings. There is a modular unit nearby, situated between the main buildings and the new modular building which is already under construction in order to be ready to receive the intake of pupils in September 2014. Thus, any permission granted will be retrospective.

- 6 The Schools Commissioning Team has advised that occasionally the demand for school places outstrips the projected demand. In the Borough of Elmbridge the demand for Reception places continues to exceed the published admission number (PAN). One of the two classrooms in the new modular building is proposed to meet this need in September 2014 and the other classroom is required to ensure that the school has adequate provision should the/permanent relocation and expansion of the school, which is proposed to be available by September 2015, is not completed on schedule.

- 7 Alternative locations for this development were investigated, but the present proposal was considered to be the best option. This is because the current proposal represents the optimal combination of providing sound education, proximity to demand, value for money and meeting parental preferences for school places in the locality.

- 8 The new modular building has a very shallow pitched roof. The walls will be clad with beige coloured panels. The main entrance is on the front (east) elevation and is proposed to have a small canopy. Each classroom would have three windows on the front elevation and two windows and a fire door on the rear (west) elevation. All the doors would have level access.
-

CONSULTATIONS AND PUBLICITY

District Council

- 9 Elmbridge Borough Council: No objection

Consultees (Statutory and Non-Statutory)

- 10 County Highway Authority –
Transportation Development Planning: No objection subject to conditions
- 11 County Arboricultural Manager: No response received

Parish/Town Council and Amenity Groups

- 12 Hurst Park Residents Association: 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 122 owner/occupiers of neighbouring properties were directly notified by letter. Eleven representations were received raising the issues of traffic congestion, roadside parking during peak times for the school and construction activity having started prior to any planning permission being granted. The first two issues are considered in the Transportation Issues section of the report. Officers consider that the timing of construction is not an issue related to the planning process. The applicant has been made aware of the concerns raised in this regard.
-

PLANNING CONSIDERATIONS

- 14 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.
- 15 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.
- 16 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).
- 17 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.
- 18 The school is situated in the urban area of West Molesey. In this case the main planning issues are design and visual amenity, impact on residential amenity, transportation considerations and impact on trees.

Design and Visual Amenity

Elmbridge Core Strategy 2011

Policy CS 1 – Spatial Strategy

Policy CS 17 – Local Character, Density and Design

Replacement Elmbridge Borough Local Plan 2000

Policy ENV2 – Standard of Design

Policy RTT2 – Development within or conspicuous from the Thames Policy Area

- 19 Core Strategy Policy CS 1 requires that new developments to be of high quality, well designed and locally distinctive. They should be sensitive to the character and quality of the area, respecting environmental and historic assets and where appropriate introduce innovative contemporary designs that improve local character. Core Strategy Policy CS 17 requires that new development delivers high quality and inclusive sustainable design which maximises efficient use of urban land, while responding to the positive features of individual locations and integrating with locally distinctive townscape and landscape. Local Plan Policy ENV2 requires development to achieve a standard of design which is sensitive to local character and appearance, including in terms of scale, massing, height, siting, layout and visual characteristics.
- 20 Local Plan Policy RTT2 states that development that is within or conspicuous from the Thames Policy Area will be permitted provided that the development complies with various criteria including having an acceptable impact in terms of design, character, scale and views; protecting, conserving and, where appropriate, enhancing the natural environment of the River; and ensuring the retention of buildings, features and land which make an important contribution to the visual and/or historic character of the River.
- 21 The rectangular pitched roofed modular building is located in the centre of the site about 2.5m to the south of the demountable classroom building permitted and installed in 2012. The building would have walls clad with horizontally laid insulated panels in medium beige colour, white uPVC window frames, medium grey powder coated aluminium external door frames and the same colour roof and rainwater goods. The fascia will be grey. The main entrance and six windows are on the front (east) elevation, and there are two fire doors and four windows on the west elevation and no windows on the north and south elevations. There would be a small canopy over the main entrance.
- 22 The entire site lies within the Thames Policy Area. Officers consider that the proposed development would have no adverse impact on this Policy Area because the proposed demountable unit is small scale in the context of the main school building and because the development is proposed to be located to the south of building and an existing modular building, thus on the opposite side of these buildings from the River.

- 23 Officers consider that the design and materials are appropriate, these being in keeping with the contemporary design of the main building and the similar design and materials of the nearby modular building. The new building would be similar in size to that unit, both modular buildings being relatively small scale in the context of the main building. Officers consider that the new building would have no adverse impact on the Thames Policy Area.
- 24 The proposal is considered to comply with these Development Plan policies.

Impact on Residential Amenity

Elmbridge Core Strategy 2011

Policy CS 17 – Local Character, Density and Design

Policy COM4 – Provision of Educational Facilities

- 25 Core Strategy Policy CS 17 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 protecting the amenities of those within the area. Local Plan Policy COM4 permits extensions to existing schools provided that there would be no significant adverse impact on local residential amenity.
- 26 The nearest residential property is located about 29m to the west of the where the new unit is proposed and the dwelling on this property would be approximately 63m away. The unit would be mostly screened from this and other properties fronting onto Hurstfield Road by an existing brick wall along the shared property boundary and by existing trees and shrubs on the school site and in back gardens. There are other residential properties to the east, the closest one being about 40m from the unit with the house being about 49m distant. Here there is a close boarded fence along the property boundary. The unit would be visible from windows on the rear elevation of the two storey houses on these properties. Additional residential properties are located northeast and southeast of the unit and to the south across the school playing field and on the opposite side of Hurst Road.
- 27 Officers consider that the new unit would have no detrimental effect on local residential amenity because of the relatively small scale of the unit in the context of the existing buildings on the site, the distances between the unit and adjoining houses and in the case of the dwellings to the west, the presence of screening vegetation. Any increase in noise resulting from greater use of the hard play area is considered to be acceptable, because of the distances between it and neighbouring residences.
- 28 Officers consider that the development accords with these Development Plan policies.

Transportation Issues

Elmbridge Core Strategy 2011

Policy CS 25 – Travel and Accessibility

8

Replacement Elmbridge Borough Local Plan 2000

Policy COM4 – Provision of Educational Facilities

Policy MOV4 – Traffic Impact of Development Proposals

Policy MOV6 – Off-Street Parking

- 29 Core Strategy policy CS 25 directs new development which generates a high number of trips to previously developed land to sustainable locations in urban areas. Local Plan Policy COM4 allows extension of existing educational facilities provided the existing road network is capable of absorbing traffic generated, the site is accessible by a choice of means of transport and adequate provision is made for stopping and parking. Local Plan Policy MOV4 states that all development proposals should minimise the impact of vehicle and traffic nuisance, particularly in residential areas. Local Plan Policy MOV6 resists development which would not meet adopted vehicle and cycle parking standards.
- 30 Eleven residents living in cul de sacs adjoining or near the school site on the east side have made representations raising the issues of traffic congestion and inconsiderate parking. Six of these residents suggest closure of the existing pedestrian gate giving access to the school site from Garrick Gardens, one of these cul de sacs. Other suggestions are for a Controlled Traffic Zone and more frequent monitoring by the Police and traffic wardens of parking in roads with yellow lines and 'zig-zag' markings, at peak times for the school. A further suggestion is that additional road marking be installed to discourage parking, especially at the 'hammerhead' turning area at the western end of Garrick Gardens.
- 31 The County Highway Authority (Transportation Development Planning) has no objection to the proposed development subject to the imposition of planning conditions requiring implementation of the construction traffic management plan, restricting the hours when heavy goods vehicles will have access to the site and requiring submission, approval, implementation, monitoring and updating of a School Travel Plan.
- 32 Officers consider that the proposed development would have a relatively minor impact in terms of traffic congestion and parking, with the 30 additional pupils attending the school from September 2014 occupying one of the classrooms in the new modular building, the other classroom being provided in case the new Hurst Park Primary School (which will replace and expand the current school and which is proposed to be built on a nearby site) has not been completed by September 2015. The new school is the subject of

application EL2014/0663, which was permitted by the Planning and Regulatory Committee on 16 July 2014 subject to conditions, some of which require the submission and approval of subsequent planning applications prior to the start of construction work on the new school.

- 33 The County Highway Authority does not support the closure of the pedestrian access gate to Garrick Gardens as this gate improves accessibility to the site from the east. The Highway Authority also does not consider the application of further yellow lines or zig-zag markings to be appropriate, because of the issue of enforcement (parents have largely ignored the markings and are likely to continue to do so). A Controlled Traffic Zone is considered to be ineffective for the same reasons. Officers endorse the comments of the Highway Authority on operational grounds. If any residents making representations wish to pursue the matter of parking enforcement, Officers suggest that they should contact Elmbridge Borough Council and Surrey Police directly to request more frequent patrols.
- 34 Officers have taken into account the representations expressing concern on traffic and parking issues, but given the limited scale of the proposed development in the context of the existing buildings, Officers consider that the impacts can be ameliorated by the imposition of planning conditions addressing construction related traffic and requiring a School Travel Plan. The proposal is considered to comply with the Development Plan policies relating to transportation.

Impact on Trees

Replacement Elmbridge Borough Local Plan 2000

Policy ENV12 – Retention of Trees on Development Sites

- 35 Local Plan Policy ENV12 states that development will be refused if it would result in the loss of trees that are, or are capable of making, a significant contribution to the character or amenity of the area. Where permission is granted, conditions may be imposed to retain the maximum number of tree and to ensure their protection during construction.
- 36 The applicant has provided a plan showing three trees close to the location proposed for the new building and the location of protective fencing between these trees and the building. The Arboricultural Consultant has provided a specification for this fencing. Officers find the plan, the specification and the location of the fencing to be acceptable. A planning condition is recommended relating to the protective fencing.
- 37 Officers consider that the development accords with the above noted Development Plan policy.

HUMAN RIGHTS IMPLICATIONS

- 38 The Human Rights Act Guidance for Interpretation, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 39 Officers consider that the proposed development would have no detrimental impact on local amenity. The proposal would not interfere with any Convention right.
-

CONCLUSION

- 40 Officers consider that the new demountable unit which is under construction should have no significant adverse impact on visual or local residential amenity. The design of the unit is considered to be appropriate to the site and the existing modern buildings. Traffic issues can be ameliorated by suitable conditions dealing with construction and the School Travel Plan. All relevant policy tests are considered to have been met. The development is recommended for permission subject to conditions relating to transportation matters and the protection of trees.

RECOMMENDATION

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application number EL2014/2144 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:

Drawing No. A-101, Rev A, Site Location Plan, dated 28 May 2014.

Drawing No. A-102, Proposed Block Plan, dated May 2014

Drawing No. A-103, Tree Root Protection Areas, dated May 2014

DWG-MCA-CD140403-P-01, Proposed Floor Plan, dated 21 May 2014

DWG-MCA-CD140403-P-02, Proposed Elevations, dated 21 May 2014.

3. The development shall be implemented strictly in accordance with the 'Extract from Construction Phase Plan' received 30 May 2014 and 'Mar-Train Heavy Haulage Ltd Hurst Park Primary School' received 30 May 2014.

4. During school term time, there shall be no HGV movements to or from the site between the hours of 8.30 and 9.15 am and 2.50 and 3.30 pm nor shall there be any HGVs associated with the development at the site laid up, waiting, in roads in the vicinity of the site during these times.

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

6. Before any equipment, machinery or materials are brought on to the site for the purposes of carrying out the development hereby permitted, protective fencing shall be installed in accordance with the details described in an email dated 21 May 2014 from the Arboricultural Consultant (which forms part of the application) and shown on Drawing No. A-103, Tree Root Protection Areas, dated May 2014. The protective fencing shall thereafter be 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 areas.

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 order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interests of the amenities of the area

pursuant to Policy CS 25 of the Elmbridge Core Strategy 2011 and Policies COM4 and MOV6 of the Replacement Elmbridge Borough Local Plan 2000.

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4. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interests of the amenities of the area pursuant to Policy CS 25 of the Elmbridge Core Strategy 2011 and Policies COM4 and MOV6 of the Replacement Elmbridge Borough Local Plan 2000.
5. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interests of the amenities of the area pursuant to Policy CS 25 of the Elmbridge Core Strategy 2011 and Policies COM4 and MOV6 of the Replacement Elmbridge Borough Local Plan 2000.
6. To minimise the risk of damage to trees on the site which are of significant amenity value, pursuant to Policies COM4 and ENV12 of the Elmbridge Borough Local Plan 2000.

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. Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.
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 paragraph 186-187 of the National Planning Policy Framework 2012.

CONTACT

Nathan Morley

TEL. NO.

020 8541 9420

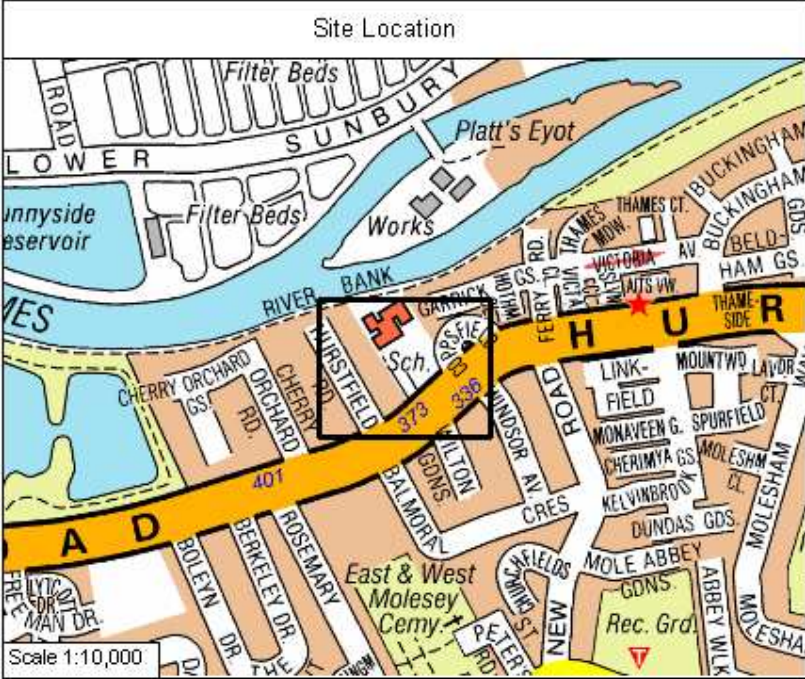
BACKGROUND PAPERS

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: National Planning Policy Framework (NPPF) March 2012

The Development Plan: Elmbridge Core Strategy 2011 and the Replacement Elmbridge Borough Local Plan 2000

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Land at Hurst Park Primary School, Hurst Road, West Molesey, Surrey KT8 1QW

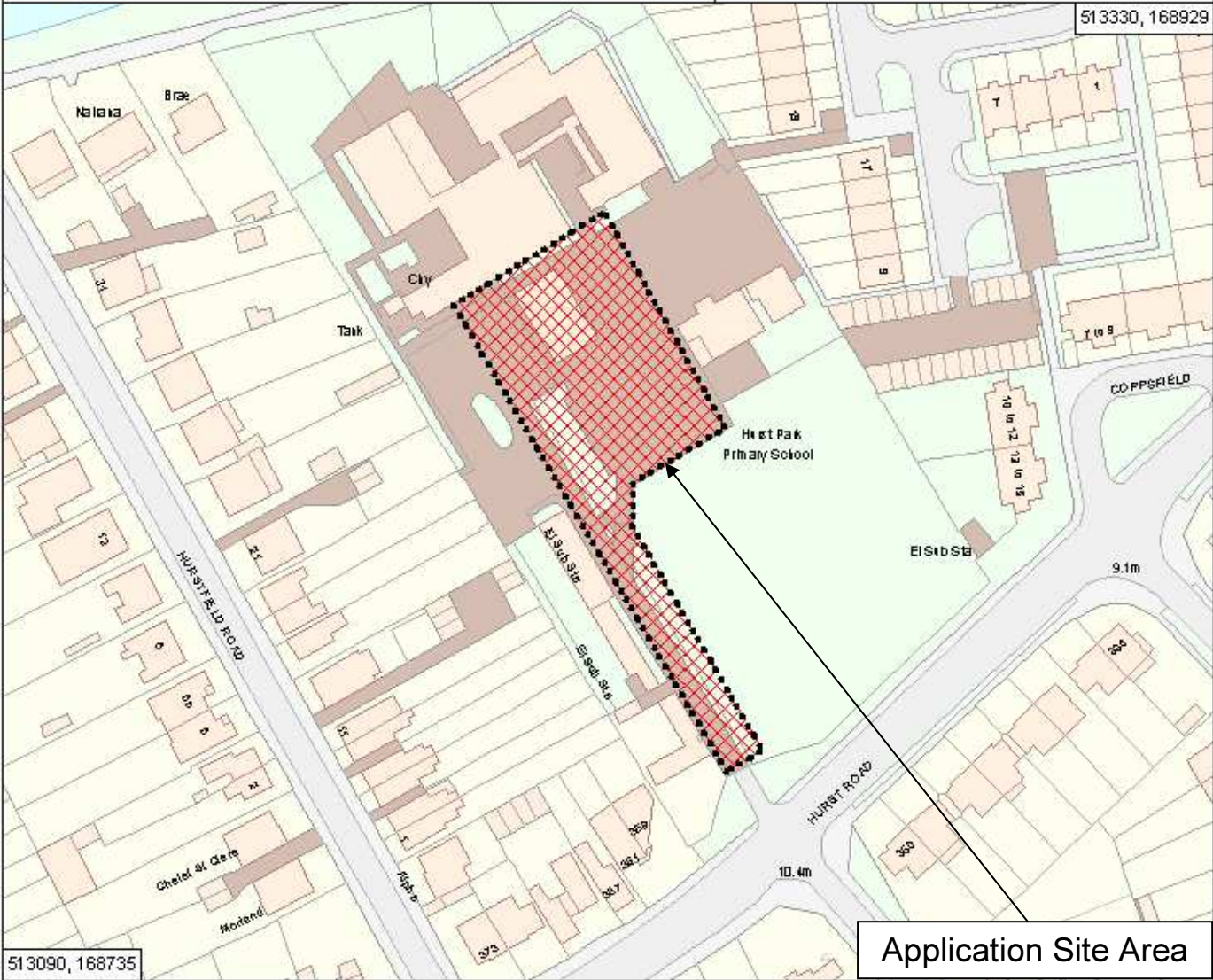
Installation of demountable classroom unit comprising two classrooms, for a temporary period of 3 years.

Application No(s): EL/2014/2144

Electoral Division(s): West Molesey

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This plan is for indicative purposes only

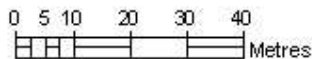


Application Site Area



RefNo: SCC Ref 2014/0099

Date printed: 10/07/2014



Scale
1:1,250

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Aerial 1 : Land at Hurst Park Primary School, Hurst Road, West Molesey



All boundaries are approximate





Aerial 2 : Land at Hurst Park Primary School,
Hurst Road, West Molesey



Application Site Area



All boundaries are approximate

Fig 1 : Looking south from hard play area
toward demountable unit under construction



Fig 2 : View looking northwest toward demountable unit under construction



Fig 3 : Looking northwest showing new demountable unit and trees with a section of protective fencing



Fig 4 : View looking northwest showing part of new demountable unit, the existing demountable unit and other existing school buildings



TO: PLANNING & REGULATORY COMMITTEE **DATE:** 30 July 2014

BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER

DISTRICT(S) EPSOM & EWELL BOROUGH
COUNCIL

ELECTORAL DIVISION(S):

Epsom Town and Downs

Mrs Mountain

PURPOSE: FOR DECISION

GRID REF: 521364; 157562

TITLE: SURREY COUNTY COUNCIL PROPOSAL EP14/00362

SUMMARY REPORT

**Land at The Vale Primary School, Beaconsfield Road, Langley Vale, Epsom, Surrey
KT18 6HP**

Installation of demountable classroom unit comprising one classroom and ancillary facilities for a temporary period of 7 years; external fencing works and relocation of bin store and cycle store.

The Vale Primary School is located in the community of Langley Vale to the south of Epsom Downs. The building dates from the late 1990s. The development comprises a single classroom demountable unit with approximately 88 sq m of floorspace, proposed to be erected on hard standing to the east of the main school building. The new classroom is required to accommodate up to 30 additional pupils from September 2014 to meet local demand for school places. The new unit is currently under construction.

Epsom, and Ewell Borough Council have objected to the development, raising the issues impact on local amenity arising from increased traffic congestion and on-street parking, the ineffectiveness of the School Travel Plan and the construction process having begun prior to planning permission being granted. Seven representations were received, raising concerns relating to transportation, water supply, noise and non-compliance with certain conditions applied to the planning permission for the original school. These issues are discussed in the Policy Considerations section of the report. The County Highway Authority and Officers consider that these concerns would be addressed adequately by the imposition of planning conditions.

Thames Water has no objection to the proposed development.

The proposal is considered to have no adverse impact on visual amenity and a small impact on residential impact. Officers consider that this impact can be addressed adequately through planning conditions. The proposed design and materials are considered appropriate.

Officers are satisfied that the proposal accords with the Development Plan.

The recommendation is to PERMIT subject to conditions.

APPLICATION DETAILS

Applicant

Estates Planning and Management

Date application valid

30 May 2014

Period for Determination

25 July 2014

Amending Documents

Construction Phase Plan for The Vale Primary School received on 13 June 2014

Mar-Train Heavy Haulage Ltd Vale Primary School received on 26 June 2014

SUMMARY OF PLANNING ISSUES

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

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
The Principle of Development	YES	18-23
Design and Visual Amenity	YES	24-28
Impact on Residential Amenity	YES	29-35
<i>Transportation Considerations</i>	YES	36-40

Utility Provision

YES

41-44

Other Matters including
non-compliance with
Planning Conditions

NOT APPLICABLE

45-51

9

ILLUSTRATIVE MATERIAL

Site Plan

Plan

Aerial Photographs

Aerial

Site Photographs

Figure 1 – Looking south from near Beaconsfield Road toward location of new demountable unit, with main school building on the right

Figure 2 – View looking north from hard play area toward location of demountable unit

Figure 3 – Looking northeast toward location of the demountable unit, with footings in place

BACKGROUND

Site Description

1. The Vale is a one form of entry primary school (located in the developed enclave of Langley Vale, lying immediately to the south of Epsom Downs and the racecourse. Langley Vale comprises an isolated development of three parallel residential streets originally developed between the wars, but now containing much recent infilling and redevelopment. The three streets are all cul de sacs. The southern most of these streets is Beaconsfield Road, and the school is located on the south side of Beaconsfield Road about 150 m from its eastern end.
2. The school dates from 1998 and comprises a red brick built, roughly 'T' shaped single storey building set back from the Beaconsfield Road frontage with a parking and drop off area in front of it and hard play areas to the rear. The natural topography rises to the south, while the school site has been largely levelled, so there are high retaining walls and landscaped banks on the south and east sides. Along the eastern boundary are hard surfaced areas containing staff car parking, a cycle store and bin store. At the top of the retaining wall, a footpath runs along the eastern boundary from Beaconsfield Road to a public recreation ground at the rear, which is also used by the school as a playing field. The footpath has high close boarded fencing on each side and beyond it are two storey houses which present flank elevations towards the footpath and school site. To the south of the school site is open country with public access, mainly wooded. The site's southern boundary is marked by a high brick wall known as the 'Warren Wall', which also extends along the rear of other properties on the south side of Langley Vale. The Warren Wall is a listed building.

Planning History

3. Planning permission was granted in September 1998 (Ref: EP98/0111) for the original 210 place primary school with hard play areas and associated highway works and parking provision ; and construction of a new footpath between Beaconsfield Road and the Warren Recreation Ground. In 2010 a proposal for a canopy was judged to be permitted development.

THE PROPOSAL

4. The single classroom demountable unit with ancillary facilities that is the subject of this application is already being installed on existing hard standing between the main school building and the eastern boundary of the site. Therefore, any planning permission granted will be retrospective.
 5. The unit measures approximately 7m x 12.8m and would be a maximum 3.4m high. The retaining wall at this point on the boundary is about 2m high. The unit will be finished in plastic coated cladding, coloured 'Honesty, a light beige/green shade.
 6. Demand for school places in the South Epsom and Langley Vale school planning area for September 2014 has exceeded the available supply. In response, a temporary expansion of Langley Vale is being proposed, which will mean its admitting 30 additional pupils to its reception class (60 in total, instead of the normal 30) in September 2014. This 'bulge' year group will remain in the school until it reaches year 6. To accommodate the bulge an additional demountable classroom unit is proposed until the bulge has passed through the school.
 7. The unit has displaced a cycle store, a bin store and two existing staff parking spaces. The application provides for relocating the bin store further down the eastern boundary, closer to the Beaconsfield road frontage, and the cycle store to the front (northeast) corner of the main building.
-

CONSULTATIONS AND PUBLICITY

District Council

8. Epsom and Ewell Borough Council: Objection on the basis of: 1) adverse impact on residential amenity due to increased traffic congestion and on-street parking; 2) the School Travel Plan being ineffective in controlling car use; 3) construction work having started prior to the decision being made.

Consultees (Statutory and Non-Statutory)

9. County Highway Authority –
Transportation Development Planning: No objection subject to conditions
10. Thames Water: No objection

Parish/Town Council and Amenity Groups

11. None

Summary of publicity undertaken and key issues raised by public

12. The application was publicised by the posting of 2 site notices. A total of 59 owner/occupiers of neighbouring properties were directly notified by letter. Seven representations were received, raising the following issues:-
- The school site is not large enough to have an additional classroom for 30 more pupils
 - The proposal will result in increased traffic congestion, with a consequent reduction in road safety
 - Worsening situation with on-street parking
 - The proposal will result in reductions in on-site parking provision and already inadequate hard play area
 - Will the existing overflow car park (on part of the existing hard play area) be retained?
 - Increased traffic will erode the bad road surfaces further and increase problems at road junctions

- A suggestion that the travel plan address travel and parking by staff members at the school
- A suggestion that the yellow lines be extended further along Beaconsfield Road from the school site and that the hours of parking restriction be extended
- There will be an increase in noise levels
- The hours of construction work are unreasonable and are causing noise disturbance.
- Current problems with water supply to the school and residential properties will be worsened
- Non-compliance with certain planning conditions on the original planning permission for the school, specifically conditions relating to monitoring and implementation of the school travel plan and a school bus service being run if on-street parking generated by the school exceeds a specified number of vehicles
- Non-compliance with a promise given that the school would not expand
- Insufficient information or contextual history being provided to enable the committee to make an informed decision on the application
- Lack of consultation by the applicant with local residents and inadequate neighbour notification by the county planning authority
- Construction work having started prior to planning permission being granted..

PLANNING CONSIDERATIONS

- 13.** 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 Epsom and Ewell Core Strategy 2007 and saved policies from the Epsom and Ewell District-wide Local Plan 2000.

14. 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.
15. 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 policies in the NPPF are material considerations 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).
16. 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.
17. The main issues are the principle of development, design and visual amenity, impact on residential amenity, transportation considerations and non-compliance with the conditions relating to the planning application for the original school.

The Principle of Development

Epsom and Ewell Core Strategy 2007

Policy CS 13 – Community, Cultural and Built Sports Facilities

Epsom and Ewell District-wide Local Plan 2000

Policy CF4 – Educational Facilities

- 18.** Core Strategy Policy CS13 states that the provision of new community facilities (including schools) will be encouraged, particularly where they address a deficiency in current provision and where they meet identified needs of communities both within the Borough and beyond. Local Plan Policy CF4 states that proposals for extensions to existing educational facilities will be permitted provided that the amenities of neighbouring residents are not unduly harmed and there is no adverse effect on highway safety and efficiency.
- 19.** A local resident has suggested in a representation that the school site is too small to accommodate the proposed new building and that the proposal would decrease already inadequate hard play provision.
- 20.** The Education Planning Statement submitted as part of the application notes that the County Council, as the Local Education Authority, has a duty to provide sufficient school places. In forecasting the need for these places the County Council's School Commissioning Team uses data on live births, trajectories of new housing development and historic patterns of preferences for schools by parents.
- 21.** As noted in paragraph 5, the demand for school places has exceeded supply in the South Epsom and Langley Vale school planning area for September 2014. The Education Planning Statement also indicates that suitable potential alternative existing school sites were investigated but the site at The Vale Primary School was considered to be the best option. The Statement concludes that the proposed development represents the optimal combination of sound educational standards and meeting parental preferences.
- 22.** Officers consider that the proposed is acceptable and can be accommodated because it is small scale in the context of the school and because it is for a temporary period of 7 years, to accommodate a 'bulge' in demand for school places. While the loss of hard play area is regrettable, once again the temporary nature of the development means that Officers consider the reduction in hard play area acceptable.
- 23.** The proposal is considered to accord with the above noted Development Plan policies.

Design and Visual Amenity

Epsom and Ewell Core Strategy 2007

Policy CS 5 – The Built Environment

Epsom and Ewell District-wide Local Plan 2000

Policy BE1 – General Policy on the Built Environment

Policy BE19 – Design of New Buildings

9

- 24.** Core Strategy Policy CS5 requires the design of all development to be high quality and inclusive. Local Plan Policy BE1 requires new development to be designed to make a positive contribution to the quality of the built environment. Local Plan Policy BE19 expects new buildings and alterations to existing buildings to be in keeping with neighbouring buildings in terms of scale, style, materials and colour, and design details (roof line, fenestration, elevations).
- 25.** The demountable building is located in the centre of the school site, between approximately 1 and 2m from the eastern site boundary and about 4.2 m from the existing school building. The front (west) elevation of the new unit has four windows, three for the single classroom and the other for the entrance lobby. There is an external door on each end elevation, with two windows on the north elevation and one on the south elevation. There are no windows on the east elevation.
- 26.** The new unit has about 88 sq m of floorspace comprising a classroom, a lobby, three toilets and a store. The building has a shallow pitched roof in medium grey and walls clad in light beige/green panels. The window frames are of white uPVC and the door frames are of medium grey powder coated aluminium. A metal security fence with single and double gates is proposed to be installed.
- 27.** Officers consider that the design and materials of the new unit are appropriate to the context and in keeping with the contemporary design of the main building. The new building is small scale in relation to the main building.
- 28.** Officers consider that the proposal is acceptable in terms of design and visual amenity, and that the development complies with the above noted Development Plan policies.

Impact on Residential Amenity

Epsom and Ewell District-wide Local Plan 2000

Policy CF1 – New or Improved Community Facilities

Policy CF4 – Educational Facilities

Policy DC1 – General Development Policy

29. Local Plan Policy CF1 permits proposals for new or improved community facilities provided that neighbouring amenity is not unduly harmed. Local Plan Policy CF4 permits extensions to schools subject to the same proviso. Local Plan Policy DC1 permits development which would not cause serious harm to either the living conditions or operational efficiency of adjoining properties (including in terms of outlook, privacy and noise) or the character and appearance of the surrounding area.
30. The closest residential property is located about 4.2 m from the rear (eastern) elevation of where the new unit would be situated. The two storey dwelling on this property would be approximately 9.5m to the northeast. A similar dwelling to the southeast would be about 12m distant. A north/south orientated footpath runs between these residential properties and the eastern site boundary. Close boarded fences on either side of the footpath as well as semi-mature trees along the site boundary would provide some visual screening of the new building from these two dwellings, the new unit only being visible from a first floor window in the flanking elevation of each dwelling.
31. Epsom and Ewell Borough Council have raised objection on a number of grounds including detrimental impact on local residential amenity because of transportation implications of the development (see paragraphs 38 to 40 for the Officers' response).
32. Officers consider that the proposed building would have no adverse visual impact on amenity because of its relatively small scale in the context of the existing school building, the presence of existing fences and vegetation and the fact that only one first floor window in each adjoining house would overlook the new building.
33. A local resident has raised the issue of noise, suggesting that the increase in the number of pupils resulting from the proposed development would increase the ambient noise. Officers consider that any increase in noise from the use of outdoor

play areas resulting from the 30 additional pupils is likely to be small in the context of current noise levels.

34. Another resident has raised the matter of noise during the construction process and hours of working being beyond those normally allowed. Officers consider that construction activities would have a small potential detrimental effect on residential amenity, but this can be ameliorated and rendered acceptable by the imposition of a planning condition.
35. The development is considered to accord with the Development Plan policies relating to residential amenity.

Transportation Considerations

Epsom and Ewell Core Strategy 2007

Policy CS 16 – Managing Transport and Travel

Epsom and Ewell District-wide Local Plan 2000

Policy CF1 – New or Improved Community Facilities

Policy CF4 – Educational Facilities

36. Core Strategy policy CS16 requires development proposals to be appropriate for the highway network in terms of volume and nature of traffic generated and to ensure that safety, convenience and free flow of traffic is not adversely affected. Traffic generated should not create new, or exacerbate existing on street parking problems. Local Plan Policies CF1 and CF4 allow proposals for improved community facilities and educational facilities respectively, subject to criteria that the amenities of neighbouring residents are not unduly harmed and that there is adverse effect on highway safety and efficiency.
37. A number of issues raised in the representations relate to traffic congestion and parking, including minor traffic accidents, the blocking of residential drives, additional parking restrictions near the school moving parking problems to other parts of Beaconsfield Road and insufficient on-site parking provision (the latter being reduced by 3 spaces as result of the current proposal). A number of residents suggest that the original School Transport [Travel] Plan (STP) is ineffective since it has not been implemented or kept up to date. One resident considers that the number of vehicular movements generated by the school is now

considerably more than the maximum number estimated in the original STP. A number of residents suggest that 30 additional pupils attending the school would exacerbate both the congestion and the parking problem. Concern with these matters, in the context of local amenity, is reinforced by the Borough Council in its objection. Another resident suggests that the existing yellow lines on Beaconsfield Road and the hours of parking restriction both be extended.

- 38.** The County Highway Authority has advised that the impact of additional pupils in highway terms would be managed adequately by the implementation of a new approved School Travel Plan, which is to be monitored and updated. The new STP needs to address the travel habits of staff as well as those of parents. The Highway Authority also notes that the traffic generated by the construction process could be managed by measures in the construction management plan being implemented. The Highway Authority recommends planning conditions relating to a new STP, the construction management plan and the timing of movements by heavy goods vehicles during the construction period. The extension of yellow lines and hours of parking restriction are not supported by Officers because of the difficulty of enforcement. On the matter of the condition of the road, Officers consider that the relatively small number of additional vehicles generated by the new development will not worsen the existing situation unduly.
- 39.** Officers consider that although the development would have a potentially adverse effect on residential amenity due to transportation implications and noise during the construction period, this impact can be mitigated satisfactorily by the imposition of the planning conditions. Officers also consider that the recent appointment of an Officer to the new post responsible for monitoring the fulfilment and implementation of planning conditions will help the County Planning Authority in following through the requirements contained in conditions including that requiring the new School Travel Plan to be monitored, updated and implemented, something which Officers consider especially important in keeping the impact on residential amenity to an acceptable level.
- 40.** Officers have considered the points made in the representations relating to traffic and parking issues. However, given the limited scale of the proposal, Officers consider that the impacts on residential amenity can be ameliorated by imposing planning conditions addressing the School Travel Plan, the impacts of traffic generated by the construction process and noise emanating from the site during this process. The proposal is considered to comply with the Development Plan policies relating to transportation.

Utility Provision

Epsom and Ewell Core Strategy 2007

Policy CS 12 – Developer Contributions to Community Infrastructure

Epsom and Ewell District-wide Local Plan 2000

Policy DC6 – Water Resources and Quality

- 41.** Local Plan Policy DC6 states that planning permission will only be granted for development for which adequate water resources can be secured without damage to water quality or the water environment. Core Strategy Policy CS12 requires developers to demonstrate that the service infrastructure needed to serve development is available. Where implementation of development would create the need for additional infrastructure, or would exacerbate an existing deficiency in its provision, developers are expected to make the necessary provision.
- 42.** A local resident has raised the matter of water supply to local houses and the school, noting failure of a booster pump for this supply. He wonders if an assessment has been made of the situation to ensure adequate supply in the future. Another resident has noted that Langley Vale again recently experienced having its water supply turned off for several hours, a fairly regular occurrence. He considers that having 30 more pupils at the school would place unreasonable pressure on an already fragile water supply.
- 43.** Thames Water has no objection to the proposal with regard to water infrastructure capacity.
- 44.** Officers consider that having an additional 30 more children using the local water supply will not have an unduly adverse impact on the current situation.

Other Matters including non-compliance with Planning Conditions

- 45.** The NPPF states that enforcement action in relation to planning conditions is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.
- 46.** A number of residents have raised the matter of non-compliance with specific planning conditions on the original planning permission for the school granted in

1998 (Ref: EP98/0111). This point relates specifically to Conditions 8 and 9 (requiring the School Transport [Travel] Plan to be monitored and implemented) and Condition 10 (requiring a school bus service to be run if on-street parking generated by the school exceeds a specified number of vehicles).

- 47.** In response Officers note that the County Planning Authority currently relies on the Local Education Authority to ensure adherence to planning conditions. It is accepted that the requirements of these conditions have not been met. The recent appointment of a Monitoring Officer within the County Planning Authority should achieve better control over the development process and avoid recurrence of the type of situation that has occurred in this case.
- 48.** It should be noted that any commitment made when the original school was proposed is not binding in terms of planning as a particular decision cannot be used to fetter the discretion of a future Committee to determine another planning application. It is possible, however, to request that a planning application be made where permitted development rights apply. This is the case with Condition 21 of the original planning permission, which stipulated that permitted development rights do not apply to any smaller buildings or extensions. However, Condition 21 is not relevant to the current proposal given the size and scale of the proposed demountable unit.
- 49.** A representation has raised the point that insufficient and sometimes misleading information, and insufficient contextual history, have been provided to enable the Committee to make an informed decision on the application. Officers consider that their report provides sufficient background information, and that sufficient and adequate information was provided, to allow Officers to evaluate the proposed development in order to advise the Members of the Committee on the issues and make a valid recommendation on the proposal.
- 50.** A local resident has expressed concern that the applicant has carried out no consultation with neighbours of the school and that the County Planning Authority notified only neighbours whose properties immediately adjoined the school site instead of notifying all local residents who will be directly impacted by the development. The matter of consultation by the applicant is not something that can be specified by the County Planning Authority. On the aspect of the Planning Authority's extent of notification, the general procedure is to place site notices and to notify occupiers of all properties within 90 metres of the application site. This practice exceeds the statutory requirement and is considered to be reasonable in this case.

51. It is regrettable that construction work has started prior to the granting of planning permission. The decisions on the timing of the submission of a planning application and of any construction do not fall within the jurisdiction or control of the County Planning Authority. Nevertheless the Planning Authority strongly discourages such practice.
-

HUMAN RIGHTS IMPLICATIONS

52. 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.
53. In this case, the Officers' view is that while potential impact on amenity caused by traffic congestion, on-street parking and noise during the construction period is acknowledged, the scale of such impact is not considered sufficient to engage Article 8 or Article 1 of Protocol 1. The impact can be mitigated by conditions. As such, this proposal is not considered to interfere with any Convention right.
-

CONCLUSION

54. This application is for a demountable unit containing a single classroom and ancillary facilities. The construction process has already started. Officers consider that the new unit has no detrimental impact on visual amenity. There has been and will continue to be an adverse impact on residential amenity because of increases in traffic and pressure for on-street parking, but Officers consider that this impact can be ameliorated satisfactorily by applying planning conditions. The design of the new building is considered to be appropriate to the context of the site and the existing modern building. All relevant policy tests are considered to have been met. The proposal is recommended for permission subject to conditions.

RECOMMENDATION

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application number EP14/00362 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:

Drawing No. A-101, Site Location Plan, dated May 2014

Drawing No. A-102, Proposed Block Plan, dated May 2012

Drawing No. A-103, Proposed Site Section, dated May 2012

Drawing No. C228-DP-001-B, Floor Plan Option 1, dated 28 May 2014

Drawing No. C228-DP-002, Proposed Elevations, received 30 May 2014.

3. The development shall be implemented strictly in accordance with 'The McAvoy Group Limited Construction Phase Plan for the Vale Primary School' received on 13 June 2014 and 'Mar-Train Heavy Haulage Ltd Vale Primary School' received on 26 June 2014.
4. Within 6 months of the occupation of the development hereby permitted, a School Travel Plan shall be submitted to the County Planning Authority for approval in writing and thereafter implemented, maintained, monitored and updated to the satisfaction of the County Planning Authority.
5. During school term time, there shall be no HGV movements to or from the site between the hours of 8.30 and 9.15 am and 2.50 and 3.30 pm nor shall there be any HGVs associated with the development at the site laid up, waiting, in roads in the vicinity of the site during these times.
6. In carrying out the development hereby permitted, no construction activities shall take place except between the hours of 8.00 and 18.00 between Mondays and Fridays and between 8.00 and 13.00 on Saturdays. There shall be no working on Sundays or bank and public/national holidays.

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 order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interests of the amenities of the area pursuant to Policy CS 16 of the Epsom and Ewell Core Strategy 2007 and Policies CF1 and CF4 of the Epsom and Ewell District-wide Local Plan 2000.
4. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interests of the amenities of the area pursuant to Policy CS 16 of the Epsom and Ewell Core Strategy 2007 and Policies CF1 and CF4 of the Epsom and Ewell District-wide Local Plan 2000.
5. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interests of the amenities of the area pursuant to Policy CS 16 of the Epsom and Ewell Core Strategy 2007 and Policies CF1 and CF4 of the Epsom and Ewell District-wide Local Plan 2000.
6. In the interests of the amenities of the area pursuant to Policy CS 16 of the Epsom and Ewell Core Strategy 2007 and Policies CF1 and CF4 of the Epsom and Ewell District-wide Local Plan 2000.

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 paragraph 186-187 of the National Planning Policy Framework 2012.
-

CONTACT

Mr N Morley

TEL NO.

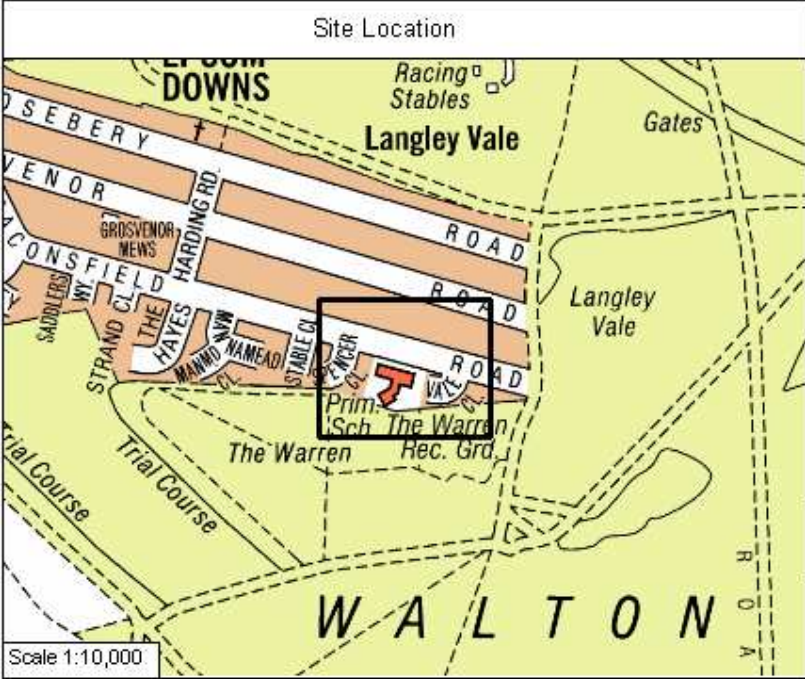
020 8541 9420

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: National Planning Policy Framework (NPPF) March 2012

The Development Plan: Epsom and Ewell Core Strategy 2007 and the Epsom and Ewell District-wide Local Plan 2000



**Land at The Vale Primary School,
Beaconsfield Road, Langley Vale, Epsom,
Surrey KT18 6HP**

Installation of demountable classroom unit comprising one classroom and ancillary facilities for a temporary period of 7 years; external fencing works and relocation of bin store and cycle store.

Application No(s): EP/14/00362/CMA

Electoral Division(s): Epsom Town and Downs

Scale 1:10,000

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This plan is for indicative purposes only



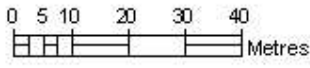
521478, 157652

521238, 157459

Application Site Area



RefNo: SCC Ref 2014/0105
Date printed: 10/07/2014



Scale
1:1,250

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Aerial 1 : Land at The Vale Primary School, Beaconsfield Road, Langley Vale, Epsom



All boundaries are approximate

Aerial 2 : Land at The Vale Primary School, Beaconsfield Road, Langley Vale, Epsom



Application Site Area



All boundaries are approximate

Fig 1 : Looking south from near Beaconsfield Road toward location of new demountable unit, with main school building on the right



Fig 2 : View looking north from hard play area
toward location of demountable unit



Fig 3 : Looking northeast toward location of the demountable unit, with footings in place



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TO: PLANNING & REGULATORY COMMITTEE DATE: JULY 2014
 BY: PLANNING DEVELOPMENT CONTROL TEAM
 MANAGER
 DISTRICT(S) ALL ELECTORAL DIVISION(S): ALL

PURPOSE: FOR DECISION

TITLE: ARRANGEMENTS FOR PRE APPLICATION GUIDANCE AND LOCAL FEE
 SETTING FOR COUNTY COUNCIL MATTER DEVELOPMENT

10

SUMMARY REPORT

This report addresses the introduction of formal pre application discussion guidance and charging scheme for county matter development. Pre application guidance is a key part of delivering a good planning service and in order to facilitate this the objective is to establish an equitable means of financing an effective and efficient advisory service that provides increased certainty and transparency for the developer, County Planning Authority (CPA) and local community.

Three broad levels of pre application engagement have been identified which reflect different levels of service. The scheme of charging as proposed is to apply a standard charge for major and minor development categories within level two and a bespoke charge at level three.

Recommendation: that Members approve the implementation of the proposed pre application guidance procedure and charging scheme to be introduced by the 15 September 2014, and to be reviewed after the first year and thereafter as appropriate

Introduction

1. The Local Government Act 2003 allows local authorities to use discretionary powers to recover the costs incurred in providing a public service to a consistent and high standard. The recent review of the Surrey Planning Service highlighted that whilst the quality of the pre-application advice given by the service is considered to be best practice there are areas where improvements can be made given that this area of work takes up such a large proportion of officer time. The recommendation was therefore to introduce charging for pre-application advice which would reflect the true value of the expertise provided by the Planning Service and would increase its profile for delivering corporate projects, whilst also lead to greater attention being given to the planning advice received, better quality submissions and higher validation rates.
2. At present CPA makes no charge for pre application advice given by planning officers. Separate arrangements are in place to deal with county councils' own development and so these proposals relate to minerals and waste related development.

Benefits of providing pre application advice

3. The National Planning Policy Framework (NPPF) states that 'Early engagement has a significant potential to improve the effectiveness of the planning system for all parties. Good quality pre application discussion enables better coordination between public and private resources and improved outcomes for the community.'
4. Pre application guidance is therefore a key part of delivering a good planning service and the recovery of the cost of delivery would enable the delivery of an effective and efficient

service against a background of budget constraints and reflect growing practice elsewhere. The current national planning application fee system does not cover the cost of providing pre application discussions notwithstanding that the service is advocated in government advice.

5. Pre application advice should provide increased certainty and transparency for the developer, planning authority and local community and should include:
 - Indication of acceptability.
 - Identification of the issues to be addressed in the application
 - Identification of the need for specialist input
 - Advice on the community engagement
 - Advice on the national and local validation requirements.
 - Indication of the likely timetable for determination.
 - Early identification of any Section 106 requirements/contributions.
6. In setting appropriate charges it is necessary to take into account potential negative impacts. Disproportionate additional costs may act as a disincentive to developers. However, Officers consider that a reasonable schedule of charges which allows the recovery of the real cost while delivering a high quality service, should deliver efficiencies to the developer through a well founded submission which minimises delay. These benefits should be communicated as part of the pre application service.
7. The budgetary plan for the current review assumes a contribution from pre application charging in the order of £26k per annum.

Charging levels and categories

8. The new system should be simple and easily understood and so cost effective to administer. Three broad levels of pre application engagement have been identified. A first basic level of service would be provided free of charge and include already published information available on the County Council website including the pre application checklist and the first thirty minutes of any advice given by Officers. The second level of engagement would attract a charge and would include an office or a site meeting and a further written response where requested. The amount charged will vary according to the complexity of the development and be divided into a major and minor category. Major development includes proposals subject to Environmental Impact Assessment (EIA), development on sites in excess of 0.5 ha and buildings in excess of 1000 m². More detail is given in Annex A.
9. In the interests of simplicity of process it is proposed to apply a standard charge at level two for the major and minor categories rather than impose an hourly rate and add a travelling allowance. The fixed sum would be required in advance of the service requested and would be non refundable and in addition to any planning application fee subsequently paid. The highest fixed charge would be for a site meeting including a written response which would be in the region of £2000 excluding VAT. The written response would be in prescribed form. The charges advocated represent the full cost of delivering the second level service. The CPA cannot recover more than the cost of the service but may recover less than the full rate, although this is not recommended by Officers.
10. A third level of charging is proposed for responses which require a specialist input. The Authority would recharge the cost of internal and external advice on reviewing prepared documents submitted by the applicant. Response would be in the form of a written report. The charge for this element of work cannot be fixed in advance but would be determined on a case by case basis depending on the resource required. However it is proposed that a fixed deposit will be required to reflect the expected extent of the work

and thereafter the developer will be invoiced once the service is complete. A deposit of £500 is proposed per topic area. Otherwise an Officer response without specialist input would be charged at £200 per hour and an appropriate charge be made for legal services.

Information Requirements

11. The provision of a service at level two and three will be conditional on the applicant making available sufficient information in advance to the CPA. Advice will be made available on the County Council website specifying the minimum requirements to engage in the pre application process. For level two the applicant will be asked to submit a range of information describing location, layout, dimensions and scale of the proposals. For level three it is anticipated that the applicant will submit draft text for review and comment.

Other Matters

Failure to engage

12. In the interests of timely decision making, the CPA will proceed to determine a valid planning application on the basis of the submitted documentation and without further discussion where an applicant has not sought pre application advice or does not follow that advice in the substance of the submission.

Environmental Impact Assessment

13. The CPA is obliged to respond to requests from developers for screening and scoping opinions under the Town and Country Planning (EIA) Regulations 2011 without charge. The pre application charging arrangements would operate in addition to the regulatory requirement for screening and scoping and EIA. The EIA screening and scoping process is not a substitute for pre application discussions.

Implementation

14. It is proposed to implement the charging arrangements described above by 15 September 2014. Information will be posted on the County Council website on the nature and requirements of the scheme. Officer training will ensure the consistent delivery of service. Administrative and business systems are to be set in place to monitor process and receive fees.
15. It is proposed to review the service at the end of the first year to assess performance and cost effectiveness. Subsequent review timelines can be established at the first review. As part of the monitoring process user feedback will be sought on the level and quality of service.

CONCLUSION

16. An effective and efficient pre application guidance procedure will be of benefit to the CPA, applicants and community by creating better quality planning applications. It is appropriate to use discretionary powers available to the CPA under the Local Government Act 2003 in order to introduce a charging scheme to finance this aspect of the Development Management service. The performance of the proposed scheme should be monitored and adjustments made as necessary.

RECOMMENDATION

17. To **APPROVE** the implementation of a pre application discussion procedure and charging scheme, as shown in Annex A to be introduced by the 15 September 2014. To be reviewed after the first year and thereafter as appropriate.

CONTACT

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020 8541 9426

BACKGROUND PAPERS

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

Government Guidance

National Planning Policy Framework 2012

National Planning Practice Guidance – Before submitting an application March 2014

APPENDICES

Annex A – Scale of fixed fees for first year

Annex A - Arrangements for pre application guidance and local fee setting

Scale of fixed fees for first year

Charging levels & Categories	Definition of category	Price/Fee
Level 1 - Self service, to explore published policy advice and protocols		
Protocols		Free
Validation checklist		
Forms & guidance		
National links		
Master Gov records		
Officer contact		
Level 2 - Appropriate for initial discussions with the planning authority to progress a development proposal. Will require key basic information to be provided in advance by developer		
Major		
Site visit meeting	<i>Schedule 1 & 2 EIA development winning and working of minerals; plant and machinery for the processing, treatment or production of minerals or any mineral derived product or article on a site in excess of 0.5ha; landfill; landraising; restoration of mineral workings; waste recovery, treatment, storage, processing, sorting and transfer on open sites; building or buildings for use in connection with in excess of 1000m2; transport of aggregate by rail or water; disposal of mineral waste; s 73 with time extension; minor material amendment for major development.</i>	£1335 +VAT
Office meeting		£1065+VAT
Written advice only		£675 +VAT
Minor		
Site visit meeting	<i>Plant and machinery for the processing, treatment or production of minerals or any mineral derived product or article on a site in excess of 0.5ha; searches and tests of mineral deposits; building or buildings of less than 1000m2; change of use of buildings or land; s 73 where no time extension; any development where land is or forms part of a site or formerly used for the winning and working of minerals; minor material amendments; non material amendments where original permission for minor development; details pursuant submission.</i>	£660 + VAT
Office meeting		£390 +VAT
Written advice only		£450 +VAT
Level 3 - Where an initial meeting has taken place, to further scope the proposal and to provide relevant detailed advice on the content of a planning application. To discuss consultee requirements including outcome of EIA screening and scoping. To provide and facilitate feedback where draft documents have been submitted. Requirements to be specified and agreed with planning authority in advance of meeting, including payment of appropriate deposit .		
Further meetings		Invoiced at hourly rate, £200 per hour planning staff, with £250 deposit
Further meetings including specialists		Attendance of specialists charged at cost with £500 deposit per topic area
Written advice		£675+VAT
Exemptions	<i>e.g. enforcement advice, advice given to local residents affected by development, minor amendments etc</i>	

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TO: PLANNING & REGULATORY COMMITTEE

DATE: 30 JULY 2014

BY: PLANNING DEVELOPMENT CONTROL TEAM MANAGER

DISTRICT(S): ALL

ELECTORAL DIVISION (S):

PURPOSE: FOR INFORMATION

GRID REF:

TITLE: ENFORCEMENT & MONITORING UPDATE REPORT

SUMMARY

This report covers the period from 1st February 2014 to 30th June 2014

MONITORING AT AUTHORISED MINERAL & WASTE SITES

- 1.1 Site monitoring visits remain on target with 100% of scheduled visits undertaken in the last 5-months, plus 73 visits to unauthorised sites.
- 1.2 Sites with complex planning and environmental permit backgrounds where issues arise that are subject to public concern continue to absorb significant Officer time. Significant resources are directed to: communicating with the public; logging and addressing public concern; partnership working with other regulatory authorities; liaising with elected members; responding to press inquiries as appropriate.
- 1.3 The following list of ten sites involve Monitoring and Enforcement Officers working closely with Planning Officers, operators and their planning advisors with the objective of bringing about positive change. The ongoing recession has continued to have an adverse impact on sites as operational budgets are cut, although over the last 6-months several waste haulage companies have indicated that they are extremely busy and that their haulage fleets are in full use again.

ACTION AT AUTHORISED SITES

- 2.1 **Clay Hall Lane, Copthorne** – Partial compliance with an Enforcement Notice issued in November 2013 has been achieved by the landowners, with the rest of the waste stockpiles beyond the consented site needing to be removed by September 2014. The site remains largely dormant as the receivers are still dealing with the former operator's liabilities, including the waste license.
- 2.2 **Jury Farm lagoon, Ripley Lane, West Horsley** – The volume of materials imported were less than that consented by the planning permission, but the volume of the void

was less than estimated, which led to an excess of materials on site. In order that further disruption to the local road network did not take place, it was agreed that the site would be restored to a slightly higher level as an informal planning arrangement.

The works to this site recommenced in June 2014, they are scheduled to be completed by 31st July 2014, with the required tree planting due to take place in the next available planting season.

ACTION AT UNAUTHORISED SITES

Complaints and the investigation of unauthorised waste development and breaches of planning control are given priority and have been dealt with in accordance with the Division's performance targets.

- 3.1 Brookwood Cemetery, Cemetery Pales, Brookwood** – Soil testing has been undertaken to ascertain the cost of removing the formerly imported waste soils, but has revealed the presence of a fraction of asbestos in one sample. As a result, extensive testing will be required to determine the appropriate method of disposal. A legal dispute over land ownership is further delaying progress on this site.
- 3.2 Land north of Rydons Grange, Limecroft Road, Knaphill** – Further soil testing in association with remedial works has been undertaken. The tenant who is wholly responsible for the unauthorised waste development has indicated that he is unable to pay for all the works to be achieved in 1-year and so an Enforcement Notice is likely to be issued, with staged compliance periods.

UPDATES ON SITES WHERE ENFORCEMENT ACTION WAS PREVIOUSLY TAKEN

- 4.1 Barnfield, War Coppice Road, Caterham** – English Heritage have overseen the removal of waste from the area of an Ancient Monument and the waste soil has been stockpiled for either use in an engineering bund subject to the grant of planning permission or removed off site to achieve full compliance with the extant EN.
- 4.2 Land at New Pond Farm at the junction of Furze Lane & New Pond Road, Compton** – A County Court Injunction was secured on 16th April 2014 against the 83 year old longstanding tenant and uncle to one of the trustees, who despite giving his personal assurances to the judge that he would comply subsequently advised Enforcement Officers within 24 hours that he would not.

Due to his disregard for the planning system and the courts, and further to counsel having considered our evidence, in the short term Officers will pursue a prosecution for contempt of court, which could result in a short penal sentence.

The long-term solution is less clear. There are already charges on the land from former Guildford Borough Council enforcement action and these exceed £80K. Consequently, SCC would be unlikely to recoup waste clearance costs if direct action to remove is pursued.

- 4.3 Ridgeways Farm, Lonesome Lane**, – Following the issue of a Planning Contravention Notice in December 2008 regarding unauthorised import, deposit, storage, processing and disposal of waste materials, a Certificate of Lawful Existing Use Development (CLEUD) application was subsequently submitted in October 2010, but refused in May 2011. An Enforcement Notice was to be issued in February 2013, however the question of unauthorised ‘mixed uses’ arose which undermined the CPA’s ability to enforce. Reigate & Banstead Borough Council has now invited a retrospective planning application in for the infill of a pond located adjacent to the land in question, so the matter of an EN will have to be reviewed further before finalisation.
- 4.4 Conway Cottage, Lonesome Lane, Reigate** – Further to discussions with the landowner concerning the use of the site for the recycling of scrap metal, a Certificate of Lawful Existing Use (CLEUD) was submitted in November 2011. The CLEUD was however refused in April 2012. An Enforcement Notice was issued on 31st October 2012 and appeals were lodged against both the refusal of the CLEUD and the EN. A Public Inquiry was programmed for March 2013, however further to Counsel visiting the site; the EN was re-issued in order to exclude the area of an authorised residential use and has subsequently been appealed.
- A Public Inquiry started in June 2103, and after the grounds of the notice had been amended by SCC and additional evidence supplied by the appellant, this resumed in October 2013 and the appeal was quickly dismissed by the Inspector. The DETR’s appeal decision was challenged at the Royal Courts of Justice in July, but the challenge was dismissed. The landowner has now initiated a further appeal.
- 4.5 Epsom Chalk Pit, Epsom** – Of the two operators within the pit that were processing waste, one has now gained planning permission, but stopped processing at the current time. The other has stopped altogether.

EXAMPLES OF CLEARANCE OF WASTE MATERIALS FROM SITES THROUGH NEGOTIATION OR COMPLIANCE WITH EXTANT ENFORCEMENT NOTICES

- 5.1** The complete clearance of waste from land is an increasingly difficult thing to achieve as the potential value of land is often considerably less than the waste removal costs. Attached photographs illustrate progress at the following sites.
- 5.2 Field Common South** – The extant EN has now been fully complied with after a great deal of work by the landowners to address unauthorised development on various areas of the landholding. A willow copse adjacent to a lake has been restored and although some trees have died as a result of the land raising that had taken place, regeneration is likely to occur.
- 5.3 Hurtmore Golf Course** – Continued pressure and negotiation backed up by partnership working with the EA led to the company spending more than £1M to remove completely unsuitable waste materials that had been imported and deposited on the course with the intention of re-moulding the course.

The company have subsequently worked with the EA in supplying them with statements to support ongoing investigations of those associated with the waste that had been supplied to the golf course at their request.

- 5.4 Barnfield** – The removal of deposited waste has been overseen by English Heritage. The waste has been stored on site, and protection of an ancient monument pending removal or incorporation into the existing landform.
- 5.5 Adams Bristow Yard** – Negotiation and working with the landowner’s solicitors who undertook an injunction against their own tenant has achieved complete clearance of all imported waste from this yard.
- 5.6** Officers primary aim remains stopping unauthorised development from taking place. Blatant breaches are generally easier to identify. However, stealth and concealment are often tactics, which are employed.

THE ENVIRONMENT AGENCY & PARTNERSHIP WORKING

- 6.1** County Enforcement Officers continue to work closely with Environment Agency staff. Problems that have been addressed include: exemptions; coordinating the approach to waste operations between different regional offices affecting Surrey; a reduction in joint initial investigations of new sites; a lack of experienced officers due to high staff turnover; a decline in the level of support available to combat unauthorised waste development.

The above has resulted in Planning Staff having to proactively report their investigations to the EA to promote awareness of waste development that is taking place and so encourage their future support on all unauthorised sites. The approach is time consuming and often does not result in the required support.

Officers have concerns over the continued working arrangements with the EA given the planned 15% cutbacks to the Agency’s budget.

The EA’s Environmental Crime Team based at Alice Holt, which is already overstretched and serves the western ½ of Surrey as well as parts of northern Hampshire and Berkshire, is to be merged with the team at Wallingford which addresses the West Thames area. This will result in teams that have already been severely reduced being reduced again from 6 officers to 2 by 31st March 2015. Meanwhile, posts that are self funding through the provision of inspection charges, such as monitoring Officers, will largely be maintained at current levels. News is awaited on the teams at Abbey Wood and Tonbridge that cover the north east and east of the county respectively.

Unscrupulous operators continue to seek to avoid the increasing cost of waste disposal and treatment, County Officers continue to pursue joint partnership and ‘improved ways of working’.

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BACKGROUND PAPERS:

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