



**PLANNING AND REGULATORY COMMITTEE  
NOTICE OF MEETING**

**Date:** Wednesday, 6 January 2016  
**Time** 10.30 am  
**Place:** Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN

**Contact:** Cheryl Hardman or Rianna Hanford, Room 122, County Hall  
**Telephone:** 020 8541 9075, 020 8213 2662  
**Email:** [cherylh@surreycc.gov.uk](mailto:cherylh@surreycc.gov.uk), [rianna.hanford@surreycc.gov.uk](mailto:rianna.hanford@surreycc.gov.uk)

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

**APPOINTED MEMBERS [12]**

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

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

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

**APPOINTED SUBSTITUTES [19]**

Stephen Cooksey	Dorking South and the Holmwoods;
Will Forster	Woking South;
Denis Fuller	Camberley West;
Ramon Gray	Weybridge;
Nick Harrison	Nork & Tattenhams;
Peter Hickman	The Dittons;
David Ivison	Heatherside and Parkside;
Daniel Jenkins	Staines South and Ashford West;
John Orrick	Caterham Hill;
Adrian Page	Lightwater, West End and Bisley;
Chris Pitt	Frimley Green and Mytchett;
Fiona White	Guildford West;
Helena Windsor	Godstone;
Chris Townsend	Ashtead;

**Register of planning applications: <http://planning.surreycc.gov.uk/>**

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

## AGENDA

### 1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

### 2 MINUTES OF THE LAST MEETING

(Pages 1 - 6)

To confirm the minutes of the meeting held on (9 December 2015).

### 3 PETITIONS

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

### 4 PUBLIC QUESTION TIME

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

### 5 MEMBERS' QUESTION TIME

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

### 6 DECLARATIONS OF INTERESTS

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

Notes:

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

### 7 MINERALS/WASTE SP15/01243: HITHERMOOR QUARRY, LEYLANDS LANE, STANWELL MOOR, SURREY

(Pages 7 - 40)

An application for the construction and operation of a soil treatment facility for the processing and recycling of imported contaminated soils through bioremediation; including ancillary infrastructure and associated works on some 1.75ha.

This application hadn't reached the minimum number of objectors for it to be determined by the Committee. However, a request has been made by Robert Evans, as the local Member, for Planning & Regulatory Committee to determine the application.

**The recommendation is to PERMIT subject to conditions.**

**8 AMENDED CHARGING SCHEDULE FOR THE PROVISION OF PRE-APPLICATION ADVICE ON SURFACE WATER DRAINAGE** (Pages 41 - 46)

At its meeting on 10 June 2015, the Planning & Regulatory Committee approved a system of charging for the provision of pre-application advice on surface water drainage matters. For a number of reasons it is now proposed that the original charging schedule for this service be amended to better reflect the level of service provided. The Committee is therefore asked to approve the amended charging schedule.

**9 ENFORCEMENT & MONITORING UPDATE REPORT** (Pages 47 - 50)

This report covers the period from 1 June 2015 to 31 December 2015.

**10 PLANNING REVIEW PROJECT CLOSURE REPORT** (Pages 51 - 66)

This closure report is the final document produced for the Planning Review and is to be used by senior management to assess the success of the project, identify best practices for future projects, resolve all open issues, and formally close the project. This report is being taken to Planning and Regulatory Committee for information to set out the outcomes from the review.

**11 DATE OF NEXT MEETING**

The next meeting of the Planning & Regulatory Committee will be on 24 February 2016.

**David McNulty**  
**Chief Executive**  
Monday, 21 December 2015

## MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

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

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

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

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

*Thank you for your co-operation*

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

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

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

## NOTES:

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

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

## **HUMAN RIGHTS ACT 1998 – GUIDANCE FOR INTERPRETATION**

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

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

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

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

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

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

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

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

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

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**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 11.00 am on 9 December 2015 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

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

**Members Present:**

Mr Tim Hall (Chairman)  
Mr Keith Taylor (Vice-Chairman)  
Mr Ian Beardsmore  
Mr Steve Cosser  
Mrs Carol Coleman  
Mr Jonathan Essex  
Mrs Margaret Hicks  
Mr David Munro  
Mr George Johnson  
Mr Michael Sydney  
Mr Richard Wilson

**Apologies:**

Mr Ernest Mallett MBE

**42/15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies were received from Ernest Mallett.

**43/15 MINUTES OF THE LAST MEETING [Item 2]**

The minutes of the meeting held on 14 October 2015 were agreed as an accurate record of the meeting.

**44/15 PETITIONS [Item 3]**

There were no petitions.

**45/15 PUBLIC QUESTION TIME [Item 4]**

Malcolm Robertson, a Local Resident, asked a question in relation to item 7. The question and response was tabled and is attached as annex 1.

A supplementary question was asked and a general response was given at the meeting, a formal response would be confirmed and sent to the questioner.

The following points were made by the Local Resident in the supplementary question:

- Thanked Surrey County Council (SCC) officers for the timely response to the question.

- Informed the Committee that the response to the submitted question raised concern regarding the EU directive on endangering human health and harming the environment incorporated into English Law by waste regulations of 2011. It was felt that the council considers the EU directive as being of less importance than national guidelines. It was added that SCC should appreciate that the rule of law was paramount and planning guidelines rank well below the law of the land.
- Informed the Committee that the supplementary question was based on the fact that the Committee was reliant on the response of consultees and independent experts. It was asked how the Committee was able to come to an informed decision if a major consultee was yet to consider matters in depth and, just as importantly, if there has been a failure to gain independent expert advice.

The Planning Development & Control Team Manager gave a general response to the supplementary question. The following response was given:

- Noted that points raised in the supplementary question were addressed in the officer report. It was made clear that planning guidance confirms that authorities should rely on permitting regimes working properly and should not seek to amend or challenge guidelines. In this particular case SCC had taken the decision and was advised by the EA, no objections had been raised. It was noted that the detail given by the EA should be accepted.
- It was noted that the report details advice received by the SCC geotechnical officer, which brought no objection. What was required in terms of advice and legislation had been met.
- It was confirmed that a full response to the supplementary question would be provided in writing. The questioner requested that the National Planning Casework Unit (NPCU) would also receive the formal response. The Chairman agreed for this to be arranged.

#### **46/15 MEMBERS' QUESTION TIME [Item 5]**

There were no Member questions.

#### **47/15 DECLARATIONS OF INTERESTS [Item 6]**

There were no Declarations of Interest.

#### **48/15 MINERALS/WASTE SP13/01553/AMD: CHARLTON LANE WASTE MANAGEMENT FACILITY, CHARLTON LANE, SHEPPERTON, SURREY TW17 8QA [Item 7]**

##### **Declarations of Interest:**

None

##### **Officers:**

Alan Stones, Planning Development & Control Team Manager

Mark O'Hare, Senior Planning Officer

Nancy El-Shatoury, Principal Solicitor

**Speakers:**

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

- Informed the Committee that he had provided advice and guidance to the applicant and Surrey County Council (SCC) on objections in relation to the proposed bunding arrangements in particular the Anaerobic Digestion Plant (AD). It was noted that there had been other areas where serious incidences had occurred, and examples of these were given to the applicant.
- Noted that the tank area should be located a minimum prescribed distance from the wall, added that the drawings provided in the report did not allocate five tanks at the required distance. Any leakage from the tanks could flow to the other side of the wall.
- Expressed to the Committee that the tank area must be re-designed or additional tank protection should be established. Officers were asked how this would be rectified.
- It was expressed to the Committee that the applicant did not wait for approval from SCC before confirming the new tank and wall area design.
- Deferring approval of this application could allow more time for further design faults.

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

- Informed the Committee that the original tank design by SITA had been rejected by the EA, requiring an improved design, the new tank design had not yet been submitted to the Environment Agency (EA) for scrutiny.
- Noted that there was a serious concern for the risk of fire, due to the tanks containing methane.
- Other causes for concern for the risk of fire/explosion were the close proximity of tanks to one another and lack of access for emergency service vehicles.
- It was expressed that no advice was provided on fire safety, SCC were not advised of crucial issues.
- It was expressed to the Committee that the application should either be rejected or deferred until adequate information is provided from the applicant.

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

- Informed the Committee that the applicant had discussed bund design with the EA.
- A secondary cladding had been provided on the wall in case of failure of the tank skin.
- Drew the Committee's attention to paragraph 24 of the officer's report The EA would not permit the application if SITA had not met all the pre-operational requirements.
- Noted that there were further submissions that were required but construction could continue before these were completed.
- Noted that there were no objections received from Thames Water.

- Noted that views expressed crossed over to permitting issues instead of planning.

The Local Members had not registered to speak and Ian Beardsmore would speak as a member of the committee

**Key points raised during the discussion:**

1. The Senior Planning Officer introduced the report and informed the Committee that the application was to gain approval for amendments to the surface water drainage and containment design associated with the tank area to the north of the Eco Park. Approval for initial planning permission on this application had been approved in March 2015, with major construction works commencing in June 2015, set to continue for two years. Construction was permitted to start; minor material amendments were required before completion. The Environment Agency (EA) had previously agreed a partial discharge on surface water drainage and other minor material issues could be agreed during operation.
2. The Committee was informed that the concrete wall was 1.25m high, with a 2m fence; the Charlton Lane Community Liaison group was informed of the bunding arrangements.
3. It was reiterated that the EA permitting regime takes into consideration all aspects of risk, including fire and tank distances.
4. The Committee felt that safety could not be taken lightly. A Member requested examples of other sites with a similar design and measures. It was responded that bunding arrangements must comply with EA regulations and other sites would have common principles. It was added that the EA were happy with the agreed plans.
5. There was a discussion around access to emergency vehicles. A Member raised concern that the ramps in the plan would be inadequate for fire vehicles to drive over because of the operational design. It was added that if the design had to be changed once built, the cost would be the responsibility of SCC. Officers noted to Members that the EA had no significant concerns, all 'what if' situations had been addressed and detailed in the permit. Other Members stressed that the committee was independent to the Council as the waste management authority.
6. Members discussed the remit of the Committee in relation to the application. It was expressed that it was not appropriate to consider matters outside of the recommendation. Many of the details being discussed were related to the permitting regime controlled by the EA. Officers confirmed that there was no grey area between the role of the planning authority and the permitting regimes and that there was clearly defined boundaries in national guidance.

**RESOLVED:**

The Committee agreed to **PERMIT** subject to conditions and the application being referred to the National Planning Casework Unit as a departure, for the reasons set out in the report.

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

None.

**49/15 DATE OF NEXT MEETING [Item 8]**

The next Planning and Regulatory Committee will be held on 6 January 2016 at 10.30 am.

Meeting closed at 11.55 am

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**Chairman**

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**TO:** PLANNING & REGULATORY COMMITTEE

**DATE:** 6 January 2016

**BY:** PLANNING DEVELOPMENT TEAM MANAGER

**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL

**ELECTORAL DIVISION(S):**

**Stanwell & Stanwell Moor**

*Mr Evans*

**PURPOSE:** FOR DECISION

**GRID REF:** 503588 174943

**TITLE:** MINERALS/WASTE SP15/01243

## SUMMARY REPORT

**Hithermoor Quarry, Leylands Lane, Stanwell Moor, Surrey**

**Construction and operation of a soil treatment facility for the processing and recycling of imported contaminated soils through bioremediation; including ancillary infrastructure and associated works on some 1.75ha.**

Hithermoor Quarry, an area of some 73 hectares, lies just to the south of junction 14 of the M25 Motorway (M25) which runs along the western boundary of the site. Access to the site is off Leylands Lane, which leads to Horton Road and the M25. The application site lies within the Metropolitan Green Belt

Hithermoor Quarry has a long history of sand and gravel aggregate extraction and landfilling dating back to the mid 1950s. The majority of the site has already been worked, filled and restored satisfactorily to agriculture. Remaining sand and gravel reserves are underlying the former ready mixed concrete plant site (now removed) just north of Hithermoor Farm, and part of the minerals processing and stock area to the west of Hithermoor Farm, together with the existing haul road running along the eastern part of the site linking these areas to Leylands Lane.

In November 2008 planning permission (ref. SP03/1212) was granted for mineral extraction together with mineral processing, including material from windfall operations, recycling of construction and demolition wastes together with concrete production, provision and operation of aggregate bagging plant and restoration to nature conservation, public access and agricultural uses. The SP03/1212 planning permission requires the phased restoration of the complete site by April 2023.

The soil treatment facility application site area is approximately 1.75ha and forms the north west quadrant of the permitted recycling/aggregate processing compound, as such the proposed facility would temporary and would be required to be removed by 2022 in accordance with the SP03/1212 planning permission. The proposal involves the provision of a facility for the treatment of contaminated soils through a process known as bioremediation. This process would involve the controlled aeration and turning of soils which are contaminated with hydrocarbons and related pollutants, breaking down the contaminants to acceptable levels enabling the soils to be put to use in restoration of the Hithermoor site and other projects. The soil treatment facility would involve the construction of a raised hardstanding area, to include: two impermeable tarmac pads, pipework and necessary equipment for the aeration process, drainage, parking, office/welfare/wc facilities, process water lagoon, equipment containers and lab, all of which would be within a fenced and gated compound. Access to the facility would be via the existing haul road to the plant site area. There would be no increased throughput of

waste at the Hithermoor quarry site, as the facility would handle up to 75,000 tonnes of contaminated soils per year, which will form part of the existing limit of 250,000tpa.

Three local groups have objected to the proposal primarily on grounds of the potential impact on the local groundwater and possible contamination of the local Staines Moor SSSI. The Environment Agency has recommended pre-commencement conditions for the submission and approval of schemes to ensure adequate protection of the groundwater.

The principle of recycling at Hithermoor Quarry is not an issue for consideration in this case as the recycling facility has planning permission until the end of 2022. What has to be assessed is the acceptability of the changes and the impact on the Green Belt and on local amenity and the environment. The implications of the siting of the soil treatment facility in this existing recycling yard area have been assessed against Green Belt policy and in terms of the impacts on the local environment and amenity. Issues assessed include traffic, highways and access, visual and landscape impact, drainage and flooding, noise, dust and odour and on ecology.

The development is inappropriate development in the Green Belt and in relation to Green Belt policy, Officers consider the matters which together were considered to constitute very special Circumstances, in 2008 to justify the inappropriate development in the Green Belt continue to Apply, and outweigh the harm by reason of inappropriateness and harm to openness and other harm. The siting of the soil treatment facility in its current location is considered acceptable and would not result in greater harm to the openness of the Green Belt or the visual amenities of the Green Belt than at present such that the proposal complies with SWP 2008 Policy CW6 and an exception to Green Belt policy can be made. No objection has been received from Spelthorne Borough Council or other consultees and Officers conclude that adequate information and assessments have now been provided within the planning application to enable the full impact of the proposal on the issues to be assessed. On these matters the proposal is acceptable, subject to the mitigation measures and controls through the relevant planning conditions. Officers therefore consider that the proposal is in accordance with development plan policies and taking the above into consideration, planning permission should be granted subject to conditions.

**The recommendation is to PERMIT subject to conditions.**

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## **APPLICATION DETAILS**

### ***Applicant***

Brett Aggregates Ltd.

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

14 September 2015

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

14 December 2015

### ***Amending Documents***

Email dated 23 October 2015 with the following attachments: Environmental Permit Variation – H1 Environmental Risk Assessment (Annex A) dated February 2014; Environmental Permit Variation – H1 Environmental Risk Assessment (Annex A) – Appendix H1A – additional Measures for Risk Assessment and Management of Odour Potential dated May 2014; Drawing No. HM/65 Rev.A – ‘Eventual Site Layout’ dated 25 February 2014; Drawing No.003 – ‘Source Pathways & Receptors’ dated October 2013; Drawing No.004 – ‘Cultural & Natural Heritage’ dated October 2013; Drawing No.007 – ‘Lagoon Layout & Sections’ dated March 2014; Drawing



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## SUMMARY OF PLANNING ISSUES

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

<b>Issue</b>	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Waste Management Issues	Yes	30-40
Traffic & Highways	Yes	41-44
Environment & Amenity	Yes	45-60
Green Belt	No	61-65

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## ILLUSTRATIVE MATERIAL

### Site Plan

Plan 1

### Aerial Photographs

Aerial 1

Aerial 2

Aerial 3 - Oblique aerial view of recycling plant site area

### Site Photographs

Figure 1 – Hithermoor plant site area view W from northern boundary

Figure 2 – Hithermoor plant site area view SW from northern boundary

### Application Plan

Site Plan HM 65 A: Eventual Site Layout

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## BACKGROUND

### Site Description

- 1 The application site measures some 1.75ha and forms part of the existing permitted minerals and waste processing plant site area, which covers some 6ha of Hithermoor Quarry (73 hectares). The site lies just to the south of junction 14 of the M25 Motorway (M25) which runs along the western boundary of the site. The River Colne lies to the east of the plant site area, running in a north south direction. The Ponderosa Mobile Home Park and Willow Farm lie to the north east accessed off Leylands Lane and Hithermoor Farm and Stanwell Moor village lie to the east of the site. To the south lies the King George VI Reservoir which is part of the Staines Moor SSSI and the South West London Waterbodies SPA and Ramsar Site. The Hithermoor Quarry site is within the Colne Valley Regional Park. Bridleway No 50 runs between the site and the M25 and joining Leylands Lane, crossing over Horton Road and linking up with Bridleway No 51 to the north. Access to the site is off Leylands Lane, which leads to Horton Road and the M25 Junction 14/Airport Way A3113 roundabout to the west and Stanwell Moor to the east. There is an existing 7.5 tonne lorry ban on Horton Road east of Leylands Lane.

### Planning History

- 2 Hithermoor Quarry has a long history of sand and gravel aggregate extraction and landfilling dating back to the mid 1950s. The majority of the site has already been worked, filled and restored satisfactorily to agriculture. Remaining sand and gravel reserves are underlying the former ready mixed concrete plant site (now removed) just north of Hithermoor Farm, and part of the minerals processing and stock area to the west of Hithermoor Farm, together with the existing haul road running along the eastern part of the site linking these areas to Leylands Lane.
- 3 In November 2008 planning permission (ref: SP03/1212) was granted for mineral extraction together with mineral processing, including material from windfall operations, recycling of construction and demolition wastes together with concrete production, provision and operation of aggregate bagging plant and restoration to nature conservation, public access and agricultural uses. A Section 106 legal agreement was entered into in connection with the permission relating to the applicant agreeing not to seek planning permission for mineral extraction at Staines Moor for a period of 50 years, a scheme for the reinstatement of the Yeoveney Ditch to assist with water level management on Staines Moor and provision of funding for nature conservation purposes and management of Staines Moor and various other matters relating to public access and recreation at Staines Moor and the Colne Valley Regional Park and establishment of an educational facility at Church Lammas, owned by the applicant. The permission is also subject to a Section 278 Highway Works agreement to secure improvement works to the highway at the Leylands Lane / Horton Road junction and site access.
- 4 The planning permission ref.SP03/1212 was implemented on 13 April 2011. Condition 4 requires the extraction of minerals to cease and the mineral extraction areas to be restored within 6 years of the date of implementation (2017), and for restoration of the land at Lower Mill Farm within a further period of two years (2019). Processing of minerals, waste recycling operation, production of concrete, and bagging of aggregate elements of the development permitted under SP03/1212 are to cease within 11 years of the date of implementation (i.e. 2022), with the mineral processing and recycling plant site to be restored within a further period of 12 months, i.e. by 13 April 2023.
- 5 Details pursuant to Conditions 6 (Plant and Machinery), 12 (Road Cleaning Scheme), 16 (Surface Water Management Report), 27 (Report of Water Vole Survey for Lower Mill Farm), 34 (Archaeology), 54 (Revised Management Plan and Management Scheme) and (Bird Management Plan) were approved (ref.SP09/0611) on 17 December 2009. Details of the dust assessment plan required by Condition 32 were originally submitted as part of the SP09/0611 submission. Due to unresolved issues regarding the adequacy of the details the dust submission was withdrawn so that the other details could be approved. A revised dust submission pursuant to Condition 32 was submitted and later approved on 17 November 2014 (ref. SP12/00486).
- 6 On 29 March 2011 planning permission (ref.SP10/0657) was granted subject to conditions for the construction of an engineered clay cap to the closed landfill at Hithermoor Quarry (southern part of the land within the 73 hectare site), utilising suitable imported clays, with landscaping including the provision of a final soil layer. The permission was subject to the completion of a variation to the Section 278 Agreement dated 21 October 2009 entered into in connection with the SP03/1212 permission, relating to highway works at the site access off Leylands Lane and the Leylands Lane and Horton Road junction.
- 7 On 19 February 2013 planning permission (ref. SP12/00483) was granted for the construction of a six metre high visual amenity bund on the western boundary (M25 side) of the mineral processing plant and waste recycling facility compound in place of the two metre high western bund with a three metre high fence on top which forms part of the development proposals permitted under ref. SP03/1212. The proposed visual amenity bund would be constructed using 8,000 cubic metres of material which had been imported and placed to form the base of the western bund and importation of an

additional 35,000 cubic metres of inert soils or soil forming materials. The visual amenity (motorway) bund is complete bar some final shaping and seeding, which will take place in drier weather. The bund on the village side of the plant site is planted and has undergone recent seeding.

- 8 On 14 September 2015 planning permission (ref. SP12/00487) was granted to continue the clay capping without complying with Conditions 2 (duration), 6 (highway works required for option 2) and 7 (daily upper limit of HGVs (over 20 tonnes), and to remove/delete condition 5 (implementation of highway works required for option 1) of planning permission ref. SP10/0657 to enable the clay capping to be completed with clay from sources other than the Terminal 2 redevelopment project and for retention and use of the Temporary Works at the junction of Horton Road and Leylands Lane in connection with the clay capping. The clay capping is to be completed and restored by 13 April 2023 in line with the permission for the mineral working and recycling areas granted under ref.SP03/1212.

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## THE PROPOSAL

- 9 The applicant proposes to widen the soil recycling facilities provided within the existing minerals processing and waste recycling plant site area at Hithermoor Quarry, to include a facility for the treatment of contaminated soils through a process known as bioremediation. This process would involve the controlled aeration and turning of soils which are contaminated with hydrocarbons and related pollutants over a period of 12 to 16 weeks. The process breaks down the contaminants to acceptable levels enabling the soils to be put to use in restoration of the Hithermoor site and other projects. To encourage optimum conditions the biopiles can be treated with water and small amounts of fertilisers and green waste. Regular chemical testing is carried out to ensure the process is successful. The soil treatment facility would be located in the north eastern corner of the existing mineral processing and waste recycling plant site area.
- 10 The proposed soil recycling facility would involve the construction of a raised hardstanding area, to include: two impermeable tarmac pads, pipework and necessary equipment for the aeration process, drainage, parking, office/welfare/wc facilities, process water lagoon, equipment containers and lab, all of which would be within a fenced and gated compound. Access to the facility would be via the existing haul road to the plant site area.
- 11 The facility will handle up to 75,000 tonnes of contaminated soils per year, which will be processed as part of the 250,000tpa (maximum waste tonnage treatment allowable under the environmental permit) throughput for the Hithermoor Quarry waste recycling facility. Therefore, there will be no increase in HGV movements as a result of development and operation of the bioremediation process. The contaminated soils will be stored in biopiles (elongated storage mounds) up to 3m in height on the impermeable tarmac pads. The proposal is for a temporary period until 2022, in accordance with the permission for the existing recycling and plant site area granted under planning permission ref.SP03/1212, which ensures restoration by 13 April 2023.
- 12 The Environment Agency has already varied the existing waste permit for the site to allow for the treatment of contaminated soils through a bioremediation process, subject to controls in respect of pollution which includes an odour management plan. Copies of the Environmental Permit Environmental Risk Assessment and Odour Management Plan have been submitted in support of the planning application.

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## CONSULTATIONS AND PUBLICITY

***District Council***

## Spelthorne Borough Council

- 13 *'This Council OBJECTS to the current proposal for the construction and use of a soil treatment facility within the existing site, unless the following matters are satisfactorily addressed:-*
- (a) The imposition of a condition requiring the HGV movements associated with the soil treatment facility to be no greater than the overall number of movements as permitted within the existing permission;*
  - (b) The completion of an updated Dust Action Plan; and the imposition of associated conditions requiring the measures outlined in the Dust Action Plan and Air Quality Assessment are implemented;*
  - (c) Confirmation from the applicant that the installation of the surface water lagoon has sufficient capacity to contain all runoff associated with the treatment facility.*
  - (d) Adequate wheel washing facilities for HGVs are installed at the site and enforced.'*

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

- 14 **The Environment Agency**  
No objection, subject to conditions
- 15 **Thames Water**  
No comments received
- 16 **County Air Quality Consultant**  
No objection
- 17 **County Highway Authority - Transportation Development Planning**  
No objection
- 18 **County Lead Local Flood Authority – SUDS Team**  
No objection subject to conditions
- 19 **County Noise Consultant**  
No comments received
- 20 **County Environmental Assessment Officer**  
A screening opinion under Regulation 7 of the Environmental Impact Assessment (EIA) Regulations 2011 was adopted on 1 October 2015, which evaluated the proposed development in line with the EIA Regulations and the advice set out in the National Planning Practice Guidance on EIA. It was concluded that there are not likely to be any significant environmental effects in terms of the meaning of significant given in the above Regulations and therefore the proposed development would not be EIA development.

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

- 21 **Stanwell Moor Residents' Association**  
Objects, and raises the following concerns:
- Increased traffic
  - Contamination from dust
- 22 **Association for the Preservation of Staines Moor**  
Objects, and raises the following concerns:
- Lack of detail on the planning application form, including the type of contaminants within the soils
  - Leachate of contaminants into the water course and potential adverse impact on Staines Moor (SSSI) flora and fauna

- Question source and nature of contamination, whether allowable under permit and is it the correct process, Increase in HGVs will exacerbate holds ups on local roads
- Infer that chemicals such as polyethylene glycol will be used, which would need a controlled environment for its use
- Possible environmental damage through noise, air pollution and flooding

### 23 **Spelthorne Natural History Society**

Objection for the following reasons:

- inappropriate in the Green Belt and there are no exceptional circumstances to justify the development taking place
- bioremediation of contaminated soil can take place in situ thus avoiding transportation
- the South West London Waterbodies Special Protection Area and Ramsar site and the northern part of the Staines Moor SSSI are in close proximity to the proposed facility
- risks of contamination to surrounding water courses and a principal class aquifer which is currently being upgraded by the Environment Agency.
- there is no indication how the lagoon waste water effluent would be dealt with
- the biopiles are to be treated with water and small amounts of fertilizers and green waste (which could be contaminated with insecticides, herbicides and plant diseases) does this not amount to composting?
- who is responsible for deciding what contaminants are in the soil: the producer or receiver?
- are the vehicles transporting the hazardous waste to be designed for the purpose? How will they be maintained? There is no facility for cleansing the vehicles.
- we do not agree with the conclusions in the Screening Opinion Report, there is no consideration of hydrocarbon contaminated soils, therefore, we consider that there is a need for an Environmental Impact Assessment.

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

- 24 The application was publicised by the posting of 1 site notice and an advert was placed in the local newspaper. A total of 10 owner/occupiers of neighbouring properties were directly notified by letter. Three local groups (see above) have objected. The Chair of the Association for the Preservation of Staines Moor has also objected as a local resident.

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## **PLANNING CONSIDERATIONS**

### **Introduction**

- 25 The County Council as Waste Planning Authority (WPA) 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 Waste Plan 2008 (SWP 2008), Spelthorne Borough Local Plan 2001 (Saved Policies) (SBLP2001) and Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SB Core Strategy & Policies DPD 2009).
- 26 Matters for consideration include compliance with the: European Waste Framework Directive (WFD) 2008, National Planning Policy Framework (NPPF) 2012, National Planning Practice Guidance (NPPG) 2014, National Planning Policy for Waste (NPPW) 2014, Waste Management Plan for England 2013, Government Circulars and emerging local development documents. The Waste Management Plan for England 2013 sets out the Government's aim of working toward a more sustainable and efficient approach to resource use and management. The NPPG states that the planning system controls the

development and use of land in the public interest, which includes consideration of the impacts on the local environment and amenity taking into account the locational criteria set out in Appendix B to the NPPW. The NPPW aims to streamline previous waste planning policy, making it more accessible to local authorities, waste developers and local communities alike. It aims to provide a clear framework to enable waste planning authorities to work collaboratively with their communities and consider, through their Local Plans, what sort of waste facilities are needed and where they should go, while also protecting the local environment and local amenity by preventing waste facilities being placed in inappropriate locations.

- 27 The above national planning policies are a material consideration and planning authorities should have regard to them to the extent that they are appropriate. 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. 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. 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 NPPF, the greater the weight they may be given). The County Planning Policy team have reviewed the Surrey Waste Plan 2008 with regard to its conformity with the above national policies and have concluded that the document conforms with the WFD 2008 and the policies and approach set out in the NPPF.
- 28 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: waste management issues; highways and traffic; landscape and visual impact; drainage and flooding; noise; dust and odour; ecology and Green Belt.

#### *EIA Screening*

- 29 The proposed development was evaluated by the County Planning Authority (CPA) in line with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), and the advice set out in the National Planning Practice Guidance on EIA. On 1 October 2015 the CPA adopted a screening opinion under Regulation 7 of the above EIA Regulations, where it considered the proposed development in the context of Schedule 2, and based on the information submitted, is of the opinion that there are not likely to be any significant environmental effects (in terms of the meaning of significant in the EIA Regulations) and therefore it was recommended that the proposed development would not be EIA development.

### **Waste Management Issues**

#### ***Surrey Waste Plan 2008***

Policy CW1 Waste Minimisation

Policy CW3 Developing Waste Markets

Policy CW4 Waste Management Capacity

Policy CW5 Location of Waste Facilities

Policy WD2 Recycling, Storage, Transfer, Materials Recovery and Processing Facilities (Excluding Thermal Treatment)

- 30 Waste strategies at both the national and local level seek to reduce the current dependence on landfilling of untreated non-inert waste and give priority to more sustainable methods of waste reduction, reuse and recycling. These strategies also seek to ensure that the handling, treatment and disposal of waste are carried out in an environmentally acceptable manner. The Waste Management Plan for England 2013 states that *'the way in which waste is managed has changed dramatically over the last twenty years in the UK, as have attitudes towards waste management. There has been a*

*major decrease in waste being disposed of to landfill and an increase in recycling. The key aim of the waste management plan for England is to set out our work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.’*

- 31 The NPPW states that when determining waste planning applications, WPA’s should:
- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan,
  - consider the likely impact on the local environment and on amenity, and
  - concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authority (Environment Agency). WPA’s should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
- 32 The NPPG states that WPA’s should have regard to the principles of self-sufficiency and proximity (Article 16 of the Waste Framework Directive) which are transposed under Regulation 18 of the Waste (England and Wales) Regulations 2011, when exercising their planning functions relating to waste management. Whilst this is the aim, there is no expectation that each WPA should deal solely with its own waste to meet these requirements, nor does it require the use of the closest facility to the exclusion of all other considerations. The ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity.
- 33 The Government’s aim is to try and prevent or reduce as far as possible the negative effects on the environment by treating waste, which will help to increase waste recycling and recovery, and assist in reducing the amount of waste being landfilled. The Environment Agency’s guidance (2013) on Hazardous Waste advises that contaminated soils can be considered as ‘mirror entries’ which means that they can be classified as either hazardous or non-hazardous depending on the concentrations of ‘dangerous substances’ in the waste soil and that alternatives to landfilling of contaminated soils includes the use of remediation strategies to reduce the quantity of soils for disposal by treatment of soils to a standard such that they can be re-used at a site or be disposed of as non-hazardous waste.

#### *Need*

- 34 Surrey Waste Plan (SWP) 2008 Policies CW1 ‘Waste Minimisation’ and CW3 ‘Developing Waste Markets’ are aimed at supporting a sustainable approach to waste management in Surrey, taking account of opportunities for waste management priorities further up the hierarchy. Policy CW4 (Waste Management Capacity) states that planning permissions will be granted to enable sufficient waste management capacity to be provided to manage the equivalent of waste arising in Surrey with a contribution to meeting the declining landfill needs of residual wastes arising in and exported from London; and to achieve the regional targets for recycling, recovery and diversion from landfill by ensuring a range of facilities is permitted. The 2014 -15 Annual Monitoring Report (AMR) reported that Construction, Demolition and Excavation (CD&E) waste managed in Surrey during 2014 was estimated to be approximately 2,038,000 tonnes (15% increase on the 2013 figure). The baseline data showed that approximately 20% of the total C, D & E waste arisings may be composed of mixed non-inert material, which has an implication on how this waste stream is managed, as this material will have a different management capacity need (processing or disposal) as opposed to strictly inert material which can more easily be made suitable for supply as engineering materials after initial processing such as crushing and/or screening.

- 35 SWP 2008 Core Strategy policies establish sequential principles for the location of waste management facilities and an approach for development in the Green Belt. Policy CW5 (Location of Waste Facilities) sets out as follows principles for considering the location of waste facilities when allocating sites in development plan documents or considering proposals on unallocated sites:
- “(i) priority will be given to industrial / employment sites, particularly those in urban areas, and to any other suitable urban sites and then to sites close to urban areas and to sites easily accessible by the strategic road network;*
  - “(ii) priority will be given over greenfield land to previously developed land, contaminated, derelict or disturbed land, redundant agricultural buildings and their curtilages, mineral workings and land in waste management use;....”*
- 36 Policy WD2 of the SWP 2008, states that planning permissions for development involving the recycling, storage, transfer, materials recovery and processing (including in-vessel composting but excluding thermal treatment) of waste will be granted on:
- ‘...(iii) at existing or proposed waste management sites, subject in the case of landfill and landraising sites or other temporary facilities, to the waste use being limited to the life of the landfill, landraising or other temporary facility.’*
- Hithermoor Quarry is an existing waste management site currently recycling up to 250,000 tonnes of construction, demolition and excavation waste, by way of sorting, separation, washing, screening, crushing and blending. The proposed development involves the treatment / processing of up to 75,000 tonnes of contaminated soils, which would be part of that existing waste throughput of the Hithermoor recycling facility.
- 37 The proposal would offer the opportunity for moving soil classified as hazardous/non-hazardous waste up the waste hierarchy for which there is a strong policy encouragement. In doing so the proposal would allow the better use of valuable landfill capacity, ensuring the appropriate husbanding of landfill void space; and enabling the reuse of soils for restoration and daily cover purposes. The applicant has stated that since planning permission was granted in November 2008, soil recycling has moved forward and other methods aside from mechanical ones have been introduced in order to undertake a wider variety of recycling processes. One such treatment is bioremediation through controlled aeration and turning of soils which are contaminated with hydrocarbons and related pollutants. This treatment process is already successfully being carried out in another site to the east of the county near Redhill at the Patteson Court Landfill site.
- 38 Bioremediation is a biological degrading process for the treatment of contaminated soils, which relies on microorganisms including bacteria and/or fungi to use the contaminant(s) as a food source with resulting degradation of the contaminant. Bioremediation is one of the most economic remedial techniques presently available for treating most organic fuel based contaminants such as coal tars and liquors, petroleum and other hydrocarbons. The offsite or ex-situ process would involve bio-piles / windrows, where soils are formed into structures to enhance temperature and aeration amongst other variables, including the addition of fertilisers and organics (e.g. compost) to process the material.
- 39 The soil treatment facility would involve the processing of up to 75,000 tonnes of soils per annum from the local area, and would form part of the existing permitted annual waste throughput of 250,000 tonnes therefore there would be no increase in waste throughput at the site. The facility would occupy part of the existing minerals processing and waste recycling plant site area at Hithermoor Quarry, which accords with the above locational policy in utilising existing waste management sites. The proposal will assist the County Council in meeting national targets for recycling of materials and moving waste up the waste hierarchy in accordance with national policy and the development



plan and improving recycling rates within the County. The proposal will also continue to provide soils along with the other recycling processes at the site, to be used at the landfill site for restoration purposes and for export. The applicant has stated that the proposed development is temporary, as it would be tied to the life of the Hithermoor Quarry site, which requires all waste recycling to cease by April 2022, and restoration by April 2023.

- 40 The site is an existing waste management facility, mineral working and landfill, therefore has the necessary supporting infrastructure in terms of the existing access and landscape, and is close to the main sources of waste and good access to the strategic road network. Three local groups have raised concerns in respect of potential contamination of the local environment, however Officers consider that adequate planning controls are in place for the use of the site and separately the Environment Agency (EA) as the pollution control authority provides controls through the Environmental Permit. The existing environmental permit has already been varied in respect of the soil treatment process, providing controls over emissions, monitoring and capacity, with reporting of bio-filter temperature, moisture content, flow rate, nutrient levels and contamination elimination every 3 months. In addition, the EA have required pre-commencement schemes in respect of remediation of land contamination, in order to protect groundwater. Officers, therefore consider that the proposal at the existing waste management facility of Hithermoor Quarry accords with the above waste management policy.

## **HIGHWAYS, TRAFFIC & ACCESS**

### ***Surrey Waste Plan 2008***

Policy CW5 Location of Waste Facilities

Policy DC3 General Considerations

- 41 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 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 solutions will vary from urban to rural areas. Developments that generate significant amounts 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; can suitable and safe access for all people be achieved; and can cost effective improvements be undertaken within the transport network to limit significant impacts of the development, with development only being refused on transport grounds where residual cumulative transport impacts are severe.
- 42 Policy DC3 of the SWP 2008 states that planning permission for waste related development will be granted provided it can be demonstrated by the provision of appropriate information to support a planning application that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. The information supporting the planning application must make assessment of impacts of traffic generation, access and suitability of the highway network in the vicinity and for proposals to demonstrate that there would be no adverse impacts from such matters on local amenity and the local environment.
- 43 The SWP also states (para. B40, p.B9) that in order to minimise the negative effects of transporting waste, priority is also given to those sites that are located closer to urban areas (the main sources of waste) and with good access to the strategic road network. The site has a good access to the strategic road network and close to the main sources of waste, in accordance with Policy CW5.

- 44 Planning permission already exists for the development which generates the HGV traffic accessing the site, with conditions controlling the numbers of HGVs, and in addition there is a ban on HGV traffic through Stanwell Moor Village. The impact in terms of the traffic movements associated with Hithermoor Quarry were considered under the 2008 planning permission, with further assessments in the granting of planning permission for the bund in 2013 (ref. SP12/00483), which proposed a daily cap of 300 HGVs (600 HGV movements). It is proposed to use the same condition, capping the total number of HGVs involved in all developments utilising the access from Hithermoor Quarry. The County Highway Authority (CHA) has raised no objection to the application, as the proposed development does not involve any increase in traffic over and above that which is already permitted. Officers therefore consider that there would be no additional highway impacts from the proposed development.

## ENVIRONMENT AND AMENITY

### **Surrey Waste Plan 2008**

Policy DC3 – General Considerations

### **Spelthorne Borough Core Strategy and Policies DPD February 2009**

Strategic Policy SP6 - Maintaining and Improving the Environment

Policy EN3 - Air Quality

Policy EN8 - Protecting and Improving the Landscape and Biodiversity

Policy EN11 - Development and Noise

Policy LO1 - Flooding

- 45 As already noted above the NPPW states that WPA's should only consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and not concern themselves with the control of processes which are a matter for the pollution control authorities. WPA's should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The criteria within Appendix B relevant to the proposed development includes: protection of water quality and resources and flood risk management; landscape and visual impacts; nature conservation; traffic and access; air emissions including dust; odour; noise and vibration.
- 46 Policy DC3 of the SWP 2008 requires application proposals to provide appropriate information and assessments to demonstrate that impacts of the development "*can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources.*" The policy goes on to identify a range of matters, which must where relevant to a proposal be addressed and for proposals to demonstrate that there would not be an adverse effect from such matters on local amenity and the local environment. Matters relevant to this application are listed above, as identified under Appendix B. Traffic and access have already been covered above.
- 47 Policy SP6 (Maintaining and Improving the Environment) of Spelthorne Core Strategy seeks to maintain and improve the quality of the environment. Policy LO1 seeks to reduce flood risk and its adverse effects on people and property. Policy EN3 (Air Quality) sets out a series of criteria to assist in the improvement of air quality within the Borough. Policy EN11 (Development and Noise) of the Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 seeks to minimise the impacts of noise ensuring provision of appropriate noise attenuation measures. Policy EN8 (Protecting and Improving the Landscape and Biodiversity) seeks to protect and improve the landscape and biodiversity of the Borough and states planning permission will be refused where development would have a significant harmful impact on the landscape or features of nature conservation value.

*Landscape and Visual Impact*

- 48 The soil treatment facility will be located within the existing minerals processing and waste recycling plant site area/compound, which has a 6m landscaped perimeter bund. The soils will be arranged in 3m high biopiles, which will not be visible beyond the 6m perimeter bunding, as shown on Drawing No.HM 65 and cross sections within Drawing No.HM 66.
- 49 The existing landscaped bunds were considered acceptable in the local landscape and Officers concluded that they did not have a significant harmful impact on the landscape, nor would they cause a significant adverse visual impact whilst in place. Officers consider that with a location within the existing landscaped bunded compound and subject to the inclusion of a condition limiting the height of the biopiles, the proposed soil recycling facility would not have any further impact on the landscape or visual impact, as such accords with the Development Plan.

#### *Drainage and Flooding*

- 50 In 2008 on granting planning permission for the mineral processing and waste recycling compound, a hydrological and hydrogeological assessment of the site was made and concluded that with the mitigation measures proposed, there would be no adverse impacts on drainage. In 2009, a detailed surface water management plan was approved (including surface water calculations and flood risk assessment), in respect of a drainage system for the compound utilising french drains crossing the site feeding into a perimeter drainage system, with an outfall to the lake to the south west of the compound. The proposed soil remediation will take place on within the existing recycling compound and will operate on an impermeable base, contained by kerbs and served by a segregated drainage system taking run-off to a dedicated purpose built clay-lined lagoon. Detailed construction drawings have been submitted in support of the application. The Environmental Permit for the soil treatment facility requires that the development takes place on an impermeable surface with sealed drainage.
- 51 The Environment Agency (EA) has not objected to the proposed development, however they do raise issues in respect of the need for adequate protection of the groundwater, as such have requested several pre-commencement conditions requiring: a preliminary contamination risk assessment and verification report, long term monitoring and maintenance plan, remediation strategy in respect of any contamination, and foul drainage management. The Local Lead Flood Authority (LLFA) is satisfied with the principles set out in the surface drainage plans and documents, subject to a pre-commencement condition requiring the approval of the details. Officers consider that, subject to the further controls as requested by the EA and the LLFA, together with the proposed discrete drainage system, which is controlled under the permitting regime, the development is unlikely to give rise to any significant impacts in terms of drainage or flooding.

#### *Noise*

- 52 The principles of the recycling and minerals processing development in terms of noise impacts were assessed and accepted when planning permission ref.SP03/1212 was granted, subject to adequate controls in terms of day and night-time noise levels. The development already permitted in the minerals processing and waste recycling plant site area/compound involves a number of noise generating activities including the use of soil screeners, concrete batching plant, aggregate processing, scalping and crushing equipment, with up to 300HGVs (600 movements) visiting the site per day.
- 53 The proposed soil remediation facility will involve one 360 machine, which is already permitted to operate on site, with no further HGV movements. There will be a limited staff on site with blowers and pumps used in the forced aeration process. In view of the existing noise climate, the bunded enclosure of the compound and existing controls in respect of noise, Officers consider that the development is unlikely to give rise to any

significant noise issues and would be subject to the same noise conditions applied to the existing planning permission for the site.

#### *Dust and Odour*

- 54 In November 2014 a Dust Assessment Plan (DAP) was approved for the entire Hithermoor Quarry site (submitted in support of the planning application), which identified potential sources of dust as surfaced and unsurfaced roads, aggregate and waste processing operations, aggregate extraction and restoration. The following mitigation measures formed part of the DAP: surfacing of haul roads; road spray systems by mobile bowzers and fixed sprinklers; restricting vehicle speeds; cleaning roads regularly with a road sweeper; the use of a vehicle/wheel cleaner to prevent the deposition of material on the access road; restricting soil moving during adverse weather conditions; the grass seeding of soil bunds; enclosing plant and fitting dust abatement equipment; aggregate extraction without dewatering ensuring the operation remains a wet process; monitoring of plant to ensure compliance.
- 55 The main approach of the DAP is to set up a proactive monitoring and intervention plan for the site with the aim of complying with the dust condition for the site, in preventing any adverse impacts on air quality. This includes a risk based assessment of potential dust impacts at the most sensitive receptors (Hithermoor Farm and properties at Farm Way, Ponderosa mobile home site, Willow Farm, Lower Mill Farm, Colne Reach, Meadow View, Hithermoor Road, Stanwell Moor and Russet Close) and identifying dust impact zones within 100 metres of sensitive receptors.
- 56 The Hithermoor Quarry site is covered by an Environmental Permit, which has been varied in order to provide adequate controls in respect of the proposed soil treatment process. The applicant has provided copies of the Environmental Risk Assessment and Odour Management Plan which were submitted in support of the Environmental Permit variation, which included odour risk management. Whilst the Environment Agency is the appropriate authority to be concerned with pollution prevention, this Authority must consider potential impacts in terms of landuse with regards to odour and dust impacts. The proposal involves the importation and remediation of soils to reduce the contamination levels to a point where the soils are considered to be 'non-hazardous' and can be used within restoration purposes or for export on other projects. The soils to be delivered to the site would include both hazardous and non-hazardous material and would be contaminated with organic compounds that may include a variety of light and heavy oils. With regards to odour emissions, the applicant has stated that provision is made within the permit for the use of tarpaulins, biofilters, carbon beds and active extraction, which would provide appropriate odour mitigation measures.
- 57 The main potential release of dust from the proposal would be from handling the soils in the creation of biopiles, stockpiles and the haul route. The applicant has stated that the controls in respect of odour would be covered by the Environmental Permit and approved monitoring programme. With regards to dust, the site is covered by a DAP as detailed above and the applicant has proposed that the soil treatment facility be conditioned to comply with this approved dust plan.
- 58 The applicant's environmental risk assessment concluded that given the existing site monitoring and mitigation measures for the wider recycling area, together with the proposed additional mitigation measures for the soil treatment facility, the development would not give rise to a significant increase in risk from odours or dust. The County Air Quality Consultant has commented that the applicant's approach to risk management has been comprehensively described, and is in agreement with their conclusion that with effective implementation of the risk management measures, the overall risk is not significant. Officers therefore consider that with the recommended mitigation measures and management of the soil recycling facility that the proposal would accord with the policies of the development plan.

## Ecology

- 59 The SWP 2008 Policy DC3 states that planning applications should assess the loss or damage to flora and fauna and their respective habitats at the site or on adjoining land and identify any appropriate mitigation, and Policy EN8 (SB DPD) seeks to protect and improve the landscape and biodiversity of the Borough. Two local groups have raised concern in respect of the potential contamination to the local environment, due to the fact that the application site is located in close proximity to component parts of the South West London Waterbodies Special Protection Area (SPA) and Ramsar Site, and within 200 metres of part of the Staines Moor Site of Special Scientific Interest (SSSI).
- 60 The applicant has stated that the soil treatment facility is within the permitted recycling compound area, which has been the subject of ecological assessment through the planning process and granting of planning permission (ref.SP03/1212) in 2008. The compound area is free from all vegetation and with no water bodies and that the designated areas in the wider environment will not be affected by the proposed development. As part of the screening exercise under the EIA Regulations, it was concluded that the development would not be expected to give rise to any impacts that could affect the integrity of the nearby SSSI, SPA and Ramsar designations, either alone or in-combination with the other operations permitted at Hithermoor Quarry (ref.SP03/1212). The County Ecologist has commented that although the site is in close proximity to Staines Moor SSSI and part of the South West London Waterbodies SPA and Ramsar site, he does not consider the proposal would have an adverse impact on them because of the proposed mitigation measures. With regard to pollution control and contamination matters, the proposed development would be undertaken within the context of an established recycling and recovery facility that operates under the terms of an Environmental Permit, which has been varied to cover the bioremediation of contaminated soils. In addition, further controls in respect groundwater contamination have been requested by the EA. Officers, therefore consider that with the recommended mitigation measures and management of the soil recycling facility, the proposal will not significantly adversely affect ecology and the local environment.

## GREEN BELT

### **Surrey Waste Plan 2008**

Policy CW6 – Development in the Green Belt

### **Surrey Minerals Plan 2011**

Policy MC17 – Restoring Mineral Working

### **Spelthorne Borough Local Plan 2001 (saved policy)**

Policy GB1 - Development Proposals in the Green Belt

- 61 Hithermoor Quarry is located within the Metropolitan Green Belt, and waste management operations, including recycling are not deemed to be compatible with the objectives of the Green Belt and maintaining openness and are therefore considered to be inappropriate development. The NPPF states (para.79) that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open with the essential characteristics of the Green Belt being their openness and permanence. Paragraph 87 goes on to state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 advises that in the consideration of proposals, that local planning authorities should ensure substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist “*unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.
- 62 Policy CW6 of the SWP2008 states that there will be a presumption against waste related development in the Green Belt except in very special circumstances. This policy

echoes the above requirements of the NPPF and sets out considerations that may contribute to very special circumstances. These being the lack of suitable non-Green Belt sites, the need to find locations well related to the source of waste arisings, the characteristics of the site; and the wider environmental and economic benefits of sustainable waste management. Spelthorne Borough Local Plan 2001 Saved Policy GB1 Green Belt advises that development located within the Green Belt will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness.

- 63 The applicant has stated that the development is situated entirely within a permitted plant site area and no extra waste material will be processed at the site than that already permitted. The waste soils are to be stored in biopiles which is consistent with the permitted use of the area for the storage and processing of waste soils and therefore it is the applicant's view that there is no greater impact on openness of the Green Belt. In terms of very special circumstances the applicant has stated that the following factors meet the SWP Green Belt policy considerations: the treatment of contaminated soils has characteristics which make it unsuitable in certain locations, with only a small number of sites being developed across the country; the site is exceptionally well located to the primary highway network and urban area where suitable sites for this type of treatment are in short supply; the impact on openness of the Green Belt from waste recycling has already been considered appropriate and the soil treatment facility is considered to be insignificant; the proposed development would push the treatment of this waste stream up the waste hierarchy as the alternative is the material would go to landfill.
- 64 The proposed soil treatment facility would involve development within an existing waste recycling compound, where the principle of the waste development was considered acceptable when planning permission was granted for the site in 2008. The proposal would involve activities not dissimilar to that already permitted, with the recycling of soils, moving them up the waste hierarchy. Officers consider that the proposed soil treatment operations would not have a greater impact on openness of the Green Belt than the existing permitted waste recycling use, and the conditions imposed on planning permission SP03/1212 would remain unchanged and existing measures to control and minimise impacts from noise, dust, traffic and surface water drainage would continue. In addition the proposed soil treatment facility would be tied to the operational life of the minerals processing and waste recycling compound, which is required to be removed by 2022 to enable the restoration of the site by 2023, in accordance with Policy MC17 (restoration of mineral workings) of the Surrey Minerals Plan 2011.
- 65 Officers have to take into account the existing planning permission for waste recycling on the proposed development site area, and that it has already been demonstrated that very special circumstances exist that outweigh the harm to the Green Belt. This decision is an important material consideration in favour of granting the application. In view of the conclusions in the above sections on traffic and environment and amenity, Officers do not consider that the amenities of the Green Belt would be harmed to such degree that planning permission should be refused. With regard to inappropriateness, the site has an existing waste use and there is still an accepted need for the County to increase recycling and recovery capacity and divert waste from landfill to accord with European and Government policy. In the absence of any other harm, Officers consider that very special circumstances still exist that clearly outweigh the harm to the Green Belt by reason of inappropriateness and justify the grant of planning permission. Therefore, an exception to Green Belt policy can and should be made and planning permission be granted subject to conditions.

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## HUMAN RIGHTS IMPLICATIONS

- 66 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.
- 67 In this case, Officer’s view is that addition of a soil treatment facility on an existing waste management site is not considered sufficient to engage Article 8 or Article 1 of Protocol 1. As such, this proposal is not considered to interfere with any convention rights.

**CONCLUSION**

- 68 The proposal needs to be assessed and considered as a new waste proposal within the Metropolitan Green Belt where there is a presumption against inappropriate development. A material consideration in determining this application includes the history of the site and the existing permission for waste recycling uses. However, there still needs to be consideration of the following: compliance with the Development Plan, the protection of the Metropolitan Green Belt, the suitability of the site for waste development, traffic impact, and the potential impact on local residential, environmental and amenity interests.
- 69 Waste development of this type is inappropriate development in the Green Belt and therefore planning permission may only be granted where factors that amount to very special circumstances are demonstrated to justify inappropriate development and clearly outweigh the harm in terms of inappropriateness and any other harm. The soil treatment processing operations and associated infrastructure would not have an additional impact on the openness of the Green Belt, due to the existing waste management use for the site.
- 70 There have been no objections from technical consultees in respect of the proposed Development, however three local groups have objected on Green Belt and amenity grounds. Spelthorne Borough Council objected unless amenity issues were addressed. These issues have been addressed in the above sections of the report, and Officers consider that whilst there are acknowledged impacts, the characteristics of the site and planning history are key points for consideration, and along with the proposed mitigation measures are sufficient to overcome these objections and concerns. The proposed development therefore accords with the development plan.
- 71 The suitability of the application site for waste development and management of the potential impact of the proposal was judged acceptable with the grant of planning permission in 2008. Officers consider that through the imposition of suitable planning conditions relating to site management and other control measures undertaken at the site, and the separate pollution controls under the Environmental Permit, the proposed soil treatment facility can be permitted in the Green Belt, and would not result in a materially adverse impact on the environment. These factors combined are such that Officers consider that very special circumstances exist and that an exception to Green Belt policy can and should be made.

**RECOMMENDATION**

The recommendation is to PERMIT subject to conditions

**Approved Documents**

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

Drawing No	Title	Dated
------------	-------	-------

001	Site Location Plan	October 2013
HM/97 Rev A	Soil Treatment Application Boundary	08/09/2015
HM/98 Rev A	Soil Treatment Application Boundary showing Other Land in Control of Applicant	08/09/2015
HM/65	Eventual Site Layout	25/02/2014
HM/66	Eventual Layout Sections	11/12/2013
005	Proposed Infrastructure	March 2014
006	Detailed Site Layout	March 2014
007	Lagoon Layout & Sections	March 2014
008	Construction Details	March 2014
009	Proposed Site Layout – Surfacing	March 2014
010	Run Off Water Treatment	March 2014
003	Source Pathways & Receptors	October 2013
8/H Rev D	Final Restoration	2009

2. From the commencement of the development, until such time as operations at the quarry cease, a copy of this permission and the approved drawings referred to in Condition 1 and any subsequently approved in accordance with this permission shall always be available for inspection at the site manager's office during normal working hours. Their existence and contents shall be made known to all operatives, including sub-contractors likely to be affected by matters covered by them.

#### **Commencement**

3. The development hereby permitted shall begun no later than 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 the implementation of this planning permission.

#### **Pre-Commencement**

4. Prior to the commencement of the development hereby permitted, a detailed surface water management scheme shall be submitted to and approved by the County Planning Authority. The surface water management scheme shall:
- a) Follow the principles set out in the submitted Flood Risk application documents / drawings and Drainage Strategy document December 2015,
  - b) Demonstrate that all flood events up to the 1 in 100 year plus 5% Climate change event are able to be contained within the site,
  - c) Provide design details (including levels, long and cross sections, layout etc) of the proposed storage area including bund all other elements of the surface water management scheme,
  - d) Provide an exceedance flow routing plan and mitigation details for key component failure.

The surface water management scheme shall be implemented as approved.

5. Prior to the commencement of the development hereby permitted, a remediation scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of:
- a) A preliminary risk assessment which has identified:
    - all previous uses,
    - potential contaminants associated with those uses,
    - a conceptual model of the site indicating sources, pathways and receptors,



- potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation scheme shall be implemented as approved.

6. Prior to the occupation of the soil treatment facility, a verification report demonstrating completion of works set out in the approved remediation strategy, and the effectiveness of the remediation, shall be submitted to and approved in writing by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The verification report should be undertaken in accordance with the Environment Agency guidance 'Verification of Remediation of Land Contamination'. It shall also include any recommendation for a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.
7. Prior to the occupation of the soil treatment facility, a long-term monitoring and maintenance plan in respect of contamination (if required under condition 6) shall be submitted and approved in writing by the County Planning Authority. The plan shall include:
  - a) a timetable of monitoring and submission of reports to the County Planning Authority,
  - b) the reports are to include details of any necessary contingency action arising from the monitoring,
  - c) any necessary contingency measures shall be carried out in accordance with the details in the reports,
  - d) on completion of the monitoring specified in the plan a final report shall be submitted to the County Planning Authority demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved.

The long-term monitoring and maintenance plan, including reports shall be implemented as approved.

8. Prior to the commencement of the development hereby permitted, a detailed drainage scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include the following:
  - a) disposal of foul drainage
  - b) disposal of surface water
  - c) roof drainage – sealed at ground level

The drainage scheme shall be implemented as approved.

#### **Duration**

9. The soil treatment facility shall cease by 13 April 2022 and the plant site shall be restored by 13 April 2023 in accordance with the approved restoration scheme for the Hithermoor Quarry site.
10. All buildings, plant, machinery both fixed and otherwise, vehicular access, internal access roads and surfaced areas subject to this permission shall, together with their foundations and bases, be removed from the site by 13 September 2022.

### **Limitations**

11. The development hereby permitted shall remediate and produce up to a maximum of 75,000 tonnes of remediated soils per year. The operator shall maintain a record of the production tonnage on a monthly basis and shall make the information available to the County Planning Authority on request.
12. The stockpiling of soils within the soil treatment facility shall not exceed 3m in height above the pad ground level

### **Hours of Operation**

13. 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 nor shall any operations or activities authorised or required by this permission be carried out except between the following times:

0700 – 1730 hours Monday to Friday

0730 – 1300 hours Saturdays

There shall be no operations or related activities carried out on Sundays, Bank Holidays or National Holidays

The exception being the use of essential environmental management systems (aeration and biofilter equipment)

### **Vehicle Movements, Access and Protection of the Public Highway**

14. All vehicles entering and leaving the site will be recorded in respect of size (above and below 20 tonnes) in a log book to be kept at the weighbridge office. The number of HGVs visiting the site and associated with planning permissions SP03/1212, SP12/00483 and SP12/00487, together with any further planning permissions granted at the Hithermoor Quarry site shall not exceed 300 per day (600 movements).
15. The wheel wash facilities as approved under ref. SP09/0611 dated 17 December 2009, as shown on drawing HM/97 Rev A 'Soil Treatment Application Boundary' dated 08/09/2015 shall be retained and used whenever the operations which involve the movement of materials in bulk to or from the site are carried out.

### **Surface and Groundwater Protection**

16. If, during development, contamination not previously identified is found to be present at the site then, the soil treatment facility operations shall cease until a remediation strategy detailing how this unsuspected contamination shall be dealt with, is submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.
17. No infiltration of surface water drainage into the ground at this site is permitted.

18. No penetrative methods shall be utilised in the construction of the lagoon for the treatment areas.

#### **Noise**

19. When measured at, or recalculated as at, a point at least 3.5 m from a noise sensitive location, the level of noise emitted as a result of operations hereby permitted shall not exceed 55 LAeq for any 0.5 hour period between 0700 to 1730 hours Monday to Friday and 55 LAeq from 0730 to 1300 hours on Saturdays.
20. When measured at, or recalculated as at, a point at least 3.5 m from a noise sensitive location, the level of noise emitted from the site at night between 1730 and 0700 hours shall not exceed 38 LAeq for any 0.5 hour period or 43 LAmax.

#### **Dust**

21. No activity hereby permitted shall emit dust from the application site; should such an emission occur, 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. Operations hereby permitted shall be carried out in accordance with the approved Dust Assessment Plan (ref. SP12/00486 dated 17 November 2014).

#### **REASONS FOR IMPOSING CONDITIONS:**

- 1 To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development.
- 2 To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development.
- 3 To enable the County Planning Authority to exercise control over the site for the development hereby permitted and comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 4-7 To protect against the pollution of surface and groundwater and to comply with Surrey Waste Plan 2008 Policy DC3.
- 8 To ensure that the proposals put forward are carried out in full and flood risk and surface water management is adequately considered and to protect against the pollution of controlled waters in accordance with Surrey Waste Plan 2008 Policy DC3.
- 9-10 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at a mineral working site in an area of Metropolitan Green Belt and enable restoration of the land in accordance with the approved restoration scheme to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and to minimise the impact on local amenity in accordance with the Surrey Minerals Plan 2011 Policy MC17.
- 11-12 To safeguard the Metropolitan Green Belt and protect the amenities of the locality in accordance with the terms of Surrey Waste Plan 2008 Policies CW6 and DC3, and Spelthorne Borough Local Plan 2001 Policy GB1.
- 13 To enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with Surrey Waste Plan 2008 Policy DC3, and Spelthorne Borough Local Plan 2001 Policy GB1.

- 14-15 In order that the development should not prejudice highway safety, the free flow of traffic or cause inconvenience to other highway users in accordance with Surrey Waste Plan 2008 Policy DC3.
- 16-18 To protect against the pollution of surface and groundwater and to comply with Surrey Waste Plan 2008 Policy DC3.
- 19-20 To ensure minimum disturbance and to avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
- 21 In the interests of local amenity and to ensure minimum disturbance and to avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.

## **INFORMATIVES**

1. The applicant's attention is drawn to the requirements of the Environmental Permit for this site
2. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to 110% of the capacity of the tank. For multiple tankage, the compound should be at least equivalent to 110% of the volume of the largest tank or 110% of the combined capacity of interconnected tanks. All filling or 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 discharge downwards into the bund.
3. Any fuel lubricant or other potential pollutant shall be handled on the site in such a manner as to prevent the pollution of any watercourse or aquifer.
4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on, or to 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).
5. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant onto ground or into waters which are not controlled waters.
6. 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.
7. Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.

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

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

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

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

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

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

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

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

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## **CONTACT**

Stephen Jenkins

### **TEL. NO.**

020 8541 9424

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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:

### **The Development Plan**

Surrey Waste Plan 2008

Surrey Minerals Plan 2011

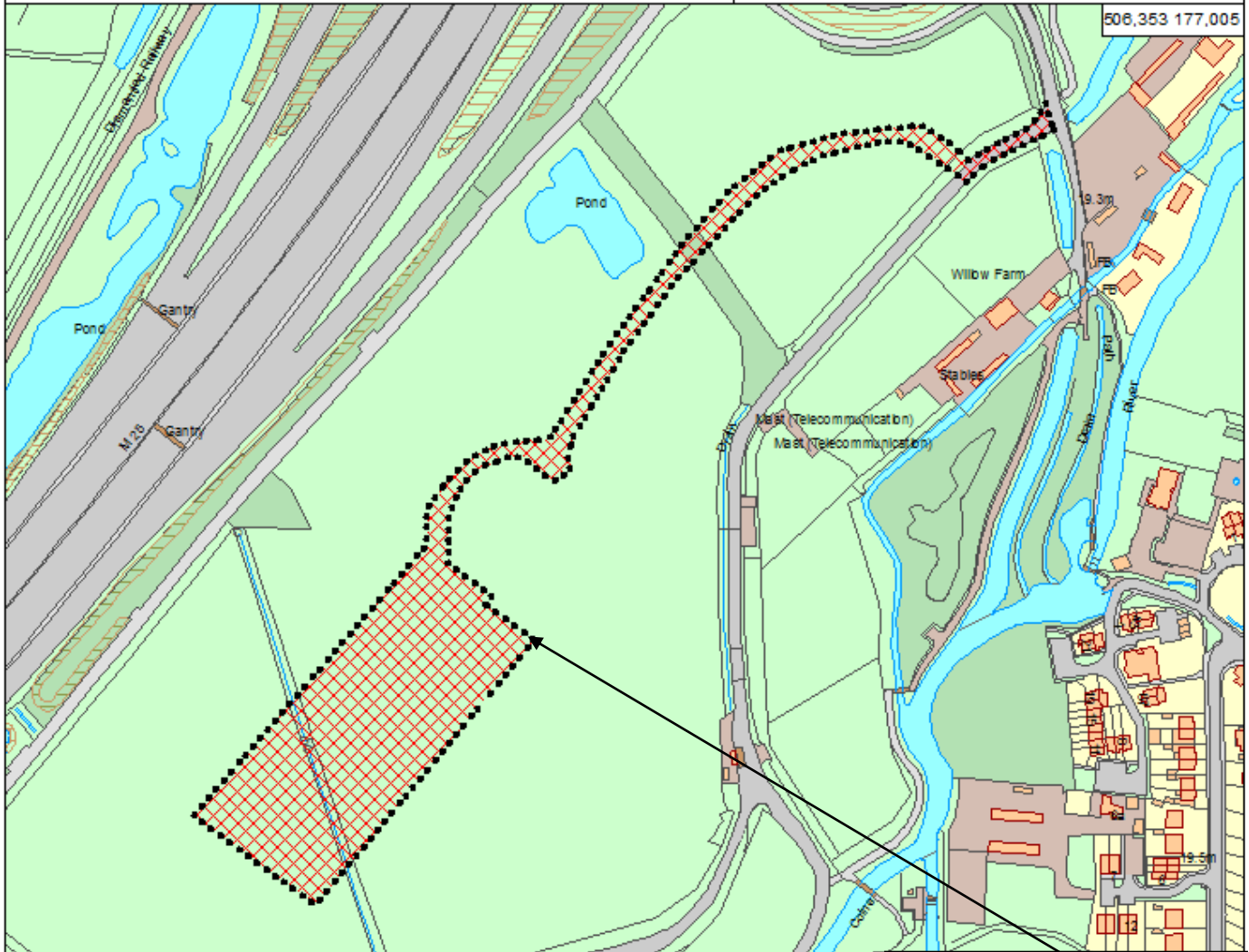
Spelthorne Borough Core Strategy and Policies DPD February 2009

Spelthorne Borough Local Plan 2001 (saved policy)

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<p style="text-align: center;"><b>Site Location</b></p> <p>Scale 1:46,886</p>	<p><b>Hithermoor Quarry, Leylands Lane, Stanwell Moor, Surrey</b></p> <p>Construction and operation of a soil treatment facility for the processing and recycling of imported contaminated soils through bioremediation; including ancillary infrastructure and associated works on some 1.75ha.</p> <p>Application No(s): SP15/01243/SCC</p> <p>Electoral Division(s): Stanwell &amp; Stanwell Moor</p>
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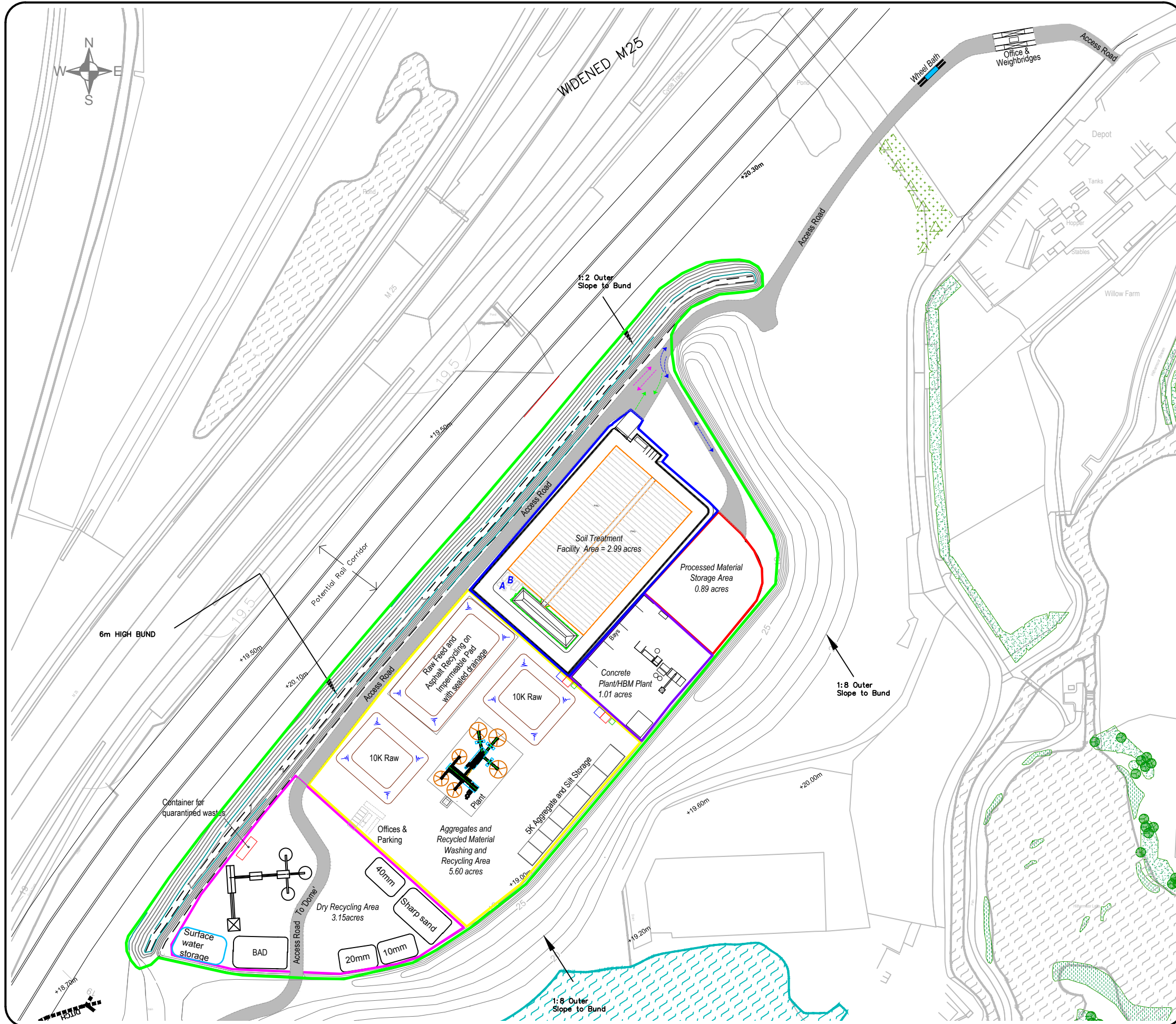


**Application Site Area**

<p>GRID NORTH</p>	<p>Ref No: SCC REF 2015/0190</p>	<p>0 15 30 60 90 120 150 180 210 Metres</p>	<p>Scale 1:3,500</p>
<p>Date printed: 15/12/2015</p>			

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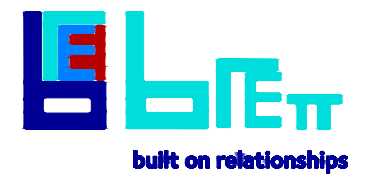


General Notes

KEY

- Environmental Permit Boundary
- Soil Treatment Facility
- Processed Material Storage Area
- Concrete Plant/HBM Plant
- Aggregates and Recycled Material Washing and Recycling Area
- Dry Recycling Area

Revision / Date	Revision Notes
A - 25/02/2014	Environmental Permit Boundary added, STF and Conc/HBM boundary colours amended, emission points A & B added

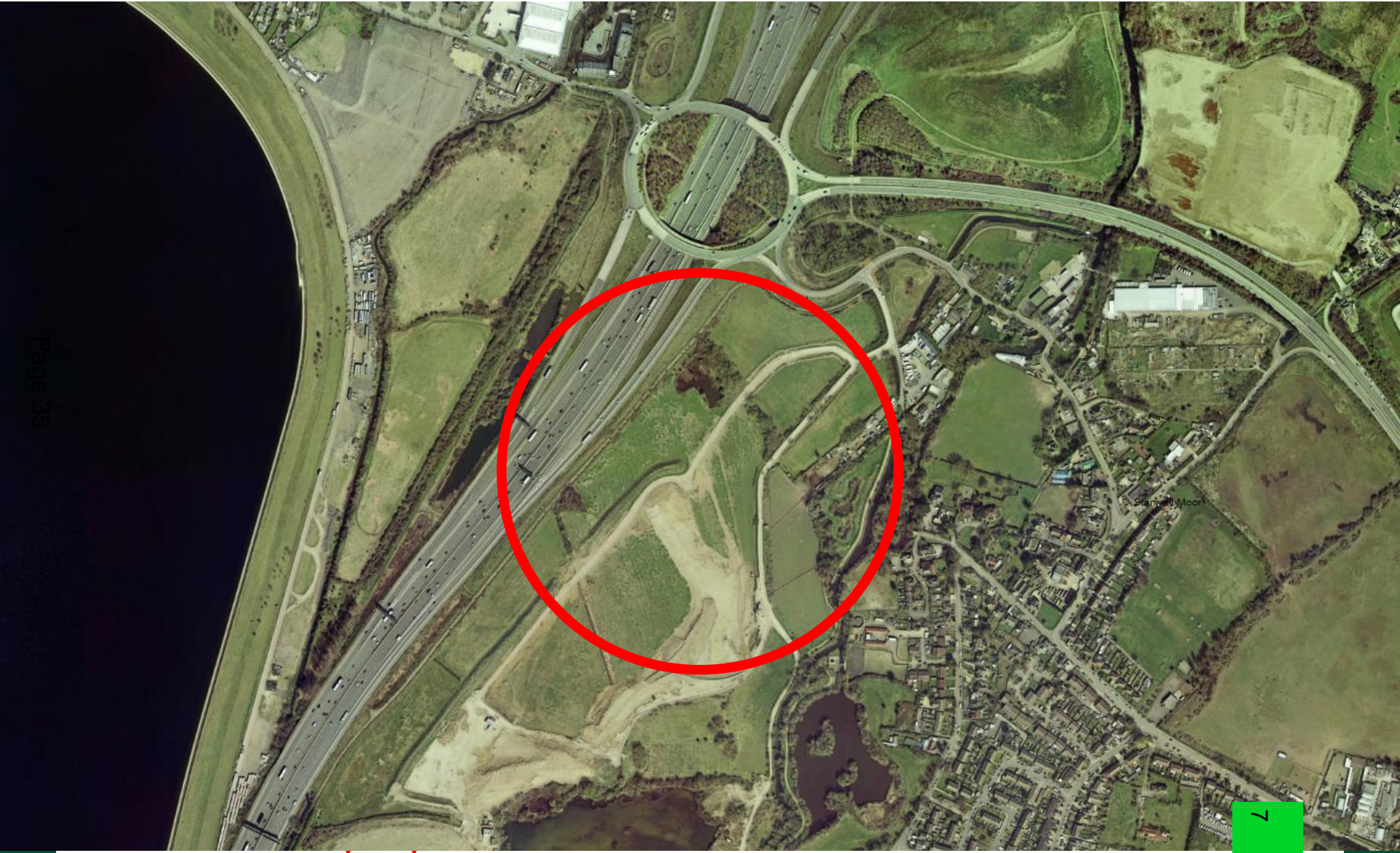


**Brett Aggregates Limited**  
 Brett House, Bysing Wood Rd  
 Faversham, Kent, ME13 7UD  
 Tel: 01795 594000 - Fax: 01795 594027  
 Info@brett.co.uk

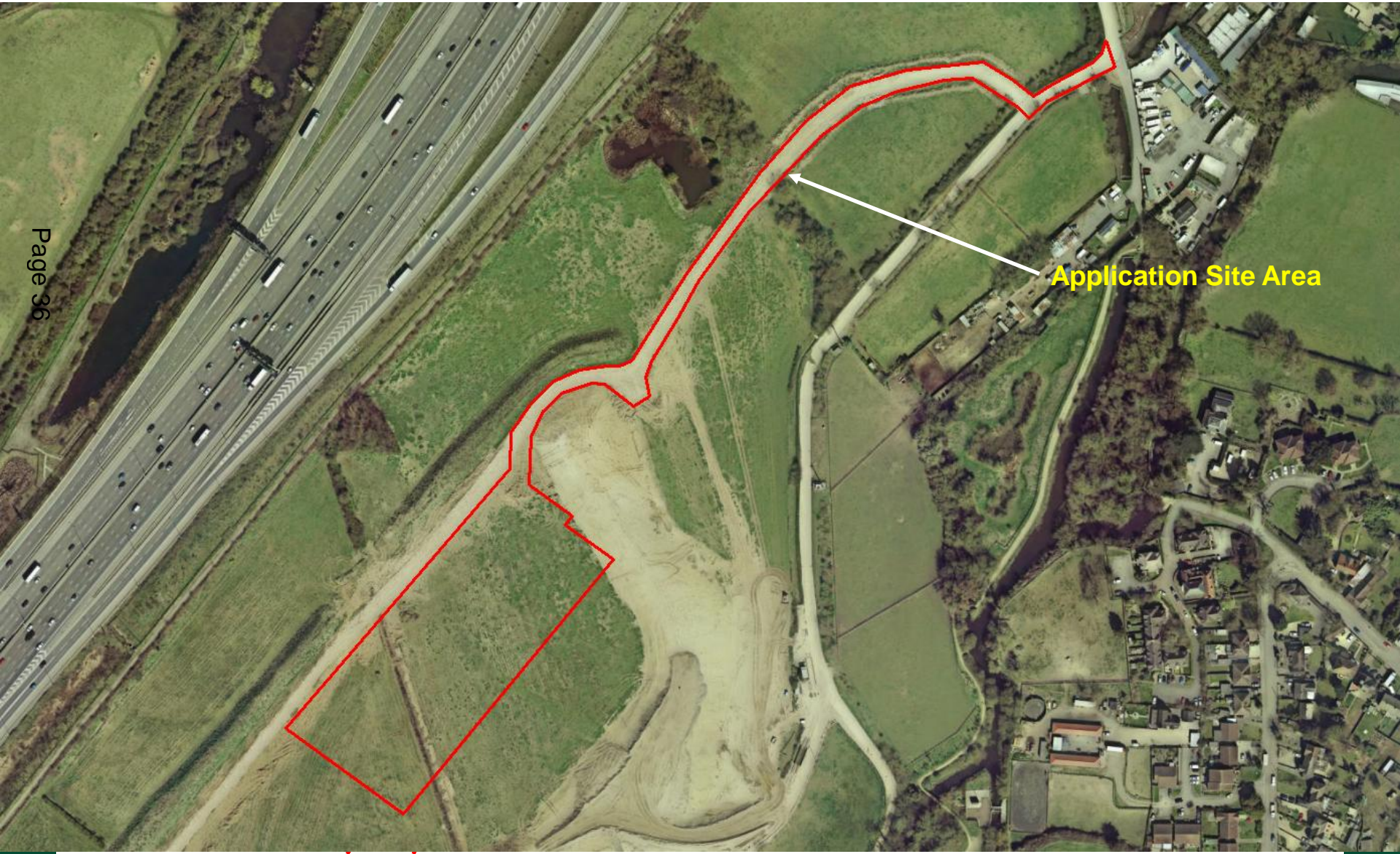
Company / Site Location			Brett Aggregates - Hithermoor
Drawing Title			Eventual Site Layout
Prepared By	Verified By	Paper Size	JC OB A3
Control Status	Scale	Date Created	CONTROLLED 1:2500 11/12/2013
Revision	Revision Date	A 25/02/2014	
Drawing Number			HM/65

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Aerial 1 : Hithermoor Quarry



Aerial 2 : Hithermoor Quarry



# Aerial 3 : Hithermoor Quarry



Figure 1 : Hithermoor plant site area view west  
from northern boundary



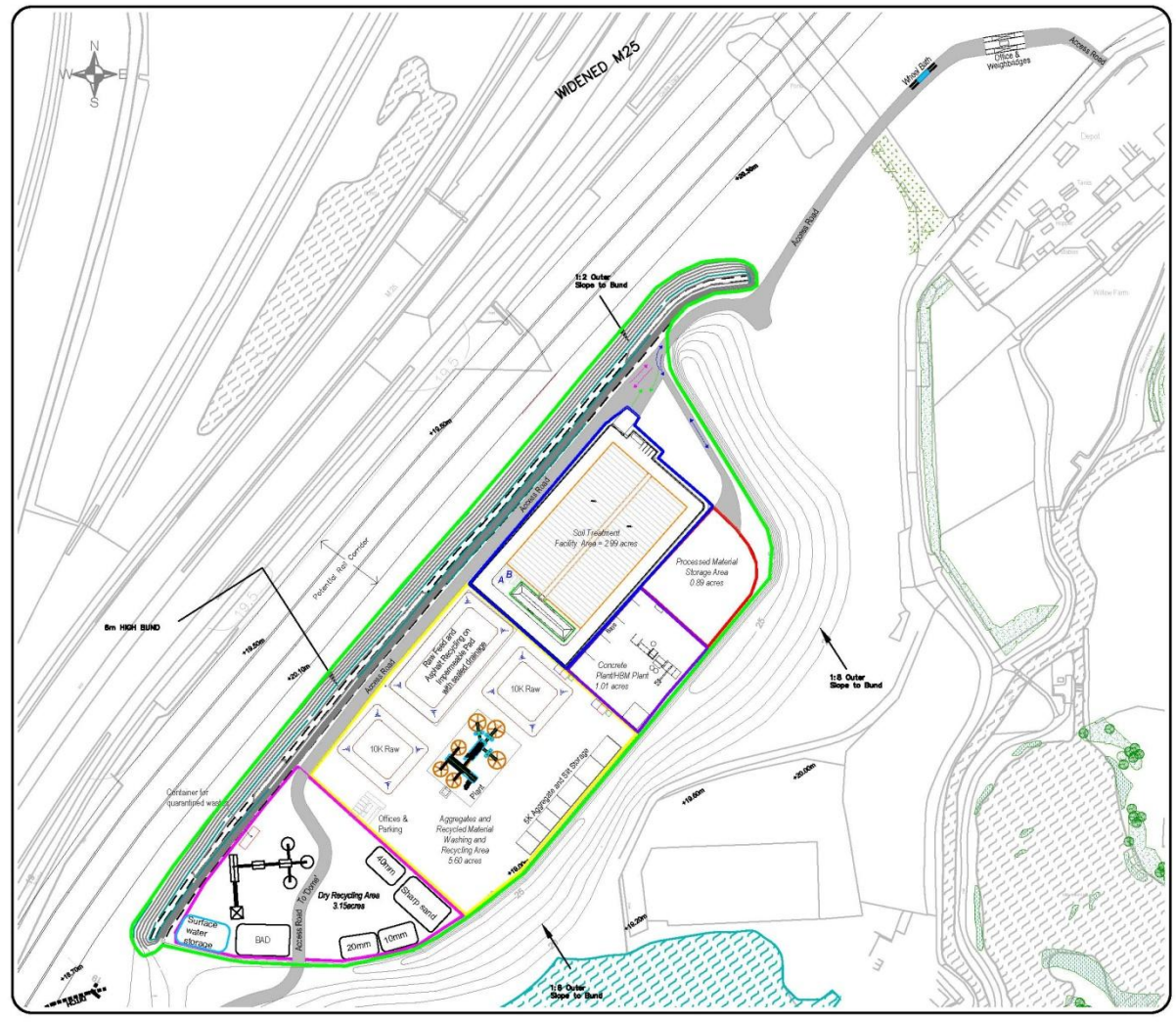
Figure 2 : Hithermoor plant site area view  
southwest from northern boundary





# Site Plan HM 65 A: Eventual Site Layout

Page 40



*General Notes*

**KEY**

- Environmental Permit Boundary
- Soil Treatment Facility
- Processed Material Storage Area
- Concrete Plant/HBM Plant
- Aggregates and Recycled Material Washing and Recycling Area
- Dry Recycling Area

Revision/Date	Comments
A - 25/02/14	Environmental Permit Boundary added, STF and Conc/HBM boundary colours amended, emission points A & B added

**BLT**  
built on relationships

BLT Aggregates Limited  
BLT House, Blyth Wood Pk  
Powershall, Kirk, St15 7UD  
Tel: 01793 584000 - Fax: 01793 584027  
info@blt.co.uk

Drawn By:	BLT Aggregates - Hillborough		
Drawn On:	Eventual Site Layout		
Priority:	JC	OB	AD
Controlled:	Yes	1:5000	11/12/2013
Scale:	A	Revision No:	25/02/14
Sheet No:	HM65		



**TO:** PLANNING & REGULATORY COMMITTEE      **DATE:** 6 JANUARY 2016  
**BY:** STRATEGIC NETWORK RESILIENCE TEAM  
**PURPOSE:** FOR DECISION

---

**TITLE:** AMENDED CHARGING SCHEDULE FOR THE PROVISION OF PRE-APPLICATION ADVICE ON SURFACE WATER DRAINAGE

---

### **SUMMARY**

At its meeting on 10 June 2015, the Planning & Regulatory Committee approved a system of charging for the provision of pre-application advice on surface water drainage matters. For a number of reasons it is now proposed that the original charging schedule for this service be amended to better reflect the level of service provided. The Committee is therefore asked to approve the amended charging schedule.

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### **RECOMMENDATIONS:**

It is recommended that:

1. the Committee approve the amended charging schedule for the provision of pre-application advice on SuDS.
2. the amended fees be implemented with immediate effect

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### **INTRODUCTION**

1. As of 6 April 2015, Sustainable Drainage Systems (SuDS) are now delivered through the planning system following changes to Central Government legislation. As part of this change, as of 15 April 2015 with the Town and Country Planning (Development Management Procedure) (England) Order 2015 coming in to force, Surrey County Council (SCC; 'the Council') in its capacity as Lead Local Flood Authority (LLFA) became a statutory consultee on surface water management issues for all new major developments.
2. Owing to the additional resource burden this placed on the Council, a new 'Sustainable Drainage and Consenting Team' was created within Surrey Highways, the role of which is to assess surface water management issues for new major developments and provide feedback and advice on these applications to the relevant Local Planning Authority (LPA).

3. As of December 2015, over 230 responses to planning applications have been provided by this team. Given the volume of work the team was expected to process, the Council required an additional source of revenue to fund this work and the Committee therefore approved a proposal to implement a charging system for the provision of pre-application advice. This charging system was based on that already used by the Council's Transport Development Planning (TDP) Team
4. However, following implementation of the Lead Local Flood Authority's new responsibility as statutory consultee in April 2015, it has become clear that the level of these charges needs to be amended in order to better reflect the levels of service currently being provided by officers.

### **REASONS FOR AN AMENDED CHARGING SCHEDULE**

5. Although the charges originally approved by the Committee in June of this year were based on the most accurate information available at the time, experience of managing the LLFA's new responsibility and the level of service provided in practice has led officers to conclude that it is necessary to *reduce* the amount charged for the pre-application advice on the largest applications for the following reasons:

#### **5.1. Surrey County Council not becoming the SuDS Approval Body (SAB):**

when the amended national standards were originally put forward for consultation, it was anticipated that the County Council would be required to fulfil the duties of a SAB, as set out in Schedule 3 of the Flood and Water Management Act. These duties would have included approving SuDS prior to construction, producing guidance documents and approval/adoption procedures, and adopting and maintaining SuDS that serve more than one property. However, central government has not yet decided to enact Schedule 3 but instead to progress SuDS implementation through the existing planning system. This therefore only requires the Council to provide advice to LPAs as statutory consultee, reducing the resource impact on LLFAs.

- #### **5.2. Meeting the requirements of applicants:** the level of detail received from applicants within pre-application submissions has been much lower than expected. Therefore, the amount of information that officers need to consider in order to provide advice or make an assessment is less than envisaged. This means that in general the average time spent on each application is lower than anticipated in the original charging estimates provided.

- #### **5.3. Encouraging pre-application requests:** from the outset, it was difficult to quantify exactly the number and complexity of SuDS pre-applications the Council would be required to be consulted on. The Council also wishes to encourage developers to initiate pre-application discussions as this generally

results in better applications coming forward and gives us the opportunity to promote the wider biodiversity, amenity and pollution prevention benefits of SuDS. Reducing the level of fees (particularly for the larger sites where masterplanning can significantly improve the incorporation of SuDS) will hopefully encourage developers to make use of this service. Taking these factors into account, the advice service provided by the Council has been adapted to meet the requirements of applicants.

5.4. It should be noted that although SCC are only statutory consultees for major planning applications, we are also offering the pre-application advice service to minor developments as the requirement for SuDS to be considered extends across all developments under the National Planning Policy Framework.

5.5. **Justifying value:** given that the level of scrutiny and advice the LLFA can provide is based on the information received from the applicant, and that the volume of this information has been lower than expected, the amount of money charged must reflect the service we are providing. It is not considered reasonable to charge a higher fee when a service that is less comprehensive than was envisaged is given. Furthermore, unlike TDP applications, the complexity of SuDS applications does not necessarily increase proportionally depending on the size of the development. This is particularly true at pre-application stage where the LLFA is consulted on the underlying principles of a SuDS application and not the specific 'detail' of a drainage scheme which generally follows the submission of the planning application.

5.6. **Alignment with Planning charges:** in practice, and for the reasons outlined above, the level of service provided by the Council for pre-application SuDS advice is in line with that provided by the central Planning Team. This service sets out three tiers of advice provision: firstly a complimentary service providing outline guidance documents either online by email; secondly set fees for provision of bespoke written advice or site meetings for different sizes of development; finally a standard charge per hour is levied for further detailed consultation advice above that previously provided. Therefore it is proposed that the fees charged by the LLFA be in line with those offered by teams that provide a similar level of service.

## **PROPOSED AMENDED CHARGING SCHEDULE**

6. In light of the reasons detailed above it is proposed that the cost for advice on the smaller sized developments increases marginally and the cost for the larger size applications reduces. This has been calculated to better reflect the time spent on providing the advice
7. The proposed charging schedule is set out in Table 1.

Category	SuDS and Consenting Service & Fee
<p><b>Level 1</b></p> <p>Free self service web based pre-application information and initial verbal advice</p> <p>Optional report(s) detailing known flood risks and suitability of site for SuDS techniques</p>	<p>SCC guidance on our webpages and links to other relevant guidance and standards</p> <p>Officer contact - initial 15 minutes verbal/email advice (FREE)</p> <p>A site Flood Risk Report provided on request = £120</p> <p>For a Detailed Report FRR and site SuDS suitability summary: Up to Minor = £180; Major = £240; Large-major = £300</p>
<p><b>Level 2</b></p> <p>Initial discussions with the SuDS and Consenting Team to progress a development proposal. Requires basic information to be provided in advance by developer. Includes Flood Risk Report summarising known site information</p> <p><b>Major</b> = 10 or more dwellings/ site over 0.5 hectares where number of dwellings not known OR a building greater than 1000sq.m/ site over 1 hectare.</p> <p><b>Large major</b> = 200 or more dwellings OR a site over 4ha</p>	<p><b>Minor applications</b></p> <p>Site visit meeting (£660 +VAT) Officer meeting (£530 +VAT) Written advice (£450 +VAT)</p> <p><b>Major applications</b></p> <p>Site visit meeting (£1110 +VAT) Officer meeting (£975 +VAT) Written advice (£780 +VAT)</p> <p><b>Large Major applications</b></p> <p>Site visit meeting (£1825 +VAT) Officer meeting (£1665 +VAT) Written advice (£1425 +VAT)</p>
<p><b>Level 3</b></p> <p>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 provide and facilitate feedback where draft documents have been submitted. Requirements to be specified and agreed with the planning authority in advance of meeting, including payment of appropriate deposit.</p>	<p><b>Further meetings</b></p> <p>(Deposit of £250 required, SuDS Officer attendance invoiced at hourly rate of £100 +VAT per hour)</p> <p>Further Written advice will be charged at a fee as agreed with the applicant (based on detailed email queries/responses)</p>

Table 1 - Proposed Charging Schedule

## CONCLUSIONS

- Amending the current charging schedule for the provision of pre-application advice will make the fees proportionate to the level of service offered and adequately reflect the resource burden placed on the Lead Local Flood Authority.

## Financial and value for money implications

9. These recommendations will bring the income generated from the provision of pre-application advice on surface water management in line with the level of service provided; therefore it will improve value for money for applicants.
10. Whilst it is difficult to estimate the change in income that will result from the changes it is anticipated that the reduction in income from very large schemes requesting advice will be mitigated by the increase in number of medium to large schemes coming forward because of lower fees.

## Equalities and Diversity Implications

11. The County is required to have due regard to the public sector equality duty when making decisions. Approval of these recommendations does not raise any equality implications therefore an EIA was not needed.

## Risk Management Implications

12. The reduction in cost for pre-application fees for larger applications are likely to increase the number of requests coming forward and this will require increased staff resource. This assessment has already been included within the Strategic Network Resilience business plan and estimated resourcing levels.
13. The slight increase in costs for pre-application fees for very small applications are likely to decrease the number of requests coming forward for this size of development and may result in some applications not having advanced bespoke advice. This is mitigated by the provision of detailed standing advice at a low cost and free general verbal/email advice from an officer.

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**CONTACT:** Glen Westmore, Sustainable Drainage and Consenting Team Leader

**CONTACT DETAILS:** Tel: 01737 737149 email: [glen.westmore@surreycc.gov.uk](mailto:glen.westmore@surreycc.gov.uk)

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**BACKGROUND PAPERS:** Report to Planning & Regulatory Committee 10 June 2015: Charging for Pre-Application Advice Relating to Surface Water Drainage and SuDS.

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**TO:** PLANNING & REGULATORY COMMITTEE

**DATE:** 6 January 2016

**BY:** PLANNING DEVELOPMENT CONTROL TEAM MANAGER

**DISTRICT(S):** ALL

**ELECTORAL DIVISION (S):**

**PURPOSE:** FOR INFORMATION

**GRID REF:**

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**TITLE:** ENFORCEMENT & MONITORING UPDATE REPORT

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## SUMMARY

This report covers the period from 1 June 2015 to 31 December 2015

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## MONITORING OF AUTHORISED MINERAL & WASTE SITES

- 1.1 Site monitoring of consented sites remains on target with 100% of scheduled visits undertaken, with Officers maintaining a proactive and helpful approach in advising operators of their options as and when planning breaches are identified.
- 1.2 The chargeable visits to mineral sites bring positive benefits in identifying breaches and encouraging retrospective applications as appropriate. Whilst a similar approach is used with waste site operators, there is no requirement to supply copies of site visit reports and communications with those operators, whilst varying widely across the spectrum of those we deal with is generally less productive as a result.

## ACTION AT AUTHORISED SITES

- 2.1 **Moorhouse Sandpits, Westerham Road, Westerham** – A Certificate of Lawful or Proposed Use of Development (CLOPUD) and a Certificate of Lawful Established Use or Development (CLEUD) for a new mortar plant were refused by SCC in February 2014. While the mortar plant has been removed, an EN was issued on 30 September 2014 that required the removal of a concrete surface, fencing, storage bays and other infrastructure formerly associated with a mortar plant. Appeals were lodged by the landowners against the EN, and the refusals of both the CLEUD and CLOPUD, and the cases were heard at a Public Inquiry at County Hall in November 2015: decision awaited.

## ACTION AT UNAUTHORISED SITES

- 3.1 Complaints and the investigation of unauthorised waste development and breaches of planning control are given priority and continue to be dealt with in accordance with the Division's performance targets.

- 3.2 **Land adjacent at Stubpond Land Fisheries, off Stubpond Lane, Newchapel –** The unauthorised and illegal import, deposit, storage, crushing and export of waste concrete on land where such is precluded by an extant EN issued in 1989 was found to be taking place in 2008 and more recently in 2014. A CLEUD was submitted to Ta DC, seeking to demonstrate that the concrete crushing activities had a lawful use, but whilst Ta DC agreed with the CPA that the use was not lawful, a decision was not issued. As a result, the landowner's solicitors have advised us that an appeal against non-determination is to be made in January 2016. The CPA will submit representations in support of Ta DC that the use is illegal as it falls under the extant EN issued by the CPA in 1989. An appeal is very likely if PINS do not determine in the landowner's favour and if that too fails, a planning application to the CPA is possible in due course, with a new EN likely to be issued if that fails, with both subject to the right of appeal.
- 3.3 **Ellerton, Peeks Brook Lane, Horley –** A CLEUD was issued by Ta DC in 1997 which allows the storage of waste and other non-waste uses, but the CLEUD does not cover the processing of waste. Further to extensive site discussions with the landowner and operator at the site, to address the unauthorised processing of waste soils and erection of site infrastructure, a Planning Contravention Notice was issued in October 2015. The issue of an EN in 2016 is likely, as the CPA do not agree with the landowner's planning consultant that the processing is ancillary to the uses that are covered by the CLEUD.

#### UPDATES ON SITES WHERE ENFORCEMENT ACTION WAS PREVIOUSLY TAKEN

- 4.1 **Land south of Church Lane, Chelsham –** A Temporary Stop Notice was issued on 13<sup>th</sup> May 2015 in relation to land on which an unauthorised tenant, who grazes horses and has secured the only site access, would appear to have allowed the tipping of both inert waste to infill a small quarry and non-inert waste for disposal by burning. Seven different landowners are affected and the wider land holding is split between an additional 34 landowners and the entire site is subject to an Article 4 directive, as well as an Enforcement Notice by Ta DC.
- 4.2 An Enforcement Notice and Stop Notice were issued in August 2015. Consequently, the waste was removed and the land fully restored, with the fields ploughed with the intention of restoring agricultural use in the future.
- 4.3 **Land at Stoney Castle Ranges, Grange Road, Pirbright –** An Enforcement Notice was issued on 1 April 2015 requiring the cessation of waste import, deposit, storage and disposal by spreading or burning of inert and non-inert waste respectively and the removal of all imported waste from the land. The landowner lives in the Phillipines and despite being asked many times his son failed to supply an address for him, and as a result only the son was served with a copy of the EN.
- 4.4 An appeal was submitted by the landowner's son who had confirmed his interest in the land to both Officers of the CPA & EA, but further to his submission of an additional letter, PINS subsequently deemed he did not have an interest in the land and the appeal was therefore rejected.
- 4.5 As a result of this, compliance with the extant EN is required by 9 January 2016, and non-compliance will result in the CPA pursuing prosecution of the landowner's son. It will therefore be for the Courts to decide whether the landowner's son has complied with the EN, however key to this decision will be whether they consider that he has



an interest in the land: which is where PINS and the CPA have a different point of view.

- 4.6 **Garth Farm, Newchapel Road, Lingfield** – An Enforcement Notice was issued on 1 April 2015 requiring the unauthorised use of the land for the import, deposit and disposal of mixed waste disposal and green waste disposal cease, with all imported waste to be removed. An appeal was lodged and a Local Inquiry was anticipated, but PINS have advised a Public Inquiry will be arranged for July 2016 due to the need for evidence on oath by the principal appellant.
- 4.7 **Land at New Pond Farm at the junction of Furze Lane & New Pond Road, Compton** – An extant County Court Injunction which was secured on 16 April 2014 against the 83 year old longstanding tenant (who claims to be the landowner) and uncle to one of the trustees, has been breached through the continued importation of waste, and has not been complied with through the removal of all imported waste from the land.
- 4.8 The continuing actions of the tenant have left the CPA with little choice but to seek a prosecution for both contempt of Court and non-compliance with the requirements of the injunction, which if successful could result in a short penal sentence.
- 4.9 On 22nd October 2015, 83 year old Mr Percy Podger of Pond Farm, Furze Lane, Compton, Surrey was given a 6-month suspended prison sentence at the Royal Courts of Justice made after Her Honour Judge May found Mr Podger guilty of being in contempt of injunctions prohibiting importation of waste onto Green Belt land. Judge May advised Mr Podger that unauthorised waste disposal activity must cease and the waste materials must be removed by 31 January 2016 to a licensed waste facility and the defendant must also pay the CPA's application costs.
- 4.10 As a result, Officers will check the site on 1 February 2016 and seek a prosecution at the Royal Courts of Justice should full compliance with the extant EN not be achieved and further contempt of the injunctions be demonstrated.
- 4.11 **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 31 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.
- 4.12 A Public Inquiry started in June 2013, 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 initiated a further appeal that was refused in November 2014, and a final appeal was lodged and was due to be heard in mid-October. The appeal was withdrawn at the last minute and the CPA will now have to re-set the clock for compliance with the extant EN to November 2016.
- 4.13 **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.

- 4.14 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 invited a retrospective planning application in for the infill of the pond that was located adjacent to the land. Following a meeting between Legal and Enforcement Officers from both SCC and R&B BC, it was agreed that R&B BC would address the unauthorised development involving mixed uses taking place at the site. Unbeknown to the CPA, R&B BC had received an application to regularise the unauthorised development that triggered the mixed use issue, and as a result it is likely that the CPA will be issuing an EN in Spring 2016.

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**CONTACT: Ian Gray or Alan Stones**

**TEL. NO: 020 8541 9423 or 020 8541 9426**

**BACKGROUND PAPERS:**

None

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**TO:** PLANNING & REGULATORY COMMITTEE      **DATE:** 6 January 2016

**BY:** DOMINIQUE STEPHENS (CHANGE CONSULTANT, ENVIRONMENT AND INFRASTRUCTURE)

**PURPOSE:** FOR INFORMATION

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**TITLE:**      **PLANNING REVIEW CLOSE REPORT**

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## **SUMMARY REPORT**

This closure report is the final document produced for the Planning Review and is to be used by senior management to assess the success of the project, identify best practices for future projects, resolve all open issues, and formally close the project. This report is being taken to Planning and Regulatory Committee for information to set out the outcomes from the review.

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## **RECOMMENDATION**

It is recommended that the Planning and Regulatory Committee note:

1. The content of the report and the outcomes of the review.
  2. That there will be an annual high level review led by the Planning & Development Group Manager to ensure the Planning Service remains fit for purpose.
  3. That the Planning Service will continue to deliver the outcomes from the review, incorporating them into their business as usual activities.
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## **INTRODUCTION**

4. Surrey County Council's (SCC) Planning Service is recognised as a good planning service. It is responsible for determining planning applications for minerals, waste and council owned developments such as schools and libraries. The service has a statutory duty and is empowered by law to exercise legislative town planning functions as defined in the Town and Country Planning Act 1990.
5. The Planning Service has recently undergone a review which aimed to ensure the service was fit for purpose in the face of ever growing expectations for speedy, transparent and judicious decision making processes and that it provides an enhanced experience for all users.
6. The Planning Service has been facing several challenges which include:
  - **Legislative changes** -Government introduced two new measures of performance, any breach of which may cause the Secretary of State to 'designate' an authority and determine planning applications that would normally have been made to that authority.
  - **Increasing demand on the team** – At the start of the review there was a demand for 18,000 new school places over the following five years, therefore generating additional planning applications for permanent, temporary & internal adaptations school expansions. That pressure remains with the ongoing need for additional school places continuing through to 2021.

- **Financial and cost savings required** – Ongoing pressure to remain within current budget despite the increase in workload and challenges faced
  - **Contributing to Surrey’s corporate priorities** - Planning plays a critical role in delivering three of SCC’s priorities – Supporting the Economy, Delivering School Places and Delivering Waste Solutions.
7. The Planning Review was therefore carried out to ensure the service was able to meet these challenges and to ensure that the Planning Service is as effective and efficient as possible.
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## APPROACH/DELIVERY

8. To facilitate the Planning Review, two complimentary measures were undertaken, an internal review and a Peer Challenge. The internal review was led by a project manager and supported by an external consultant who provided both planning and review expertise along with an independent perspective. It focused on the detail of the development management process looking at the end to end process for planning applications relating to minerals, waste and Reg 3 developments.
9. The Peer Challenge was a three day event which took place from the 8<sup>th</sup>-10<sup>th</sup> May 2013. This was facilitated by the Local Government Association (and funded by the Planning Advisory Service) and took a more strategic look at the Planning Service with peers from other local authorities providing a ‘practitioner perspective’ and ‘critical friend’ challenge to identify areas of good practice and areas for improvement.
10. In delivering the Planning Review several methods were used to identify good practice and areas for consideration. A large engagement programme of interviews and workshops was undertaken with stakeholders. These included internal stakeholders such as; Legal, Education, Property, Highways, Heritage, Transport Development Planning and Countryside services and external stakeholders which included: residents, parish councils, statutory consultees, applicants, agents and districts and boroughs. In addition to the workshops and interviews a stakeholder survey/questionnaire was distributed and the results analysed to feed into the review.
11. The Planning Service itself has also been fully engaged throughout the Planning Review process. A working group of key officers from within the service was set up and officers have been involved in a series of workshops, update sessions and in progressing the quick win actions. A staff survey was also undertaken.
12. A key stage of the review was the process mapping of the “as is” model. This enabled the team to identify issues and non-valued added activities at each stage of the development management process and to identify areas for improvement which were then developed as part of the “to be” process model. Benchmarking activities were also undertaken, with visits to East Sussex, Hampshire and Devon County Councils and a benchmarking survey.

## OUTCOMES

13. Outcomes from the analysis and engagement led to the identification of service strengths and good practice which included the teams restoration work, its strong policy base, partnership working and the skill and commitment of staff.
14. In terms of areas for improvement, the Peer Challenge identified 18 recommendations in total and the internal review put forward a number of additional recommendations. The recommendations from both elements of the review were then combined into one implementation plan to take forward.

15. Table 1 below shows a summary of the identified recommendations, with peer review recommendations highlighted in bold.

	<i>Completed Recommendations/ Actions</i>	<i>In progress</i>
IT	<ul style="list-style-type: none"> <li>• Upgrade to Windows 7</li> <li>• Upgrade to Planning System (Master Gov)</li> <li>• Implement a new Document Management System (DMS)</li> <li>• Able to view applications via our website</li> <li>• Planning Portal.</li> <li>• Improve GIS functionality</li> </ul>	<ul style="list-style-type: none"> <li>• Start using Enforcement module.</li> <li>• Electronic Payments</li> </ul>
Pre-App	<ul style="list-style-type: none"> <li>• <b>Introduce Charging for pre-app</b></li> </ul>	
Validation	<ul style="list-style-type: none"> <li>• Validation Officer role</li> <li>• New Validation process (target of 3 days).</li> <li>• <b>Recording of why applications are not valid.</b></li> <li>• <b>Training for applicants and agents (internal &amp; external)</b></li> </ul>	
Performance management	<ul style="list-style-type: none"> <li>• <b>Introduce Timesheeting</b></li> <li>• <b>Define and set performance targets / time frames for achieving certain objectives / milestones.</b></li> <li>• Establish standard protocols and guidance for each stage in the process</li> <li>• Implement PPA (Planning Performance Agreements for complex cases when required)</li> </ul>	<ul style="list-style-type: none"> <li>• Implement project plan standard template.</li> <li>• Implement resource management plan (using data from project plans to plan resource allocations).</li> <li>• Establish regime of management information reporting</li> </ul>
Structure	<ul style="list-style-type: none"> <li>• <b>Integrate heritage/archaeological, arboriculture, landscape &amp; ecology resources into the planning service</b></li> <li>• Recruitment of additional resources</li> <li>• Implement monitoring of Reg 3</li> <li>• Implement renovation of Planning corridor</li> <li>• Filing</li> </ul>	
Partnership Working	<ul style="list-style-type: none"> <li>• <b>Investigate wider partnership opportunities with districts and boroughs and other local authorities.</b></li> <li>• Provide a structure chart of SCC's Planning service for D&amp;Bs.</li> <li>• <b>Work with d&amp;bs and parish/town councils in the planned review of the Statement of Community Involvement.</b></li> <li>• Improved working arrangements between planning, education and property in relation to the school places programme.</li> </ul>	
Raising the profile of Planning and Good Practice	<ul style="list-style-type: none"> <li>• <b>Establish both a political and officer planning "Champion".</b></li> <li>• <b>LGA to write up a case study of Surrey's restoration work.</b></li> <li>• <b>Highlight planning's role in the delivery of school place programme.</b></li> <li>• Ensure planning is included in directorate priorities.</li> <li>• All Members and senior officers receive planning awareness</li> </ul>	
Improved Communication with stakeholders	<ul style="list-style-type: none"> <li>• <b>Review and amend the SCI.</b></li> <li>• <b>Ensure as part of the current review of the Annual Monitoring Report that it is made more user friendly.</b></li> <li>• <b>Develop a monitoring &amp; enforcement protocols.</b></li> <li>• Improve information provided on website (both SCC &amp; D&amp;B) and to the contact centre including clarity of roles.</li> </ul>	

Increased levels of delegation	<ul style="list-style-type: none"> <li>• <b>Revise the delegation scheme</b></li> </ul>	
Improvements to Committee Process	<ul style="list-style-type: none"> <li>• Establish cut off point for final amendments to Committee reports.</li> <li>• <b>Review use of the web cam at Planning &amp; Regulatory Committee &amp; how this can be improved.</b></li> <li>• Case officers to present to committee.</li> <li>• Change process for peer review of committee reports.</li> </ul>	<ul style="list-style-type: none"> <li>• Training for officers and members.</li> <li>• Amendments and review of committee reports</li> </ul>
Improvements to Consultation Process	<ul style="list-style-type: none"> <li>• Reduce from 28 day period to 21 day period for consultation</li> <li>• Cease issuing consultation notes</li> </ul>	

## PERFORMANCE AGAINST OUTPUTS

16. As can be seen from Table 1, the Planning Review involved a large number of actions. Many of these were considered to be major and complex changes which required significant investment in terms of resources, equipment, time, finance, willingness to change or in some cases elements of all of these. It is therefore a huge achievement that all of the major actions have now been implemented.

### Project Highlights and best practices

17. Whilst all of the implemented actions can be seen as achievements, there are some particular successes that are of note:

a) **Level of delegation** – this was one of the first recommendations implemented and marks a major change to how applications are determined. Before the review 48% of all applications were determined by the Planning & Regulatory Committee.

Benchmarking information indicates that this proportion of applications going to Committee was much higher than at other authorities where on average approx 25% of applications are determined by Committee. Following the review, the scheme of delegation was revised so that more routine, less controversial planning applications are delegated to officers. This has resulted in the number of applications determined by Committee reducing down to 30% in 2014/15, bringing SCC more in line with other authorities.

b) **Partnership working** – The Planning Service were already commended for their good partnership working as part of the Peer Challenge but following the review have continued to improve their working relationship with partners such as districts and boroughs. One particular action has been to share the Environmental Impact Assessment (EIA) resource with districts and boroughs which has generated an income of £11,500 in 2014/15 and an expected income of £20,000 for 2015/16.

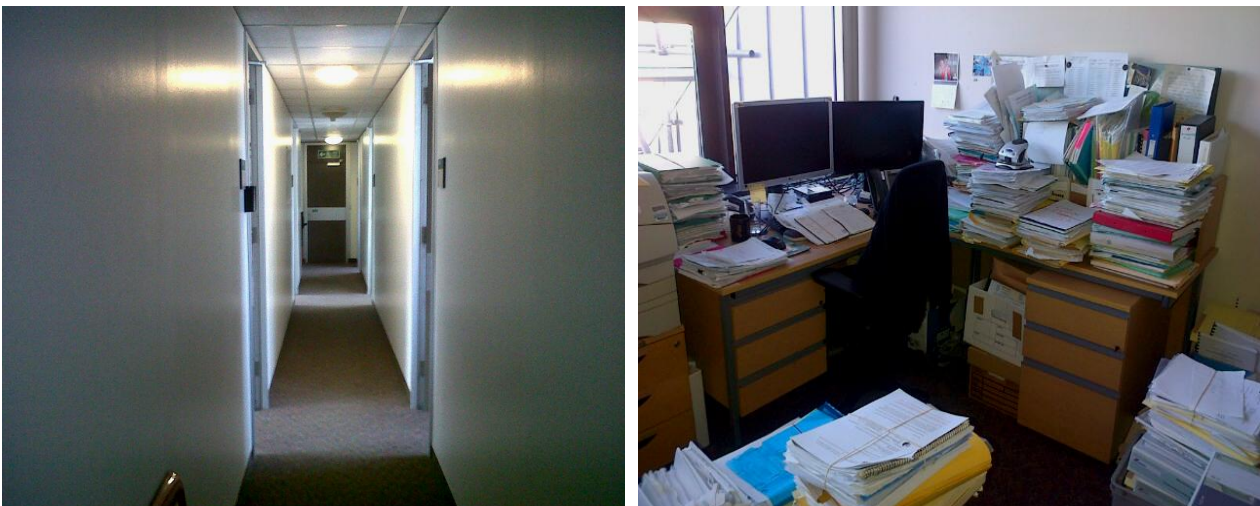
bi) Other key partnership work has involved improving working arrangements between Planning, Education and Property in relation to the Schools Expansion Programme. Several workshops have been held with the Property Team to improve the quality of application submitted; the consistency of advice given by Planning has been improved and a Planning tracker has been set up to monitor applications throughout each stage of the planning process.

c) **Validation process** – several improvements have been made to the validation process. A dedicated Validation Officer has been appointed and a validation checklist developed, therefore ensuring that the validation process has been streamlined. This has resulted in the average time taken to validate an application reducing from 26 days (3 months prior to review) to 7 days (May-July 2015). It is expected that these timescales will continue to reduce down to a target of validating an application within 3 days as the new process and Validation Officer post become fully embedded. A record of non-valid applications is now being kept so that feedback can be given to applicants about mistakes that are being made, thereby helping them to improve the quality of their submissions.

d) **Planning Corridor refurbishment** – the existing accommodation the team occupied was not fit for purpose. It provided a poor and old fashioned working environment with no space for teams to be collocated and no space for essential growth. This led to inconsistent and inefficient work practices, poor team morale/well-being and reputational damage – providing a negative perception of the service to external visitors.

di) The refurbishment has totally transformed the working environment for the team as can be seen from the before and after images below. Teams now have plenty of space to be co-located and the space is an open and welcoming area with new furniture, lighting and decor.

Figures 1 & 2: Planning corridor - Before



Figures 3 & 4: Planning Corridor - After



e) **Monitoring & Enforcement Protocol** – a draft Monitoring and Enforcement Protocol was written over 15 years ago yet it was never implemented and published. The Planning Review has provided the focus and resource needed to update and improve the protocol and a final version has now been approved by the Planning & Regulatory Committee (who gave positive feedback) and published on the SCC website.

f) **Go live of Planning Portal** – previously SCC was one of only two authorities in England who did not enable electronic submission of applications through the Planning Portal. The Planning Review has since facilitated the numerous IT improvements that were necessary to enable applications to be received electronically, and the team have now been receiving applications via the Planning Portal since May 2015. This move to an electronic way of working has been of particular benefit to applicants, many of whom have provided positive feedback.

g) **Quick wins:** Several quick wins were also implemented early on in the Planning Review. These included: dual screens; structure chart for D&Bs; Timesheeting; roll out of Windows 7; promotion of good practice and review of the Annual Monitoring Report (AMR).

### Recommendations not taken forward

18. Of the 18 recommendations put forward by the Peer Challenge only two have not been taken forward and delivered. These are:
  - a) *Evaluate the opportunities for joint procurement of the Master Gov system*
  - b) *The role of scrutiny in relation to planning should be developed and used as an important resource to support planning improvement.*
19. The first of these was investigated, however due to SCC's unique IT infrastructure it was not possible to join up procurement of upgrades to the Master Gov system as SCC has different requirements to other authorities such as Hampshire who use the same system. This is however something that can be considered in the future and which will continue to be reviewed, as now that SCC's system has been upgraded it should be on a par with other authorities making it possible for joint procurement of any new features that may come to market.
20. The second recommendation not taken forward was also discussed. However, Senior Management and Members felt that this was not appropriate or necessary at this current time as there are sufficient measures in place to review the role of the Planning & Regulatory Committee.

### PERFORMANCE AGAINST SCHEDULE

#### 21. **Milestones met**

The Planning Review was divided into distinct phases which included: project planning; issue identification; options development; implementation and project close/handover. The first three of these phases, which formed the 'project' element of the review were all delivered on time and within the 6 month timescale (March – August 2013) set out at the project outset. Specific examples of milestones met include:

- a) **Delivery of the Peer Challenge** – Timescales for the Peer Challenge were determined by the LGA who were facilitating the review. As a result the Peer Challenge was set for May 2013 giving the project team just six weeks to prepare for the event instead of the usual six months that other authorities normally have. Whilst preparing the engagement sessions and agenda for the Peer Challenge in such a short time frame was demanding, the three day event was a remarkable success, being delivered on target with the project team



praised by the peer team for the great organisation, number of stakeholders involved and smooth running of the event.

- b) **Peer Challenge Improvement Day** - This was scheduled in August 2013 with the aim of progressing the recommendations into deliverable actions to take forward and to get the contribution and buy in from staff and members. Those members of the Peer team who returned for this event were impressed to see how much had been progressed in the few short weeks since the Peer Challenge took place and were delighted to see that not only had actions been developed but that some quick wins had already been implemented. They also felt it was refreshing to see very senior Members and officers in attendance on the day.

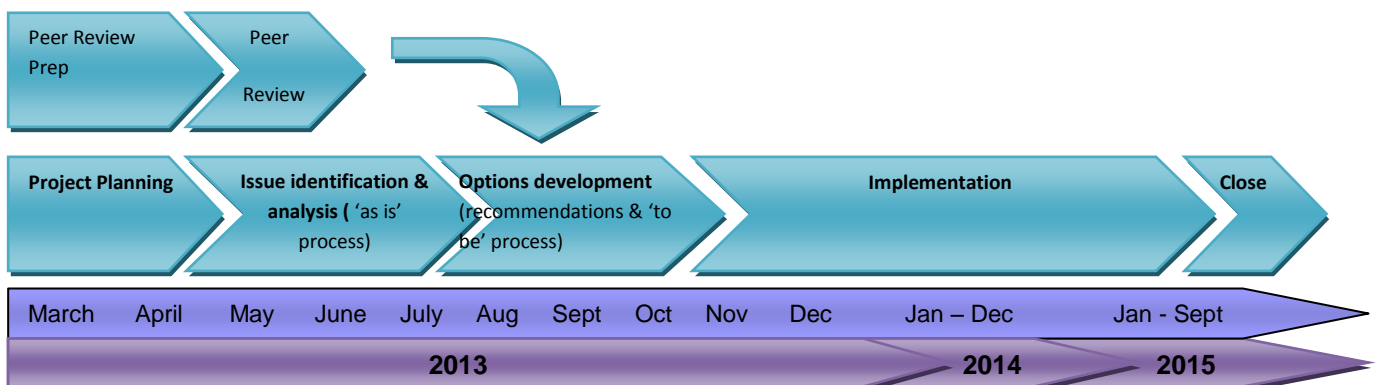
**22. Milestones not met**

At project outset the implementation period for the review was estimated to be six months, from September 2013- Feb 2014. However, due to the scale of improvements needed and a number of unavoidable delays on the critical path, implementation actually took 18 months longer than anticipated. This was mainly due to two reasons:

- a) **IT infrastructure** – Some of the biggest and most crucial improvements needed related to upgrading IT equipment and software. These improvements such as upgrading to Windows 7, providing an electronic document management system and enhancing the Planning data software were all on the critical path and so many other actions could not be completed until these improvements were in place. Unfortunately, due to Surrey’s unique IT infrastructure, these improvements proved to be difficult and therefore time-consuming to implement. Measures were put in place to ensure these actions were a priority which included escalating issues to the E&I Tech Board, Cabinet member and senior managers as appropriate and having dedicated fortnightly meetings with IMT colleagues to check progress. Whilst these measures did help progress, some delays were still inevitable.
- b) **Resistance to change** – The Planning Service have been working the same way for 20 years or more, and so many of the team were resistant to the improvements and change being implemented. This negative outlook meant that actions tasked to the team were not delivered on time. The project team tried several methods to resolve this issue including: large number of workshops for team to put forward their ideas and get involved in delivery; a working group with key members of the team leading on different workstreams and positive encouragement from the project lead and group manager.

23. The delays caused by these two issues have meant that a couple of actions from the review are still in progress and cannot yet be signed off as complete. These issues relating to performance management, Committee improvements and IT can be seen in the right hand column of Table 1 and are now being taken forward by members of the team as part of the handover process for the review. A summary of the overall Planning review timescales can be seen in Figure 5 below.

**Figure 5: Planning Review Timescales**



## PERFORMANCE AGAINST BUDGET

### Costs of the Review

<b>Table 2. One off project costs</b>	<b>Estimated</b>	<b>Actual</b>	<b>Difference</b>
Master Gov improvements & add ons	£20,000	£15,378	£4,622
Additional IT equipment	£20,000	£9,000	£11,000
Website functionality	£5,000	£0	£5,000
Planning corridor	£60,000	£69,765	-£9,765
Consultant costs	£20,000	£33,004	-£13,004
<b>Total</b>	<b>£125,000</b>	<b>£127,147</b>	<b>-£2,147</b>

24. As can be seen from Table 2 above, savings were made against the budgeted cost for the IT improvements. Costs for the consultant and refurbishment of the planning corridor did go slightly over budget but overall the total overspend was only £2k. Whilst the final estimated budget for the refurbishment of the corridor was £60k, this was a huge saving on the original quote of £600k. This saving was made by approaching the contractors directly rather than going through a consultant. The total spend of £127k is being funded with windfall income secured by the Planning and Development Group (TRICS) so will not affect the overall Planning budget.

#### **Annual costs**

25. At the beginning of the review it was estimated that an annual investment of approx £85k would be required from the Planning budget for changes resulting from the Planning Review. This was to facilitate two extra posts – the Validation Officer and the Regulation 3 (Schools) Monitoring Officer along with some minor changes to job profiles. In practice, this cost was only £68k therefore coming under budget by approx £17k (see Table 3). Whilst funding for these posts will be from the Planning budget, they will be funded by the additional income received from planning fees, partnership working and pre application charges and so the overall Planning budget will remain unchanged.
26. Further posts were also needed to deal with the increasing demand from the Schools Expansion Programme. Five additional fixed term posts were therefore created in the Regulation 3 team, (three of which have been appointed to) which are being funded by the schools programme.

<b>Table 3. annual costs</b>	<b>Estimated</b>	<b>Actual</b>	<b>Difference</b>	<b>Funded by</b>
Validation Officer post	£40,000	£33,077	£6,923	<b>Planning budget (additional income)</b>
Reg 3 Monitoring officer post	£40,000	£33,077	£6,923	
Review of job profiles	£5,000	£1,506.75	£3,493.25	
<b>Sub Total</b>	<b>£85,000</b>	<b>£67,661</b>	<b>£17,339</b>	
Principle Planning Officer (Reg 3)	£45,000	£42,503	£2,497	<b>Schools Programme funding</b>
Senior Planning Officer (Reg 3)	£40,000	£38,015	£1,985	
Planning Officer (Reg 3)	£30,000	£26,798	£3,202	
Planning Officer (Reg 3)*	£30,000	N/A	£30,000	
Planning Officer (Reg 3)*	£30,000	N/A	£30,000	
<b>Sub total</b>	<b>£175,000</b>	<b>£107,316</b>	<b>£67,684</b>	
<b>Total</b>	<b>£260,000</b>	<b>£174,977</b>	<b>£85,023</b>	

\*two Planning Officer Posts are current vacant

### **Income and efficiencies**

#### **Partnership working**

27. One of the successes of the Planning Review has been the sharing of SCC's EIA resources with district and boroughs and the income generated from it. It was estimated this would bring in approx £10k per annum, but so far is exceeding these expectations, with £11.5k received in 2014/15 and £20k expected for 2015/16.

2013/14	2014/15	2015/16 (expected)
£4,850	£11,500	£20,000k

#### **Fees from applications**

28. Between 2010/11 and 2012/13 the number of minerals and waste applications received increased by an average of 16% each year. At the commencement of the review it was expected that this growth would continue –with the potential introduction of fracking and recent growth in the economy being supportive of this trend going forward. The Regulation 3 team also expected a large increase in applications due to the schools expansion programme with 18,000 additional schools places needed between 2013/14 – 2018/19 generating additional planning applications relating to permanent school expansions, temporary expansions & internal adaptations.
29. Despite the evidence behind these projections, the type and size of applications received each year can vary considerably (as shown in Table 5) and so it can be difficult to extrapolate a correlation between application numbers, resource required and income generated without looking over a number of years. This is common in a County Planning authority who deal with a smaller number of complex applications compared with districts and boroughs who deal with large numbers of less complex, smaller applications.

30. As can be seen in Table 5 below the increase in income that was expected occurred in 2013/14 however dropped away in 2014/15. The reason for this drop in 2014/15 is that no major applications have been received, however pre planning has continued on proposed major mineral, waste and school proposals which are due to be submitted in the coming months so income levels will rise again.

Table 5.No of applications and income generated	2012/13		2013/14		2014/15	
	No of applications	Income	No of applications	Income	No of applications	Income
M&W Full application	51		37		43	
M&W Details Pursuant	49	£158,840	36	£181,611	15	£37,074
Reg 3 Full application	68		69		61	
Reg 3 Details Pursuant	9	£80,207	22	£174,838	26	£110,380
<b>Total</b>		<b>£239,047</b>		<b>£356,449</b>		<b>£147,454</b>

#### Income from pre applications

31. One of the improvements introduced as part of the Planning Review was to introduce charging for pre application advice. Since charging was implemented, £792 of income has been received. This is lower than expected but benchmarking information indicates that other authorities such as Hampshire also experienced slow take up following the introduction of charges. This is due to changing the culture of the applicant-from having free advice over many years to having to pay.
32. A review of charging was undertaken 6 months after implementation to investigate the causes of the low uptake. The review concluded that:
- Officers were following the charging protocol correctly
  - Majority of applications received since the introduction of charging were for minor applications, therefore chargeable advice was not needed
  - Complaints from one or two applicants about charging but applications for chargeable advice starting to come in
  - A further review of the effectiveness of pre application charging be undertaken by the team in January 2016

#### Efficiencies

33. One of the major benefits of the improvements put forward by the review was that they would make the planning process as efficient as possible, therefore eliminating non-value added activities. In the absence of time recording data prior to the review, estimates of the expected time savings that would result from the successful implementation of the planning review actions have been prepared. These can be seen in the table below along with estimates of what savings have actually been achieved.

Table 6. Estimated efficiencies from the Planning Review

Improvements		Estimated Saving (FTE)	Saving achieved?(yes/no/in progress)	Approx Savings achieved to date
Management	Performance management	-0.40	N/A	
	Project management	0.65	No	
Windows 7	PC response times	0.42	Yes	0.42
Master Gov	Officer report compilation	0.42	In progress	0.10
	Enforcement records	0.12	No	
Website	Receipt of comments, objections etc online	0.45	In progress	0.10
DMS	Electronic case files	0.65	In progress	0.30
GIS	Constraints checks	0.11	Yes	0.11
	Plotting site boundary	-0.12	N/A	N/A
Pre application	Pre ap record management etc	0.19	Yes	0.19
Validation	3 day target, validation checklist & validation officer	0.95	Yes	0.95
	Receipt of aps online via Planning portal	0.11	Yes	0.11
Consultation	Ceasing neighbour & consultee notification notes	0.30	In progress	0.15
	Reduction of consultation period	0.34	In progress	0.15
<b>Total</b>		<b>4.19 FTE</b>		<b>2.58 FTE</b>

34. As can be seen from the table above not all savings have been fully realised. This is due to the prolonged delivery of the IT solutions as a result of the difficulties around SCC's IT infrastructure. This has resulted in a number of the solutions only recently being delivered or still to be delivered and it is too early to see the full benefits of these improvements.
35. The efficiencies identified above were required to offset the projected increase in workload for minerals and waste. Whilst this hasn't necessarily materialised in number of applications it has in terms of increasing complexity and challenges. For example, Bury Hill wood - an application for temporary permission for oil exploration went through the following complex procedure which required planning input throughout:
- Planning Officer recommendation to approve
  - Planning & Regulatory Committee refused application
  - Applicant appeals Planning & Regulatory Committee decision
  - Planning & Regulatory Committee decision upheld at planning appeal by planning inspector
  - Applicant appeals planning inspector decision in High Court
  - High Court overturns inspectors decision
  - Local resident action group appeals High Court decision to Supreme Court
  - Supreme Court upholds High Court decision and refers matter back to planning appeal
  - New planning inspector hears appeal and grants planning permission

## LESSONS LEARNT

36. A lessons learnt and handover workshop was held in September 2015 to conclude the Planning Review and to hand over any remaining actions to the Planning Service to be delivered as part of their business as usual activities. A summary of the lessons learnt from what worked well and what could have been improved in terms of both project delivery and outputs from the review are summarised in the tables below.

**Table 7. What went well - project delivery**

<b>Project Delivery</b>		
<b>What went well?</b>	<b>Why?</b>	<b>Lesson learnt</b>
<b>Project management</b>	<ul style="list-style-type: none"> <li>External to planning so provided the focus needed along with an objective viewpoint but worked with Planning colleagues to gain their buy in and expertise.</li> </ul>	<ul style="list-style-type: none"> <li>Dedicated project resource from outside of team is beneficial</li> <li>Change can be good and we need to challenge</li> </ul>
<b>Peer Review and benchmarking</b>	<ul style="list-style-type: none"> <li>Seeing how others do things and gives an impartial view. Helped to identify what could be done better and what is done well</li> </ul>	<ul style="list-style-type: none"> <li>Worth the extra effort to get an external view and learn from other authorities</li> </ul>
<b>Met Project objectives</b>	<ul style="list-style-type: none"> <li>Carefully managed, good leadership, resources, support</li> </ul>	<ul style="list-style-type: none"> <li>Be realistic &amp; clear about what you want to achieve</li> </ul>
<b>Access to participation</b>	<ul style="list-style-type: none"> <li>Opportunities to contribute – e.g workshops, working groups</li> </ul>	<ul style="list-style-type: none"> <li>Good engagement achieves buy in and helps achieve objectives</li> </ul>
<b>Office move logistics</b>	<ul style="list-style-type: none"> <li>Organisation</li> </ul>	<ul style="list-style-type: none"> <li>Good planning makes a difference</li> </ul>
<b>Review by ourselves</b>	<ul style="list-style-type: none"> <li>Put off for years, provided time &amp; discipline</li> </ul>	<ul style="list-style-type: none"> <li>Democratic rather than just managers – is best</li> <li>Left it too long</li> </ul>
<b>Things have actually happened – delivery, not just telling</b>	<ul style="list-style-type: none"> <li>Buy-in &amp; resource provided</li> </ul>	<ul style="list-style-type: none"> <li>Team are willing to change (for the better!)</li> </ul>
<b>Working groups</b>	<ul style="list-style-type: none"> <li>Allows for more inclusive discussion</li> </ul>	<ul style="list-style-type: none"> <li>Important for buy in and to delegate responsibilities to more staff</li> </ul>

**Table 8. What went well - outcomes**

<b>Outcomes</b>		
<b>What went well</b>	<b>Why?</b>	<b>Lessons learnt</b>
<b>Planning corridor refurbishment</b>	<ul style="list-style-type: none"> <li>Project manager persevered to ensure a positive and cost effective outcome was achieved.</li> <li>Provides better working environment- encourages communication, better interaction and a nice place to work with more space.</li> </ul>	<ul style="list-style-type: none"> <li>Have to be prepared to invest.</li> <li>Have to have an open mind to changes</li> <li>Don't say it can't be done</li> </ul>
<b>IT Improvement</b>	<ul style="list-style-type: none"> <li>Easier to use and improved efficiency day to day for officer &amp; external users</li> </ul>	<ul style="list-style-type: none"> <li>Importance of having the right tools.</li> <li>Having an escalation path and champion to push for changes needed.</li> </ul>
<b>Partnership working</b>	<ul style="list-style-type: none"> <li>Improved relationships with partners and opportunities for income</li> </ul>	<ul style="list-style-type: none"> <li>Worth investing the time to develop relationships</li> </ul>
<b>Process maps</b>	<ul style="list-style-type: none"> <li>Provide consistency &amp; focus for new &amp; existing staff</li> </ul>	<ul style="list-style-type: none"> <li>Worth investing the time to get the process right</li> </ul>
<b>Validation process &amp; validation officer post</b>	<ul style="list-style-type: none"> <li>Provides consistency and speeds up the process. Achieved improvement in Reg3 validation process</li> </ul>	<ul style="list-style-type: none"> <li>Benefits of selective delivery / sharing of work.</li> <li>A good business case can get you a long way</li> </ul>

<b>Enforcement protocol</b>	<ul style="list-style-type: none"> <li>Definitive guidance for internal and external</li> </ul>	<ul style="list-style-type: none"> <li>Need to persevere!</li> </ul>
<b>Raising profile of Planning's role in the Schools programme</b>	<ul style="list-style-type: none"> <li>Showed importance of planning &amp; education</li> </ul>	<ul style="list-style-type: none"> <li>Communications and having Planning Champions is important</li> </ul>
<b>Increased level of delegation</b>	<ul style="list-style-type: none"> <li>More efficient process enabling officers to deal with more minor applications</li> </ul>	<ul style="list-style-type: none"> <li>Increased delegation is effective</li> </ul>

**Table 9. What could have gone better - project delivery**

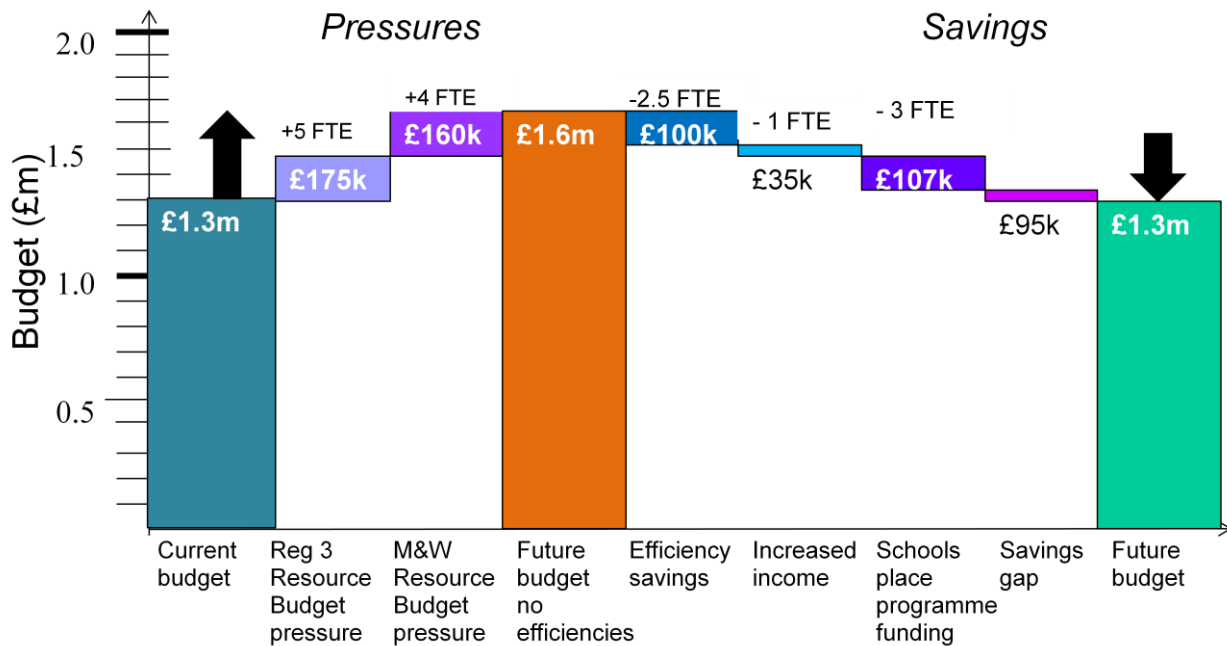
<b>Project Delivery</b>		
<b>What could have been better?</b>	<b>Why?</b>	<b>How would you improve this/lesson learnt?</b>
<b>Timescale for the review</b>	<ul style="list-style-type: none"> <li>Underestimated the number and scale of improvements that would result from the review therefore delivery of improvements took a lot longer than expected.</li> <li>Resistance to change from team and IT issues caused major delays</li> </ul>	<ul style="list-style-type: none"> <li>Add contingency into timescales</li> <li>Divide project outputs into delivery phases.</li> <li>Involvement and willingness to change from team is critical for delivery.</li> <li>Escalation route for issues with items on critical path</li> </ul>
<b>Raising profile of planning with stakeholders (e.g other SCC services / function)</b>	<ul style="list-style-type: none"> <li>Message does not always get across first time.</li> </ul>	<ul style="list-style-type: none"> <li>Use champions and better communication</li> <li>Ongoing not a one off action.</li> </ul>
<b>Communicating overview of the review</b>	<ul style="list-style-type: none"> <li>Challenging range of issues being tackled so some members of the team did not always feel fully informed.</li> </ul>	<ul style="list-style-type: none"> <li>More frequent updates.</li> <li>Potential use of central platform</li> <li>Emphasise importance of team attending update sessions and workshops provided for them.</li> </ul>
<b>Benchmarking information</b>	<ul style="list-style-type: none"> <li>Needed to be shared more widely with the team</li> </ul>	<ul style="list-style-type: none"> <li>Ensure benchmarking info is shared to generate buy in-include in handover process</li> </ul>

**Table 10. What could have been better - outcomes**

<b>Outcomes</b>		
<b>What could have been better?</b>	<b>Why?</b>	<b>How would you improve this/lesson learnt?</b>
<b>IT improvements</b>	<ul style="list-style-type: none"> <li>Took too long to deliver</li> </ul>	<ul style="list-style-type: none"> <li>Escalation process</li> <li>Regular meetings with IMT from beginning of the process</li> </ul>
<b>Too technical focus</b>	<ul style="list-style-type: none"> <li>Missed things like social team building</li> </ul>	<ul style="list-style-type: none"> <li>Non process related activities are also important</li> </ul>
<b>Charging for pre ap</b>	<ul style="list-style-type: none"> <li>Has not yet generated the income expected</li> </ul>	<ul style="list-style-type: none"> <li>Takes time to fully embed this type of change</li> <li>Review needed in January 2016 to review progress</li> <li>Income can vary year on year depending in type of applications received</li> </ul>

## BENEFITS REALISATION

Figure 6. Financial impact of the review 2014/15



37. Figure 6 above provides a worst case scenario for the financial impact of the outputs from the review and the additional planning resources needed to deal with the additional pressures from the schools expansion programme. It shows that whilst the additional resources provide a budget pressure, the efficiency savings and increased income reduce this pressure leaving a funding gap of just £95k. This funding gap is expected to be eliminated in future years (there was actually a funding surplus of £117k in 2013/14) however has occurred in 2014/15 for two reasons. Firstly, there has been a lower number of large scale applications in 2014/15 which has reduced the level of income for this year (seen in Table 5) and secondly, some of the improvements have only been implemented recently and so have not yet had time to become fully embedded to realise their full efficiencies/income that is expected.
38. It is a huge positive that the Planning budget is remaining unchanged despite the number of improvements and benefits that have been achieved and so continues to represent value for money. Other benefits (aside from income and efficiencies) that have been achieved by the review include:
- Reduced time taken to validate applications (from an average of 26 days down to 7 with a further reduction expected)
  - Reduction in number of applications being determined by Committee (from 48% down to 30%), therefore, increased capacity of the Committee to deal with increasing number of applications
  - Improved satisfaction from applicants and agents being able submit applications electronically
  - Improved resident/consultee satisfaction from viewing applications online
  - Improved perception of planning as a service (internally & externally)
  - Improved well-being and morale for the team leading to greater productivity
  - Improved working environment (improved IT, work space etc)
  - Efficiencies from Planning and TDP using the same Planning IT system



39. Once all improvements are fully embedded it is also expected that there will be an increased percentage of applications determined within the 13 week period and that the quality of applications submitted will be improved therefore increasing the percentage of applications valid on receipt. A further benefits realisation study will be undertaken in 2016 by the Planning and Development Group Manager to ensure these benefits are achieved.

### **CLOSURE ACTIVITIES**

40. In order to ensure that the Planning Review can be concluded, the Project Manager has ensured that the following closure activities have been delivered:
- a) Review of project achievements and successes
  - b) Benefits realisation
  - c) Identification and sharing of lessons learnt from the project
  - d) Owners for outstanding tasks have been agreed and actions handed over to be delivered as business as usual.
  - e) Records management – any live or important project documents have been moved to the teams folder on the I drive so they are accessible to all. Remaining project documents will be archived.
  - f) Any remaining risks have been highlighted to the Planning and Development Group Manager who will continue to monitor outputs and their continued delivery.

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### **CONCLUSIONS:**

41. The Planning Review has delivered a huge number of improvements to the Planning Service, enabling it to operate as a modern, effective and efficient service that is now a role model for other authorities. The Service is now better placed to support delivery of corporate priorities.
42. The successful outcome of this complex review has been made possible through the support and guidance of external peers, the consultant and internal project management resource. This has also demonstrated the need for and benefits of the project management resource continuing beyond the initial review outcomes and supporting the implementation of the review.

### **Financial and value for money implications**

43. The one-off cost of carrying out the review was £127k against a budget of £125k. This was funded with windfall income secured by the Planning and Development Group (TRICS) so has not affected the overall Planning or SCC budget. The annual Planning budget going forward will remain the same as a result of the outcomes of the review despite an increase in workload and challenges faced by the service. Full financial breakdown is set out in paragraphs 24 to 35.

### **Equalities and Diversity Implications**

44. The current Equality Impact Assessment (EIA) template and guidance was considered and there are no significant equality or diversity implications

### **Risk Management Implications**

Risks were appropriately identified and have been satisfactorily mitigated

10 **CONTACT:** Dominique Stephens, Change Consultant, Directorate Programme Group

**CONTACT DETAILS:** 0208 541 7651 dominique.stephens@surreycc.gov.uk

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**BACKGROUND PAPERS**

None

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