



**PLANNING AND REGULATORY COMMITTEE
NOTICE OF MEETING**

Date: Wednesday, 24 February 2016
Time: 10.30 am
Place: Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN

Contact: Rianna Hanford, Room 122, County Hall
Telephone: 020 8213 2662
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[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 Steve Cosser	Godalming North;
Carol Coleman	Ashford;
Jonathan Essex	Redhill East;
Margaret Hicks	Hersham;
Mr David 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/>

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AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

2 MINUTES OF THE LAST MEETING

(Pages 1 - 6)

To confirm the minutes of the meeting held on 6 January 2016.

3 PETITIONS

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

4 PUBLIC QUESTION TIME

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

5 MEMBERS' QUESTION TIME

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

6 DECLARATIONS OF INTERESTS

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

Notes:

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

7 MINERALS AND WASTE APPLICATION MO10/0847- PARK PIT AND TAPWOOD QUARRY (BUCKLAND SANDPITS), REIGATE ROAD, BUCKLAND, REIGATE

(Pages 7 - 46)

The continued extraction and processing of silica sand and transportation off site of sand, an amended interim restoration scheme for Park Pit, an amended programme of working for Tapwood Quarry, an amended dust action plan and dust

management scheme, an amended groundwater monitoring scheme; and an amended restoration and aftercare scheme at Buckland Pits (Tapwood Quarry and Park Pit) until 31 August 2014 with restoration to water based recreation, woodland and grazing by 31 August 2016 without compliance with Conditions 3, 4, 16, 17, 23, 31, 32, 38, 39, 40, 41 and 42 of planning permission ref: MO98/1549 dated 27 May 1999; and the installation of a new slurry plant at Tapwood Quarry.

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

- 8 MINERALS/WASTE SP/15/00929/SCC- OAKLEAF FARM WASTE RECYCLING FACILITY, OAKLEAF FARM, HORTON ROAD, STANWELL MOOR, SURREY TW19 6AF** (Pages 47 - 76)

Construction and use of 2.47 hectares of new concrete hardstanding to resurface the existing unmade compound area at Oak Leaf Farm waste recycling, recovery and processing facility.

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

- 9 MINERALS/WASTE SP15/01184/SCC- OAKLEAF FARM WASTE RECYCLING FACILITY, OAKLEAF FARM, HORTON ROAD, STANWELL MOOR, SURREY TW19 6AF** (Pages 77 - 110)

The installation and use of concrete crushing plant for the processing of construction and demolition wastes to produce recycled aggregate.

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

- 10 MINERALS/WASTE RE15/02426/CON- 2 PERRYLANDS LANE, SMALLFIELD, HORLEY, SURREY RH6 9PR** (Pages 111 - 140)

The continued use of land as a soil processing facility, utilising imported builders construction and demolition waste, including: the siting of a screener, single storey portacabin, portaloo, two metal containers, concrete hardstanding, stockpiles of soils and rubble, perimeter soil bunds, lighting, water mist sprinklers, access gates, wheelwash, and the provision of car parking and fuel storage without compliance with Conditions 2, 6 and 24 of planning permission ref: RE14/02134/CON dated 21 January 2015 to provide a revised drainage strategy.

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

- 11 DECISION ON PLANNING APPEAL REFS: APP/B3600/C/14/3000220; APP/B3600/X/14/3000386 AND 3000387: LAND AT MOORHOUSE SANDPITS, WESTERHAM ROAD, LIMPSFIELD** (Pages 141 - 164)

For information.

12 DATE OF NEXT MEETING

The next meeting of the Planning & Regulatory Committee will be on 23 March 2016.

David McNulty
Chief Executive
Thursday, 11 February 2016

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.

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 6 January 2016 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
Mr Jonathan Essex
Mrs Margaret Hicks
Mr David Munro
Mr George Johnson
Mr Ernest Mallett MBE
Mr Michael Sydney
Mr Richard Wilson

Apologies:

Mrs Carol Coleman, Substituted by Mr David Ivison

50/15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Carol Coleman. David Ivison attended as a substitute.

51/15 MINUTES OF THE LAST MEETING [Item 2]

The Minutes were **APPROVED** as an accurate record of the previous meeting.

52/15 PETITIONS [Item 3]

No petitions were received.

53/15 PUBLIC QUESTION TIME [Item 4]

No petitions were received.

54/15 MEMBERS' QUESTION TIME [Item 5]

There were no Member questions.

55/15 DECLARATIONS OF INTERESTS [Item 6]

There were no Declarations of Interest.

56/15 MINERALS/WASTE SP15/01243: HITHERMOOR QUARRY, LEYLANDS LANE, STANWELL MOOR, SURREY [Item 7]

Declarations of Interest:

None.

Officers:

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

Speakers:

Robert Evans, the Local Member, made the following points:

- Informed the Committee that Stanwell Moor is located approximately 100metres from Heathrow airport, the application proposal would be close to the centre of the village.
- It was noted that residents were anxious about implications of the proposed plans.
- Told the Committee that the application would see 75,000 tonnes of contaminated soil per year stored in 3metre high bio piles.
- Noted that there objections to the application had been received from local groups.
- Informed the Committee that the area sat within the Metropolitan Green Belt, building in this area was considered inappropriate unless very special circumstances existed to justify the plans.

Key points raised during the discussion:

1. The Deputy Planning Development Officer introduced the report and informed the Committee that the site lies to the south west of Heathrow, access to the site was via Junction 14 interchange of the M25. The recycling compound was granted permission in 2008; the new proposal for soil treatment was to occupy the north corner of the existing recycling compound. It was added that there would be no increase in HGV vehicle movements to the site and the proposal fits into the existing compound. Restoration would be completed by 2023.
2. The Committee were informed that the soil the site would be receiving contained low level hydrocarbons and had been polluted by fuels, this was not toxic but meant soil could not be used for restoration until it had been cleaned. The method for cleaning was an established process, the soil would be turned frequently to break down contaminants while being regularly tested; exposure to air would remove pollutants. It was added that the soil would be acceptable for restoration after around 12-16 weeks of implementing the procedure.
3. The Committee were informed that an objection had been received from Spelthorne Borough Council unless certain matters were satisfactorily addressed, these included HGV movements. It was responded that there would be no increase in HGV movements. It was noted to Members that no objections had been received from technical consultees, with an Update Sheet noting that there were no

- objections from Thames Water, Natural England and the County Ecologist. Three objections had been received from local groups.
4. Other matters raised by Spelthorne Borough Council included; dust, surface water mitigation and wheel washing facilities to minimise damage to surrounding highways. Officers responded that surface water was covered under the permitting regime as well as dust management, it was added that the County Air Quality Consultant and Environment Agency (EA) were content with the plans in place. The site would utilise the existing wheel washing facilities and all HGV's transporting waste would be covered.
 5. The Committee was informed that the only aspect of the site changing was the recycling activity and type of recycling material, hours of operation and the size of the site would not change.
 6. Officers noted that the proposed proximity of the soil treatment away from the housing, which was in excess of 250 metres was deemed sufficient by the EA.
 7. The Committee was told that whilst the site would receive waste from the adjacent London borough, it would also benefit Surrey due to its transport links (M25), as such the site is well located to receive such waste and there was a need for further commercial waste recycling,

Resolved:

- It was agreed to **PERMIT** subject to conditions for the reasons set out in the report

Action/further information to be provided:

None.

Ian Beardsmore left the room at 11.33am

57/15 AMENDED CHARGING SCHEDULE FOR THE PROVISION OF PRE-APPLICATION ADVICE ON SURFACE WATER DRAINAGE [Item 8]

Declarations of Interest:

None.

Officers:

Alan Stones, Planning & Development Control Team Manager
 Stephen Jenkins, Deputy Planning Development Manager
 Caroline Smith, Transport Development Planning Team Manager
 Nancy El-Shatoury, Principal Solicitor
 Glen Westmore, Sustainable Drainage and Consenting Team Leader

No one had registered to speak.

Key points raised during the discussion:

1. The Sustainable Drainage and Consenting Team Leader introduced the report and informed the Committee that limited requests had so far been received but the quality of applications had increased. Services

available were advice, guidance, low level advice and follow up advice charged on an hourly basis.

2. It was expressed to the Committee that the new fees better reflected the service provided. Members were informed that low end advice was the only service that a rise in cost had been implemented.
3. The Committee was informed that developers were not obliged to seek advice on surface water drainage, developers had been approached in differing appropriate manners.
4. It was noted that only advice for small major developments had a small cost increase, all other developments had seen a decrease in charges.

Resolved:

- The Committee **APPROVED** the amended charging schedule for the provision of pre-application advice on SuDS and that the amended fees be implemented with immediate effect.

58/15 ENFORCEMENT & MONITORING UPDATE REPORT [Item 9]

Declarations of Interest:

None.

Officers:

Alan Stones, Planning & Development Control Team Manager
 Stephen Jenkins, Deputy Planning Development Manager
 Nancy El-Shatoury, Principal Solicitor
 Paul Warner, Senior Planning Enforcement Officer

No one had registered to speak.

Key points raised during the discussion:

1. The Planning Development & Control Team Manager introduced the report and informed the Committee that the Enforcement Team were currently waiting for the outcome of enquiries for some sites. The Committee were given details of the statuses of all current enforcement cases; these are detailed in the report.
2. Members congratulated the Planning Enforcement Team for the work undertaken; congratulation was also given to the team for winning 'Team of the Year Award'.

Resolved:

- The Committee noted the report.

Action/further information to be provided:

None.

Ian Beardsmore returned to the Committee at 11.55am

David Munro left before the start of the last item.

59/15 PLANNING REVIEW PROJECT CLOSURE REPORT [Item 10]

Declarations of Interest:

None.

Officers:

Alan Stones, Planning & Development Control Team Manager
 Stephen Jenkins, Deputy Planning Development Manager
 Nancy El-Shatoury, Principal Solicitor
 Dominic Forbes, Planning and Development Group Manager
 Dominique Stephens, Change Consultant

No one had registered to speak.

Key points raised during the discussion:

3. The Planning and Development Group Manager introduced the report and informed the Committee that the Planning review that had started in 2013, concluded in 2015 and the results were detailed in the report. The review monitored change management, department pressures and number of applications etc. The review was implemented when the service had been facing challenges and monitored the effect of changes to legislation, and increase in demand for the service.
4. The Committee was informed that nearly all recommendations from the review had been completed; anything not completed would be completed as business as usual.
5. It was noted that the amount of planning decisions previously made by the Planning and Regulatory Committee was 48%; this has since been reduced to 30%. It was also noted that the average time for the Planning service to respond to a planning consideration had been reduced from 26 days to seven days; the aim would be to further reduce this to three days.
6. Officers told Members that the review had an estimated cost of £125,000. The funding for this has no overall effect on the annual planning budget.

Ernest Mallet left at 12.20pm

7. The Committee was informed that the service was working with the Property and Education services to improve communications, the Planning webpage would also be reviewed and improved to make more user friendly.

Margaret Hicks left at 12.46pm

Resolved:

- The Committee noted the report and the outcomes of the review.

Action/further information to be provided:

None.

60/15 DATE OF NEXT MEETING [Item 11]

The date of the next meeting was noted.

Meeting closed at 1.05 pm

Chairman

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 24 February 2016

BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER

DISTRICT(S) MOLE VALLEY DISTRICT COUNCIL **ELECTORAL DIVISION(S):**
Dorking Rural
Mrs Clack

PURPOSE: FOR DECISION **GRID REF:** 522726 150626

TITLE: MINERALS AND WASTE APPLICATION MO10/0847

SUMMARY REPORT

Park Pit and Tapwood Quarry (Buckland Sandpits), Reigate Road, Buckland, Reigate

The continued extraction and processing of silica sand and transportation off site of sand, an amended interim restoration scheme for Park Pit, an amended programme of working for Tapwood Quarry, an amended dust action plan and dust management scheme, an amended groundwater monitoring scheme; and an amended restoration and aftercare scheme at Buckland Pits (Tapwood Quarry and Park Pit) until 31 August 2014 with restoration to water based recreation, woodland and grazing by 31 August 2016 without compliance with Conditions 3, 4, 16, 17, 23, 31, 32, 38, 39, 40, 41 and 42 of planning permission ref: MO98/1549 dated 27 May 1999; and the installation of a new slurry plant at Tapwood Quarry.

The application was submitted in June 2010 for an extension in time for mineral operations and restoration at Park Pit and Tapwood Quarry, with mineral extraction extended from June 2010 until 31 August 2014, and restoration of both sites by 31 August 2015. However due to complex issues in respect of hydrology, which has impacts on the Reigate Heath SSSI and the proposed final restoration and water levels at both quarry pits, it has been necessary to engage in comprehensive discussions with a range of consultees, including Natural England and the Environment Agency. This has led to detailed groundwater modelling being undertaken and investigations of what measures could be implemented to assist with the re-wetting of the SSSI. Independent surveys of the SSSI have been carried out by Natural England and several revisions to the final restoration plans have been put forward, all of which has resulted in the lengthy delay in the determination of this planning application. As a consequence of the time taken to determine this application, the proposal is in part retrospective, with the extraction and processing of silica sand now ceased and the sandpits now undergoing the proposed final restoration works. Due to the above detailed work and submissions, it has also been necessary to extend the restoration end date by one year, from 31 August 2015 until 31 August 2016.

The 'application site' comprises Park Pit and Tapwood Quarry, two silica sand quarries collectively known as Buckland Sandpits, which lie within the Metropolitan Green Belt and approximately 260m south of the Surrey Hills Area of Outstanding Natural Beauty (AONB). Tapwood Quarry lies within an Area of Great Landscape Value (AGLV), but does not include Park Pit. Tapwood is identified in the Surrey Minerals Plan 2011 as an existing area for the extraction of silica, and is supported under policy in order to maintain an adequate landbank and to meet national need. The extraction of the silica sand was from Tapwood Quarry, where it was fed into a slurry plant and then pumped underground to the processing plant at the Park Pit site south of the A25. Sand extraction has now ceased and both Park Pit and Tapwood are being restored to open water and landscaped lake settings, for water-based recreation (fishing) use. The site is privately owned by the Buckland Estate and they currently use the Park Pit Lake for fly fishing.

The application includes an amended working programme, dust action and management plan, groundwater modelling, and restoration and aftercare scheme. A new slurry plant was part of the proposal, however the applicant did not work the reserves beneath the existing plant, as such a replacement plant was not required. All plant and equipment have now been removed from the site and work is now focussed on the restoration programme.

There have been prolonged discussions with initial objections from Natural England and the Environment Agency over the groundwater modelling and water levels, and concerns regarding the impacts of dewatering operations on the special interest features of the adjacent Reigate Heath Site of Special Scientific Interest (SSSI). A re-wetting scheme was proposed by the applicant however Natural England commissioned a survey of the SSSI in order to provide sufficient information from which to make an informed evidence-based decision on this case. Natural England concluded that a re-wetting scheme would not yield any positive results by way of restoration of the interest features of the SSSI. The Environment Agency concurred with Natural England that the proposed re-wetting scheme should no longer be considered.

The restoration of both Park Pit and Tapwood is to be completed by 31 August 2016. Due to the slow recovery of water levels at Tapwood, the final planting will not be able to be completed until final water levels are reached, which could be a further five years. Planning conditions would be put in place in respect of the final planting and aftercare of both sand pits.

Minerals can only be worked where they are found and despite the site being in the Green Belt and partially within the AGLV, the national need for this industrial mineral is an important consideration. Officers consider that the need for the mineral clearly outweighs any temporary impacts of this extension to the timetable for working and restoration and that the scheme meets the policy requirement for mineral extraction in the Green Belt, in that high environmental standards can be maintained and the site can be well restored within an acceptable timescale.

The recommendation is to PERMIT subject to conditions

APPLICATION DETAILS

Applicant

Hanson Quarry Products Europe Ltd

Date application valid

18 June 2010

Period for Determination

8 October 2010 (various extensions agreed due to the complex hydrology issues)

Amending Documents

Great Crested Newt and Reptile Survey Report dated 22 July 2010

Further information in respect of: the development description, hydrogeology, hydrology, biodiversity and air quality, submitted under Regulation 22 of the EIA Regulations – dated 21 September 2011

Further information submitted under Regulation 22 of the EIA Regulations – dated March 2012 (including restoration water levels at Park Pit and re-wetting plan for Western Alder Woods)

Further information in respect of amending restoration plans for both Tapwood and Park Pit, with detailed outfall design for Park Pit – dated November 2015, comprising: Dwg No.R44r/270Rev.f – Tapwood Revised Restoration Scheme Based on Modelled Water level of 57m AOD Dated Nov 2015; Dwg No.R44r/178Rev.f – Park Pit Revised Restoration Scheme Dated Nov 2015; Dwg No.R44r/278 – Park Pit Proposed Planting plan for Area Beside Dungates Farm received November 2015; Park Pit – Design of Lake Outfall/Headwall Dated Nov 2015.

SUMMARY OF PLANNING ISSUES

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

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Mineral Issues and Need	Yes	67-71
Highways, Traffic and Access	Yes	72-76
Landscape and Visual Amenity	Yes	79-85
Noise	Yes	86-87
Air Quality – Dust	Yes	88-89
Hydrology, Hydrogeology and Surface Water	Yes	90-93
Ecology and Biodiversity	Yes	94-98
Restoration and Aftercare	Yes	99-104
Green Belt	Yes	106-109

ILLUSTRATIVE MATERIAL

Site Plan

Plan

Aerial Photographs

Aerials 1 & 2

Site Photographs

Fig 1 Park Pit - view S previous plant and stockpiles at northern end of site

Fig 2 Park Pit - view W of northern lagoon area and beach with boathouse

Fig 3 Park Pit - view S across lagoon

Fig 4 Park Pit - view S from northern shore toward Dungates Farm

Fig 5 Tapwood - view toward restored eastern area

Fig 6 Tapwood - view NW across lake

Fig 7 Tapwood - view SE across lake

Fig 8 Tapwood - view W across lake

BACKGROUND

Site Description

- 1 The application site comprises of Tapwood Quarry and Park Pit (the Buckland Sandpits), which are located within the Metropolitan Green Belt with the village of Buckland to the west and the town of Reigate located approximately 2.5km to the east. The village of Betchworth lays approximately 1.1km beyond Buckland to the west. The sandpits are situated in an area of largely undulating and open agricultural land below the North Downs escarpment and to the south (approx. 260m) of the Surrey Hills Area of Outstanding Natural Beauty (AONB). Tapwood Quarry lies within an Area of Great Landscape Value (AGLV), which extends southwards but does not include Park Pit. Reigate Heath Site of Special Scientific Importance (SSSI) and Local Nature Reserve

(LNR) lie to the south east of Park Pit extending eastwards to Reigate. Buckland Conservation Area covers the village of Buckland.

- 2 Park Pit lies to the south of the A25 and extends to Dungates Farm and is approximately 32ha in size. The majority of Park Pit has now been worked (1949-2002) and is now mainly comprised of a restored lake with only the north eastern corner remaining in operation where the processing plant is situated. To prevent flooding of the processing plant and operational area, the restored lake is currently held artificially at 50.5m AOD through pumping. Bridleway BW467 runs along the south western and southern boundary of Park Pit and footpath FP466 runs along the south eastern boundary before both joining bridleway BW11 south of Shag Brook, adjacent to the western boundary of the Reigate Heath SSSI.
- 3 Tapwood Quarry lies to the north of the A25 to the north east of Park Pit and is approximately 17ha in size. Mineral extraction is still taking place at Tapwood Quarry where sand is extracted using a hydraulic excavator. The material is stockpiled and then fed into the slurry plant via a hopper. The material is screened and washed within the slurry plant and is then pumped through a pipeline underneath the A25 to the processing plant at Park Pit. Tapwood Quarry has been progressively restored over a number of years with the creation of soiled and grassed benches and slopes. The restored slopes of the eastern extension area and around the northern part of the pit are currently managed by seasonal grazing. To the north of the site, old sand workings known as Jubilee Field, was worked until 1960's and has been filled and restored. To the north west lies former workings known as Colley Pit, which has been restored to a landscaped water area to provide a nature reserve and trout fishery. Footpath FP24 runs along the north eastern tip of Tapwood Quarry.
- 4 The closest residential properties to Tapwood Quarry are those located along the A25 to the south of Tapwood Quarry and a property, Harolyn, adjacent to Tapwood Quarry to the east. The closest residential properties to Park Pit are Park Cottage, Round Lodge and The Gatehouse between 10 – 30m to the north; Buckland Court approximately 60m to the northwest; Pilgrim Cottage, Buckland Lodge, Beechwood, Juniper Cottage and Fourpenny Cottage to the west; and The Granary and Dungates Farm to the south.

Planning History

- 5 Buckland Sand and Silica Company began the working of sand on the former Buckland Court Estate before the war. Planning permission was granted in 1949 for the working of sand from four areas, which included the northern part of Park Pit and Colley Pit to the north of the A25. In 1980 two planning permissions (refs: MO79/798 and 799) were granted for a southward extension to Park Pit alongside the deepening of the workings to a depth of 33.5m AOD and a scheme of restoration to restore the site to a lake for recreation purposes. The permissions were subject to the completion of a Section 52 legal agreement, which required the submission of a scheme of management and afteruse no later than 15 years from the date of the permissions (i.e.1995).
- 6 In 1984 planning permission (ref. MO84/0074) was granted for the extraction of silica sand for a 2.6ha area known as Park Cottage Field situated in the north east corner of Park Pit. This was worked as an extension to the mineral working at Park Pit. The majority of Park Cottage Field has been worked and restored, however there is a small area adjoining the plant area at Park Pit which will be restored at the same time that Park Pit's final restoration takes place.
- 7 In March 1989 planning permission (ref. MO88/157) was granted to extract sand from an area (approx. 6.07ha) known as Tapwood Field to the south of the former Colley Pit sand workings. This permission included the transportation of sand via a slurry pipeline to the existing processing plant located in Park Pit and restoration to a landscaped lake. A tree

and shrub-planting scheme was approved in 1989 and the working programme was varied in 1991 (ref. MO91/01283) to allow working in a single phase of extraction.

- 8 In 1994 a further 1.4 ha eastward extension to Park Pit towards Shag Brook was permitted (ref. MO92/1224), which also involved a reduction of the permitted working area allowed under planning permission ref. MO79/799 and revised details of working and restoration. Condition 5 of this permission required the submission of further restoration details and a scheme of management and aftercare. In January 1997 the restoration scheme was approved (ref. MO96/1160). However, the scheme of management and afteruse pursuant to the Section 52 Agreement associated with MO79/798 and 799 submitted under ref. MO96/1332 was refused in January 1997 as Officers considered that the applicant had provided insufficient information on both the afteruse and the necessary associated development, or the way in which they intended to effectively manage the site over the longer term.
- 9 In 1995 planning permission was refused (ref: MO95/0668) for the extraction of approximately 1.53 million tonnes of silica sand over an area of 8.8ha as eastward and westward extensions of Tapwood Quarry, with restoration of the enlarged site to a lake for low intensity leisure uses all over a period of 12 years. The application was refused on Green Belt, landscape and harm to residential amenity grounds. In March 1997 planning permission was granted on appeal (ref. T/APP/B3600/A/96/265844/P5) for the eastward and westward extensions to Tapwood. Planning permission to extract sand from an area to the west of Lawrence Lane (west of Tapwood) was revoked by way of a unilateral undertaking by the applicant at the time that permission was granted for eastward and westward extensions to Tapwood Quarry.
- 10 The Buckland Sandpits site was identified as Active Phase I in the Review of Minerals Planning Permissions (ROMP) for Surrey published in January 1996. In May 1999 modern conditions for working, restoration and aftercare of the Buckland Sandpits were approved under planning permission ref: MO98/1549, which was to provide an updated planning permission in respect of the mineral planning permissions granted between 1948 and 1982, however it also included the later Tapwood permission granted on appeal.
- 11 On 24 June 2015 planning permission (ref. MO/2015/0213) for the retention and use of four buildings at Park Pit, including power supply in connection with the proposed water-based recreation (fishing) after use of the site. The four buildings included the Old Generator Shed for general purpose storage, the Old Pump House for fisherman to shelter, the Electricity Supply Kiosk for the future single phase electricity supply for the site, and the former washing plant and office for use as a boathouse and office.

THE PROPOSAL

- 12 The applicant is seeking to vary Condition 3 of planning permission ref: MO98/1549 (ROMP) to allow for an extension of time for workings at both Park Pit and Tapwood Quarry, from June 2010 until 31 August 2014 for mineral operations and a further year for restoration, i.e. final completion and restoration by 31 August 2015. The restoration end date was later amended to 31 August 2016. The applicant stated that the production levels from Tapwood Quarry have been around 100,000 tonnes per annum (tpa), which is much lower than the permitted average of 180,000 tpa. This has resulted in approximately 400,000 tonnes of mineral remaining at Tapwood Quarry, which requires an extension of time for its extraction.
- 13 In addition to this the applicant is also seeking to vary and modify a number of other conditions set out in planning permission ref: MO98/1549 (ROMP). These are:

Condition 3 – the final restoration of the site to a condition suitable for low intensity fishing and leisure uses shall be completed no later than 19 June 2010 strictly in accordance with the scheme and drawing no R44m/178a approximated under MO96/1160 dated 24 January 1997 and documents and drawing Nos R44m/149b and R44m/161a approved under appeal decision T/APP/B3600/A/96/265844/P5 dated March 1997 – in 2010 the applicant originally proposed to replace drawings R44m/178a, R44m/149b and R44m/161a with drawings R44r/178c (Park Pit revised restoration plan), R44r/270 (Tapwood – revised restoration scheme); and R44r/272 (Tapwood revised restoration scheme: cross sections). The differences between the currently approved plans and the proposed plans include the amount of planting and grazing areas to be provided. At Park Pit as the restoration scheme is to recreation, the applicant states this is to provide clear, grassy banks from which anglers can cast their rods. These details were provided under Regulation 22 of the EIA Regulations 2011, under further revised drawings – ‘Figure 2.1 Park Pit Revised Restoration Plan’ and ‘Figure 2.3 – Proposed Planting for Area Besides Dungates Farm’, both dated September 2011. At Tapwood it is proposed to reduce the amount of planting along the southern side of the pit. This is in addition to the proposed extension of time for working and restoring the quarries as outlined above. In view of further information received (Regulation 22) in respect of groundwater modelling, the anticipated final water levels for Tapwood are lower than on the above drawings, as such the proposed replacement drawings, R44r/270 (Tapwood – revised restoration scheme); and R44r/272 (Tapwood revised restoration scheme: cross sections) would need to be revised, as such a further revised restoration plan for Tapwood would be required. After many revisions, the drawings were subsequently superseded in 2015 by Dwg No. R44r/270Rev.f – Tapwood Revised Restoration Scheme Based on Modelled Water level of 57m AOD Dated Nov 2015; Dwg No.R44r/178Rev.f – Park Pit Revised Restoration Scheme; Dwg No.R44r/278 – Park Pit Proposed Planting plan for Area Beside Dungates Farm Dated Jan 2011.

- 14 *Condition 4 – the interim restoration of Park Pit shall be completed strictly in accordance with the submitted documents and drawing R44m/222 dated March 1999 unless otherwise agreed in writing by the County Planning Authority – the applicant originally proposed to replace R44m/222 with drawing R442/222a to allow for a revised interim restoration plan for Park Pit. However due to the time taken to determine the application, with extraction finished, the applicant is therefore seeking to proceed directly to the final restoration scheme as shown Dwg No.R44r/178Rev.f – Park Pit Revised Restoration Scheme.*
- 15 *Condition 16 – the programme of working and phasing shall be strictly in accordance with the documents and drawing no R44m/159b approved under appeal decision T/APP/B3600/A/96/265844/P5 dated 19 March 1997 and the details submitted and approved under MO91/1283 dated 23 December 1991 and no variations or omissions shall take place without the prior written approval of the County Planning Authority – the applicant proposed to replace drawing R44m/159b with drawing R44r/271 showing a revised working scheme. The current approved plan shows a series of phases for working both the eastern extent of Tapwood Quarry (now restored) and a series of four phases for the western extent. The proposed plan shows no phases but working of the remaining area to 35m AOD (including the location of the existing slurry plant – see below) except for three standoff areas left in situ. In light of the further information submitted under Regulation 22 of the EIA Regs, with anticipated final water levels for Tapwood lower than expected, an updated drawing ‘Figure 2.5 – Final Worked Out Landform’ dated September 2011 was submitted. Working and phasing has now been completed in accordance with the plans.*
- 16 *Condition 17 – the treatment and enhancement of Shag Brook shall be carried out and completed in all respects strictly in accordance with the Plan R44m/177b dated July 1997 and the scheme submitted and approved under planning application MO97/1141 dated 20 March 1998 – this condition relates to the reinstatement of a channel of the Shag Brook between Colley Lake and the Brook. The approved scheme shows a culvert*

for approximately 85m after which a stream channel would be created with pools and riffles. The applicant proposes to amend this scheme by retaining the culvert for a longer length (140m) but with the southern half of the culverted section being restored to an open ditch upon completion of restoration. The culvert is shown on 'Figure 2.4 - Colley Lake to Shag Brook Culvert: Cross Section' dated September 2011, submitted as further information under Regulation 22 of the EIA Regs. The culvert is also shown on Dwg No.R44r/270Rev.f – Tapwood Revised Restoration Scheme Based on Modelled Water level of 57m AOD Dated Nov 2015.

- 17 Condition 23 – *the monitoring of the groundwater shall be carried out and completed in all respects strictly in accordance with plan R44r/202 and the scheme submitted and approved under planning application MO97/1141 dated 20 March 1998* – the applicant has stated that the assessment of hydrological effects will continue though ongoing monitoring in accordance with the above approved scheme.
- 18 Condition 31 – *the Dust Action Plan for Tapwood and the associated processing plant at Park Pit shall be carried out in all respects strictly in accordance with the scheme submitted and approved under planning application MO97/1141 dated 20 March 1998* – the Environmental Statement has included a dust assessment and the applicant proposes that Condition 31 be modified to reflect this assessment.
- 19 Condition 32 – *the applicant shall institute the approved dust-monitoring programme and provide at monthly intervals to the County Planning Authority details of the results of that programme so as to enable the County Planning Authority to specify appropriate trigger levels for the duration of the development* – the Environmental Statement has included a dust assessment and the applicant proposes that Condition 32 be modified to reflect this assessment.
- 20 Condition 38 – *all landscaping planting shall be carried out strictly in accordance with the schemes submitted and approved under planning applications MO89/0884 dated 20 October 1989, MO96/0164 dated 21 January 1996, MO96/1270 dated 24 January 1997, MO96/1160 dated 24 January 1997 and under MO97/1141 dated 20 March 1998* – the applicant is seeking to modify the landscaping schemes for both Park Pit and Tapwood Quarry to reduce the amount of woodland block planting. As already started above under Condition 3, revised restoration details were provided in 2015 by Dwg No. R44r/270Rev.f – Tapwood Revised Restoration Scheme Based on Modelled Water level of 57m AOD Dated Nov 2015; Dwg No.R44r/178Rev.f – Park Pit Revised Restoration Scheme; Dwg No.R44r/278 – Park Pit Proposed Planting plan for Area Beside Dungates Farm Dated Jan 2011, received November 2015.
- 21 Condition 39 – *All trees, marginal aquatic plants, shrub planting and other landscape works shall be maintained in good and healthy condition and be protected from damage in accordance with the schemes approved under MO89/0884, MO96/1160 and MO97/1141. Any hedges, trees or shrubs required to be retained as a screen during extraction and restoration operations, and which dies before the completion of such operation's shall be replaced by trees, shrubs or hedge plants or a similar species and of a similar size such as is practicable during the next available planting season* - the applicant is seeking to modify this condition for both Park Pit and Tapwood Quarry as a consequence of seeking to reduce the amount of woodland block planting. The revised drawings for Park Pit make provision for the maintenance of the restored grassland and tree/shrub planted areas.
- 22 Condition 40 – *all tree and shrub planting and other landscape works pursuant to this approval shall be maintained in accordance with the schemes approved under MO89/0884, MO96/1160 and MO97/1141 for the duration of the extraction and restoration works, and for five years from the completion of restoration of any part of the site. During those periods any trees or shrub which dies, or is severely damaged or diseased shall be replaced in the next available planting season with others of a similar*

size and species - the applicant is seeking to modify this condition for both Park Pit and Tapwood Quarry as a consequence of seeking to reduce the amount of woodland block planting. The applicant does not seek to revise the 5-year period of aftercare and the submitted drawings with the planning application set out what provisions would be provided for the maintenance of restored grassland and tree/ shrub planting.

- 23 Condition 41 – *the land at Tapwood Sandpit shall be brought to the required standard for use for amenity purposes in accordance with the provisions of the aftercare scheme forming part of planning application MO95/0668 allowed by the appeal decision T/APP/B3600/A/96/265844/P5 dated March 1997, and with such detailed annual schemes as may be approved after reinstatement of Tapwood East Phase I. Such schemes shall include details of the testing of the soil, planting; seeding, cultivation, fertilisation, watering, drainage or other treatment of the land which it is proposed should be carried out. The operator shall notify the County Planning Authority when the first of the cultivations has been undertaken and in no more than six weeks after that date there shall be a meeting at the site which shall be attended by representatives of the operators, the owners of their successors in title, and the County Planning Authority to monitor the success of the scheme. Thereafter, further schemes shall be submitted annually throughout the five-year period of aftercare applicable to each phase of the restoration* – the applicant is seeking to revise the aftercare scheme for Tapwood Quarry and has provided revised details of aftercare on grass and weed control, annual aftercare meetings, management of grassland through sheep grazing or annual mowing. This detail can be seen on drawings submitted in 2015 as mentioned under Condition 3 and further information was provided within the Regulation 22 response dated September 2011.
- 24 Condition 42 – *details of a scheme management and afteruse for Park Pit are to be submitted for approval by the County Planning Authority no later than 31 May 2000 in accordance with the provisions of the legal agreement accompanying planning application MO/79/798 and MO/79/799 dated 4 June 1980* – most of Park Pit has now been restored to a lake with planting along the edges of the lake. The restored profile includes much of the land being graded back to provide contoured grassed slopes with some steep sand bluffs around the western and northern margins. There are areas of shallows in the north western corner of the lake for marginal and emergent aquatic plants. The area where the processing plant is located is the only remaining area of Park Pit, which is un-restored, which now includes a lagoon and beach area with access to the proposed boathouse (retained former sand processing building).
- 25 The applicant was seeking to install a new slurry plant at Tapwood Quarry to replace the existing slurry plant. The replacement slurry plant would have been located within the southern part of Tapwood Quarry at 52.5m AOD, some 20m below the surrounding ground level approximately 100m to the south east of the existing slurry plant. The purpose of the replacement slurry plant was to enable extraction of mineral resources to take place beneath the existing slurry plant, however the applicant did not extract these reserves, as such the replacement slurry plant as submitted within the application documents was not required. All plant and equipment has now been removed to enable final restoration to be completed.

CONSULTATIONS AND PUBLICITY

- 26 The application was originally consulted on in July 2010, with further consultations in October 2011 and March 2012 in respect of 'further information' received under Regulation 22 of the EIA Regulations 2011. Amendments to the restoration drawings and the final restoration timescale (a further one year) was received in November 2015, which required a further round of consultation and publicity, giving consultees and members of the public the opportunity to comment on the amended application and amend any earlier comments in case of changed circumstances given the passage of

time since first consulted. The consultee views and representations received are set out below.

District Council

27 Mole Valley District Council – Planning

No objection. *‘Mole Valley District Council does not object to the proposed extension of time and the other changes provided that the following issues are wholly taken into account in the final determination of the application.*

1. That permission is granted for a more limited period, of no more than 12 months, during which time an investigation, preferably independent, is carried out to establish the correct level of water in Park Pit for the recovery of the local water table and the ecology of the SSSI. Further permission being dependant upon an agreed final level to be adopted.

2. The County Council is satisfied that the extraction rate of 100,000 tpa is maintained irrespective of any change in market conditions and that, if necessary, the silica sand is stockpiled within Park Pit so that there is no slippage in the final date of 31st August 2014 for the extraction of sand.

3. All plant and equipment is removed from both Park and Tapwood Pit within six months of the cessation of sand extraction.

4. The County Council is assured that the relocation of the slurry plant does not result in any additional noise for local residents. If necessary the equipment should be housed / clad to reduce the noise impact.

5. The County Council is assured that the Dust Management Plan is robust and meets current environmental standards.

6. The County Council ensure that the bunds, and any associated non indigenous vegetation is removed from both Tapwood and particularly Park Pit in order to return the area to the pre existing more open landscape.’

Mole Valley District Council – Environmental Health

No comment.

Consultees (Statutory and Non-Statutory)

28 Reigate and Banstead Borough Council

No objection, with the following requirements *‘to ensure that the valuable ecology of Reigate Heath is preserved:*

- The sand extraction should be progressed for the period of time indicated by the application for an extension and no further extensions in time should be given*
- The final groundwater level at restoration should be 54 metres AOD and no lower, consistent with the recommendation of the Environment Agency’s 2009 report on the subject. The fact that the current application proposes reinstatement to a lower water level than that recommended by the EA is a significant shortcoming of the application*
- Our support for the application is dependent on the interim remedial work to Reigate Heath, which is included in the current application, which would mitigate the delay to the ultimate restoration of the water level’*

29 Reigate and Banstead Borough Council – Policy Team

Objection. *'In the absence of any agreed scheme of mitigation. The Council remains of the view that the water level in Park Pit should be allowed to rise to 54mAOD (or as close to that level as can be achieved without damming the lake). Although we recognise that this would not return the local water table to pre-quarrying levels, it would at least be a permanent solution that would maximise rewetting of the heathland without having to resort to untested mechanical means, with all the maintenance and monitoring issues associated with that approach.'*

(Officer Comment: Re-wetting not a viable option, see Natural England's comments below)

30 Natural England

No objection, with the following comments: *'Natural England has objected to the continued extraction of silica sand from Buckland Sandpit due to our concerns regarding the deleterious impacts of dewatering operations on the special interest features of the adjacent Reigate Heath Site of Special Scientific Interest (SSSI). Due to the complex nature of this case and our concerns over the impact of continued quarry operations on the SSSI it was necessary for Natural England to commission a survey of the SSSI, the results of which are discussed below. This survey was required in order to provide sufficient information from which to make an informed evidence-based decision on this case. Based on the evidence contained within our survey report Natural England is now in a position to amend our position on this planning application. In summary the conclusion of Natural England's survey report was that regrettably the special interest features of units 1 and 3 of Reigate Heath SSSI have been damaged beyond recovery (unit 1) or destroyed (unit 3). This evidence leaves Natural England in the position of removing our objection to this application. The evidence shows that the interest features of the water-dependant units of the SSSI have been lost and that the impact is irreversible. Therefore in this instance due to the historical and permanent nature of an impact, which has occurred under planning consent, our objection cannot be maintained. We do however advise that this situation is given due consideration by the planning authority and that should planning permission be granted for this application, that appropriate enhancement measures are sought from the applicant'*.

31 The Environment Agency

No objection, subject to a condition in respect of the details of outfall from Park Pit and a condition in respect of groundwater monitoring in order to inform the assessment of risk to groundwater and surface water bodies from leachate emanating from the Jubilee Field landfill. The EA stated that they believe compensation for any loss of habitat should be proportionate to the loss of approximately 16ha of nationally important wetlands, and concurs with Natural England that the proposed temporary rewetting of unit 1 of Reigate Heath SSSI should no longer be considered as this would not guarantee restoration of any of the SSSI interest features. The EA suggested that alternative biodiversity enhancement measures need to be undertaken by the applicant, and as a minimum compensation should include ecological enhancements to Unit 2 of the SSSI. However, given the limited areas of such habitat it is suggested that wetland habitat enhancements and/or the creation are undertaken elsewhere in the catchment.

32 Surrey Wildlife Trust

No objection, with the following comments: supports the mitigation measures for the protected species; consult Natural England in respect of the impacts on the adjacent Reigate Heath SSSI; question over why Shag Brook is being kept ditched and culverted; final restoration scheme should seek to enhance on site biodiversity and enhance adjoining habitats and landscape schemes, with priority to the creation of UK and Surrey BAP Priority habitats; likely that a Bird Management plan will be required.

33 BAA – Gatwick Airport Safeguarding Team

No objection subject to a condition in respect of a bird management and aquatic planting to ensure that the proposals do not increase the bird strike hazard risk to Gatwick Airport.

34 **English Heritage**

No objection.

35 **Health & Safety Executive**

No objection.

36 **Health Protection Agency**

No objection.

37 **Sutton & East Surrey Water**

Objection, until the Environment Agency gives assurances that:

1. *The proposed works and remediation will not affect the quantity or quality of ground water being drawn from our Buckland and Clifton Lane boreholes, and*
2. *That remediation measures will be put in place by the applicant to correct the environmental damage being caused by current/proposed dewatering activities. The dewatering is known to have adversely affected the Marshy Meadow and Alder Wood SSSI's both of which are situated to the east side of the Buckland sandpits.*

(Officer Comment: 1. The Environment Agency (EA) is satisfied subject to the ongoing groundwater monitoring scheme, which will be imposed as a condition. 2. Natural England and the EA conclude that applicant is not solely responsible for any environmental damage to the SSSI and any proposal to re-wet the SSSI is not considered a viable option.)

38 **Department of Business Innovation & Skills (BIS)**

No comments received.

39 **County Dust Consultant**

No objection, subject to compliance with the submitted Dust Management Plan (DMP) and Dust Action Plan (DAP).

40 **County Noise Consultant**

No objection.

41 **County Geotechnical Consultant**

No objection, subject to conditions in respect of the outflow control design from Park Pit and groundwater monitoring.

42 **County Landscape Officer**

Concerns over the loss of woodland block planting at Park Pit.

43 **County Ecologist**

No objection.

44 **County Rights of Way**

No objection. Comments raised in respect of the level of sand discharged from Park Pit into the Shag Brook and impacts downstream at Wonham Mill.

45 **County AONB Officer**

No objection. Need to assess the views in and out of the AONB, when considering development in the AGLV. Supports raising level of water level in Tapwood to 54m AOD, if the proposed level of 52.5m causes the demise of the Western Alder Woods.

46 **County Highway Authority - Transportation Development Control**

No objection.

47 **Principal Environment Enhancement Officer**

No objection. Decline in wetland interest of SSSI (Western Alder Woods) is contributed to by, but not solely the result of sand extraction but also due to the prolonged drawing down of watertable by the local water company for public abstraction. Support alternative appropriate enhancement measures in view of Natural England's survey of the status of the SSSI.

Parish/Town Council and Amenity Groups

48 **Buckland Parish Council**

No objection on the strict understanding that Surrey County Council will use its best endeavours to ensure the required works are completed within the time frame that the planning authority sets out in conditions attached to any decision.

49 **Betchworth Parish Council**

No objection

50 **CAMEL**

The following points were raised:

- The applicant has been extracting sand without permission since June 2010
- Consider that a level of 54m AOD will provide significant level of relief to the current distress caused by the lack of water in the Western Alder Woods and cost should not be a limiting factor
- Interim re-wetting and offer of limited capital sum is not acceptable

51 **The Betchworth & Buckland Society**

The following points were raised:

- Public access in terms of amenity land and a circular walk around Park Pit is important, and that a water level of 53.5m AOD should be the minimum when combined with a permanent rewetting solution for the Western Alder Woods (in order to retain its SSSI status).
- A water level of 57m AOD at Tapwood is a concern; there is a planning commitment to restore to 61m AOD.
- The final date for extraction is 31 August 2014 with full restoration no later than 31 August 2015; the applicant must meet these deadlines.
- Ensure that all quarrying equipment is removed from both pits after cessation of quarrying.

52 **Buckland Residents Action Group/Committee**

No comments received

53 **Dorking & District Preservation Society**

The following points were raised:

- The water course at Shag Brook with implications of final lake water levels for management of operations and final restoration will depend on local hydrology and hydrogeology
- In assessing the harm to the area, account has to be taken of the original conditions placed on the existing planning permission.
- Natural England will give a detailed prescription for the water levels.

54 **Reigate Society**

The following points were raised:

- Continued pumping and discharge of water into Shag Brook has resulted in the lowering of the water table, which has resulted in the loss of many rare plants and trees on the nearby SSSI
- Request that the site restoration proposals identify alternative solutions to the problems at the Reigate Heath SSSI
- The proposal should be held until the water table has been restored and Reigate Heath SSSI has recovered

55 **CPRE**

Object to the proposal and raise the following comments:

- The water level at Park Pit should be 53.5m AOD or above, Hanson caused the damage to the Heath and must be prepared to fund a permanent solution
- Strongly support measures for rewetting of the Western Alder Woods
- The option of an overflow feed from Tapwood needs to be fully investigated
- Hanson and the Estate have benefited from the extraction so they should pay for the rewetting solution in order to retain the SSSI status of the Western Alder Woods
- Extension of the culvert is unsatisfactory
- Opposed to the reduction in woodland planting

Summary of publicity undertaken and key issues raised by public

56 The application was publicised by the posting of 6 site notices and an advert was placed in the local newspaper. A total of 123 of owner/occupiers of neighbouring properties were directly notified by letter. In October 2011 further information pursuant to Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 was advertised with notices erected and neighbours notified. This further information was in respect of: development operations, hydrology and hydrogeology, biodiversity and a great crested newt survey report.

57 In March 2012 further information in respect of restoration water levels at Park Pit and a Western Alder Woods re-wetting plan, pursuant to Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 was advertised as above. In November 2015 amending restoration plans and a change to the restoration end date from 2015 until 2016 were received and advertised accordingly.

58 12 letters of representation have been received, all of whom object to the proposed planning application. Comments relevant to the development are as follows:

- Extension unreasonable due to loss of silica sand market
- Land between the two sand pits is affected by the lowering of the watertable, causing damage to trees, pond and land quality - recommendation that operations cease as quickly as possible and the water level at Park Pit be considerably increased
- Sand and dust impact on health
- Retention of as many trees as possible along site boundary
- Impact on Reigate Heath SSSI from lowering the watertable
- Restoration to an amenity lake (fishing only and no noisy motor sports) will require appropriate access and parking to prevent use of neighbouring Cliftons Lane
- Measures to re-wet the Reigate Heath should be investigated
- Loss of light - trees between the property Harolyn and Tapwood Pit should be removed and replaced by a hedge once the site restored to fishing lake
- Water level in Park Pit to be restored to at least 54.5m AOD in order to protect Reigate Heath's SSSI status
- Want the hedge and bund removed on the western side of Tapwood Pit in order to provide views of lake

PLANNING CONSIDERATIONS

- 59 The County Council as Minerals Planning Authority (for clarity, Officers refer to the County Council as the County Planning Authority – ‘CPA’ elsewhere in this report) has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. At present in relation to this application the Development Plan consists of the Surrey Minerals Plan 2011 - Core Strategy Development Plan Document (SMP2011), the Mole Valley Local Development Framework (LDF) Core Strategy 2009 (MVCS2009) and the saved policies from the Mole Valley Local Plan 2000 (MVL2000).
- 60 The National Planning Policy Framework 2012 (NPPF) provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance. The development plan remains the cornerstone of the planning system, and 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 does not change the statutory principle referred to above. The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. However, the policies in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 61 The NPPF sets out the Governments approach on the management and planning’s role with regard to minerals. Para 142 states that: *“Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long term conservation”*. Para 144 sets out a number of bullet points that should be considered when determining planning applications. Those that are relevant to this proposal include:
- *giving great weight to the benefits of the mineral extraction including to the economy;*
 - *ensure in granting planning permission for mineral development that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety and take into account the cumulative effect of multiple impacts from individual sites and/ or from a number of sites in a locality;*
 - *ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and*
 - *provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards through the application of appropriate conditions, where necessary.*
- 62 On 6 March 2014 the Government launched an on-line version of National Planning Practice Guidance (NPPG), which is to support the effective implementation of the NPPF. This online document provides guidance on minerals, and re-iterates that minerals *“are, or may become, of potential economic interest due to their inherent properties”* and that *‘they make an essential contribution to the country’s prosperity and quality of life’*.

- 63 Key issues in determining this application will be compliance with the Development Plan and National policy, the need for the development and the potential impact on local residential, landscape, environmental and amenity interests, and the protection of the Metropolitan Green Belt. The Buckland Sandpits currently operate under the minerals review permission (ROMP - ref: MO98/1549, granted in May 1999), with conditions imposed in respect of working, restoration and aftercare, which are subject to a 15-yr periodic review. If planning permission was granted for this proposal, there would be no need for the periodic review of the mineral permission, as the new permission would provide for modern conditions.

Environmental Impact Assessment (EIA)

- 64 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (referred to here as the EIA Regulations) implement the European Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment which was adopted in 1985 and amended in 1997. Schedule 2 of the EIA Regulations, identifies the types of development for which EIA may be required. Consideration of whether a project triggers the need for EIA includes thresholds and criteria and other circumstances such as location within or very close to a “*sensitive area*” as defined in the Regulations. In each case the key question is whether or not the project would be likely to give rise to significant effects on the environment of the location concerned.
- 65 In November 2009 the CPA received a request from the applicant for a Screening Opinion under Regulation 5 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (now replaced by the 2011 EIA Regulations). In January 2010 the CPA issued a Scoping Opinion under Regulation 10 of the EIA Regulations. The scoping opinion offered advice on the issues to be covered in the Environmental Statement (ES) for the proposed development in respect of: landscape, noise, ecology, flood risk, hydrology and hydrogeology.
- 66 Following submission of the planning application and ES, the CPA made requests for further information under Regulation 19 (1999 EIA Regs) and its replacement Regulation 22 of the 2011 EIA Regs. These are outlined above under publicity and are referred to elsewhere in this report. The adequacy of the ES is addressed later under the section on Environment and Amenity. The ES addresses the following issues: biodiversity, hydrology and hydrogeology, transportation, air quality and dust, cumulative impacts and noise. The proposal is seeking to vary and modify a number of conditions that were imposed on planning permission ref: MO98/1549 however the proposal does not seek a physical extension to the operational quarrying area.

MINERAL ISSUES AND NEED

National Guidance

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG) 2014

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

Policy MC1 Location of Mineral Development in Surrey

Policy MC8 – Silica Sand Supply

- 67 The National Planning Policy Framework (NPPF) 2012 states under para.146, that mineral planning authorities should plan for a steady and adequate supply of industrial minerals by providing a stock (at least 10 years for individual silica sand sites) of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment. The National Planning Practice Guidance (NPPG) 2014 recognises that industrial minerals are essential raw materials for a wide range of downstream manufacturing industries and their economic importance therefore extends well beyond

the sites from which they are extracted. The NPPG (2014) states under para.90, that the required stock of permitted reserves for each silica sand site should be based on the average of the previous 10 years sales, and that the calculations should have regard to the quality of sand and the use to which the material is put.

- 68 The proposal is for the continued extraction of the industrial mineral - silica sand, which unlike construction sand contains a high proportion of silica in the form of quartz and more importantly a low level of impurities. The significance of the end use rather than the nature of the sand in the ground is recognised by the British Geological Society (BGS), which has defined silica sand as sand used for applications other than construction aggregates and “*are valued for physical and chemical properties*”. The chemical and physical requirements of end-uses vary widely, the most important properties being grain size and grain size distribution (grading), grain composition, grain shape, grain strength, colour and staining behaviour. Markets often have very specific requirements for one or more of these properties, and as such sands are generally marketed as ‘specialist sands’ that include industrial processes (for glass, foundry moulds, chemicals, aircrete, bricks and tiles), ‘non-construction aggregates’ (including equestrian sand, sports and leisure sand, horticultural sand) and specialist construction uses.
- 69 Minerals planning raises a number of issues, often related to the fact that minerals can only be worked where they occur, and maintaining an adequate supply of minerals without having a significant impact upon communities and the environment is a challenge. The Surrey Minerals Plan 2011 - Core Strategy Development Plan Document (SMP2011) states that “*exploitation of mineral resources and other mineral development in Surrey should be efficient, environmentally responsible, adequate, as far as possible, to meet the needs of the economy and should not impose significant adverse impacts on the community*”. The SMP2011 highlights that the silica sand resources within Surrey are some of the purest within the country, with low levels of iron and alumina. Silica sand resources, although being part of the Lower Greensand Formation, are much more restricted in extent than the soft sand resource, which limits the choice of alternative locations for future production (Policy MC1 – Location of Mineral Development). Given the scarcity of suppliers of silica sand, it is important to maintain workable reserves where appropriate in order to ensure a continuous and competitive source of supply of the raw materials, ensuring that important mineral resources and sites for mineral development are not sterilised in any way (Policy MC8 – Silica Sand Supply).
- 70 The applicant seeks to extract the remaining 400,000 tonnes of silica sand reserve at Tapwood Quarry and for the mineral to be processed at Park Pit. The applicant has stated that the proposals comprise a variation of an existing permission to facilitate the continued extraction of an already permitted reserve. The sand has now been worked out due to the time taken to determine this planning application due to issues over hydrology discussed below. Residents questioned the need for the sand, commenting on the loss of the silica sand market and subsequent decline in productivity and export. However, the applicant confirmed that the majority of the remaining sand reserves are of suitable high quality to meet the continued demand of the glass industry.
- 71 The adopted SMP2011 recognises the need for silica sand and the limited areas within the UK where this specialist sand is found, with only two locations in Surrey. The proposal seeks an extension of time to complete mineral extraction and the subsequent restoration of the Buckland Sandpits and does not seek a physical extension to the working area. There is a continued need for the reserves of this high quality industrial sand, and to sterilise this remaining reserve through not working it, would contradict national and development plan policy. Officers are therefore satisfied there is a need to extend the time by which extraction can cease to assist in maintaining the landbank for the county and to avoid sterilisation of the mineral.

HIGHWAYS, TRAFFIC and ACCESS

National Guidance

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG) 2014

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

Policy MC15 Transport of Minerals

Mole Valley Local Plan 2000 (MVL2000)

Policy MOV2 - The Movement Implications of Development

- 72 This section considers the traffic generation and access arrangements, the impact on the highway network and the relative accessibility of the site. The adopted screening opinion for the proposal concluded that the traffic impact would be of low significance, as the level of traffic is not anticipated to change from the current level permitted at the site. The application addresses the environmental impact of the proposals in terms of highways and transport. The applicant has stated that the HGV traffic associated with the proposal to remove the remaining 400,000 tonnes of reserves of silica sand over four years via Park Pit would be less than the number of HGVs associated with the currently permitted 180,000 tonnes per annum average.
- 73 Paras. 29 – 41 of the NPPF deal with transportation, stating that all developments that generate significant amounts of movements should be supported by a Transport Statement (TS) or Transport Assessment (TA). The NPPG states that TA's are thorough assessments of the transport implications of development, whereas TS's are a 'lighter-touch' evaluation, used where there are anticipated limited transport impacts. However, it may be that no TA or TS is required where transport impacts are not significant, but this would need to be agreed with the CPA in advance. Para 32 of the NPPF sets out three bullet points that require decision makers to take account of; opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, that safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The third bullet point also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 74 Policy MC15 of the SMP2011 Core Strategy states that mineral development involving transportation by road will be permitted only where there is no practicable alternative to the use of road based transport, the highway network is of an appropriate standard for use by the traffic generated by the development; and that arrangements for site access and the traffic generated by the development would not have any significant adverse impacts on highway safety, air quality, residential amenity, the environment or the effective operation of the highway network.
- 75 Policy M02 of the MVL2000 states that development proposals "*will normally only be permitted where it can be demonstrated that it is or can be made compatible with the transport infrastructure and the environmental character in the area, having regard to all forms of traffic generated by that development*".
- 76 The proposal needs to accord with the above development plan policies and the guidance within the NPPF (supported by the NPPG) is a material consideration. The extraction of sand has now ceased, however it generated a maximum of 40 HGV movements per day, which Transportation Development Officers considered as negligible. Officers therefore considered that the proposal had no discernible transportation impact and as such accords with the above development plan policies and government guidance.

ENVIRONMENT AND AMENITY

National Guidance

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG) 2014

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

Policy MC2 Protection of Key Environmental Interests in Surrey

Policy MC14 Reducing the Adverse Impacts of Mineral Development

Policy MC17 Restoring Mineral Workings

Policy MC18 Restoration and Enhancement

Mole Valley Local Plan 2000 (MVL2000)

Policy ENV4 - Landscape Character

Policy ENV14 – Enhancement, Management and Creation of Nature Conservation Feature

Mole Valley Local Development Framework Core Strategy DPD 2009 (MVCS2009) and Landscape SPD 2013

Policy CS13 - Landscape Character

Policy CS15 – Biodiversity and Geological Conservation

- 77 The NPPF seeks to ensure that mineral development does not give rise to unacceptable adverse impacts on the natural and historic environment and human health (para.144) and that the cumulative effect of multiple impacts from individual sites and /or from a number of sites in the locality should be taken into account. The latest permission for the extraction of the silica sand from Tapwood Quarry (extension) was originally granted on appeal in 1997, which considered the impacts on the character and appearance of the area, and the effect on the amenities of local residents. The Inspector acknowledged that whilst there would be some harm to the character and appearance of the landscape locally, and that there would be some disturbance to the amenities of local residents, the overall need for this scarce national resource outweighed the environmental harm. The modern conditions imposed under the 1999 minerals review permission provided protection in respect of environment and amenity impact. The proposal is seeking a variation of those conditions, so as to allow the remaining reserves of silica sand to be worked over a further 4 years, with an additional year for restoration by 2015, which was later amended to 2016.
- 78 SMP2011 Policy MC14 (Reducing the Adverse Impacts of Mineral Development) states that, “*Mineral Development will be permitted only where a need has been demonstrated and the applicant has provided information sufficient for the mineral planning authority to be satisfied that there would be no significant adverse impacts arising from the development*”. Ten issues are set out in this policy, including: landscape and biodiversity, noise and dust; flood risk and dewatering, which are relevant to this proposal and are discussed below.

Landscape and Visual Amenity (AGLV)

- 79 The sandpits are situated in an area of largely undulating and open agricultural land below the North Downs escarpment, to the south of the Surrey Hills Area of Outstanding Natural Beauty (AONB). Tapwood Quarry lies within an Area of Great Landscape Value (AGLV), which extends southwards but does not include Park Pit. Both sandpits lie within the Greensand Valley Landscape Character Area (LCA 2015), which is characterised by a network of open parkland and farmland with hedgerows, mainly used for cattle grazing with some horse pasture, but includes areas of heath and woodland blocks. Protection of the local landscape and landscape character is set out within Policy ENV4 of the Mole Valley Local Plan 2000 which requires planning applications to take into account whether any existing landscape features such as trees and hedgerows should be retained. Policy ENV4 states that development proposals should conserve and not detract from the character of the local landscape.
- 80 Policy MC2 of the SMP2011 seeks to protect key environmental interests such as AONBs and that mineral development will only be permitted if it has been demonstrated to be in the public interest and that restoration can be carried out to the highest standard. MVCS Policy CS13 and adopted Landscape SPD 2013 seeks to ensure that all new development respects and, where appropriate, enhances the character and

distinctiveness of the landscape character area in which it is proposed, which includes protecting views to and from the AONB.

- 81 A landscape and visual assessment was not prepared as part of the EIA process due to this being an application for an extension in the period for extraction and restoration of an existing operation, which was acknowledged in the Scoping Opinion issued by SCC. However, the applicant did review the landscape character assessments and the contribution of the proposed restoration schemes for the sites to the local landscape character. This is discussed further under the restoration section, but the applicant states that the restored landscape would contribute to a mosaic of habitats that are already found within the local landscape. Park Pit ceased mineral extraction in 2002, with the majority of the site restored and planted by 2005. It is proposed to reduce the amount of approved tree planting around the margins of the lake due to the requirement to provide suitable clear areas for anglers. The applicant also proposes to remove the hedge at the western end of Tapwood, which was originally planted to screen the workings from Rose Cottage. Now that quarrying operations have ceased, the hedge is no longer required and the residents of Rose Cottage are also very keen for their views to be restored.
- 82 Mole Valley District Council raised no objection provided various issues were addressed, which included the removal of the bunds and any associated non indigenous vegetation from both Tapwood and particularly Park Pit in order to return the area to the pre existing more open landscape. The applicant has stated that the bund along the western boundary of Dungates was designed as a permanent screening feature and planted with trees in 1981-82 under planning permission MO79/798 (subsequently carried forward within the Minerals Review permission MO98/1549).
- 83 The County Environmental Enhancement Officer, County Landscape Officer and AONB Officer raised no objection to the application in respect of the landscape impacts. The CPA now has a different CLO due to the time taken to determine this planning application. The new CLO has not been involved throughout the long history in determining this application, and has a different view on the landscape impacts, raising concerns and objects to any loss in landscape enhancement without further justification. The applicant has provided further clarification, reiterating that the one of the main drivers for removing much of the previously permitted tree planting around the Park Pit Lake is the landowners' proposal for a fly-fishing end-use, which requires adequate clear area for casting. Currently, a significant proportion of the lake margin is already inhabited by stands of willow and alder regeneration, and the applicant has stated that as the water level rises to 52.5m AOD, establishment of further dense flushes of shoreline willow and alder vegetation will almost certainly establish as the shoreline moves higher up the banks. Much of this regeneration will be allowed to establish itself (balanced with the needs of the fishery) to benefit bankside cover and improve the internal landscape for site users. The applicant has stated that site is generally set in an already well-wooded local environment and already gives a well-wooded appearance from the AONB to the north. The applicant has stated that there would be no discernible benefit from increasing the density of tree planting over what is already there, or what is likely to regenerate over the coming years.
- 84 The CLO also raised concerns over the proposals to change the treatment and enhancement of Shag Brook to extend the amount of stream placed in to culvert from 85m to 140m. However, following site meetings and agreement with the Environment Agency (EA) the applicant provided reasons stating that the culvert between Colley Lake and Shag Brook was installed many years ago to drain excess water from Colley Lakes, which were surcharged by dewatering water from Tapwood Quarry. The dewatering has ceased, which mean the levels in Colley Lakes should now settle to natural levels. The route has never had a natural open watercourse and this was discussed with the EA during a site visit and a reason for the buried pipe rather than creating a ditch was due to the topography of the intervening land, with the depth of the pipe varying from 6m at the Colley Lakes end to 2m at the other end. A ditch would therefore be impractical as a

steep sided ditch would be difficult to maintain. The CLO has accepted the stance taken by the EA.

- 85 Officers consider that the need to extract the remaining mineral reserve so not to cause sterilisation and the reasons put forward by the applicant as to why a delay has occurred outweigh the temporary visual harm caused by the extraction in Tapwood and processing in Park Pit. Officers acknowledge the concern of the CLO however the applicant has provided reasons for the planting reduction in terms of the proposed afteruse and these views are considered acceptable by the County Environmental Enhancement Officer and other consultees. Officers therefore consider that in the broader context of the landscape and afteruse of the site, the reduction of planting is considered acceptable, and would be outweighed by the nature and the benefits of the overall restoration. Officers, also consider that the proposal is capable of conserving and enhancing this sensitive and distinctive area of landscape in which it is located. Officers therefore conclude that the proposal complies with national and development plan planning policy relating to landscape and visual impact matters.

Noise

- 86 Existing noise conditions set under the Minerals Review planning permission (ref.MO98/1549) apply to both sites and the EIA Scoping opinion recommended that the Environmental Statement should demonstrate that current noise limits / conditions are still appropriate and that the work is being undertaken within the limits. Noise monitoring was undertaken by the applicant, which found that the dominant noise source was road traffic noise coming from the A25, which runs between the two sandpits. The monitoring showed that noise from the sand extraction and processing operations was virtually inaudible at the site boundary, recorded as low and not significant in EIA terms, indicating that the current noise conditions were being complied with and remained appropriate control over site operations.
- 87 The County Noise Consultant raised no objection to the proposed development. Now that the quarry operations have ceased with only restoration works taking place there would be limited noise generation. However, Officers do not consider that the proposed development would generate an unacceptable level of noise and therefore the site can operate within the existing appropriate noise limits.

Air Quality – Dust

- 88 There are two issues concerning airborne sand from quarries – the impact upon residential amenity by causing a nuisance; and the impact upon health. Small particles (PM10) are associated with effects on human health and only make up a small proportion of the dust emitted from most mineral workings. These are deposited slowly and may travel 1000m or more from the source but their concentration will decrease rapidly on moving away from the source due to dispersion and dilution. Larger particles (greater than 30µm (µ = microgram)) make up the greatest proportion of dust emitted from mineral working and will largely deposit within 100m of sources with intermediate particles (10 - 30µm) being likely to travel up to 200-500m. Large and intermediate particles are often referred to as nuisance dust.
- 89 A Dust Action Plan has been in place since Tapwood and Park Pit have been in operation, however the applicant carried out an assessment of any further dust nuisance, as the nearest receptors are within 500m of the extraction areas. The assessment concluded that the risk to the receptors is low and with appropriate mitigation measures the dust effects from the site are considered to be not significant. The County Air Quality Consultant assessed the proposal and its impacts on air quality and health, and raised no objection, subject to compliance with the submitted Dust Management Plan (DMP) and Dust Action Plan (DAP). Whilst the concerns of local residents are acknowledged, on the basis of the assessments and no objection from the County Air Quality

Consultant, Officers consider that the existing DMP and DAP provide appropriate control over operations, as such the development would not give rise to significant or unacceptable impacts in terms of air quality.

Hydrology, Hydrogeology and Surface Water

- 90 Tapwood Quarry and Park Pit lie within the catchment of the River Mole, with Shag Brook being the nearest watercourse, which lies to the west of Tapwood and drains southwards under the A25 and to the east of Park Pit, running southwest towards the River Mole. To facilitate mineral extraction from Tapwood and to control water levels in Park Pit, water has been discharged from Tapwood into the Colley Lakes to the north and from Park Pit into Shag Brook. A culvert was installed many years ago between Colley Lakes and the western end of Tapwood (as mentioned above) which controls the water level in Colley Lakes to the north, allowing water to overflow into the upper reaches of the Shag Brook. The applicant is retaining this structure intact (as opposed to removing it and leaving an open ditch) following agreement with the Environment Agency.
- 91 Tapwood Pit is located adjacent to (south of) a former household waste landfill site (Jubilee Field). This landfill site has caused pollution of groundwater locally and has required Sutton & East Surrey Water Company to prevent the flow into the Buckland Green borehole by sleeving off the Folkestone Formation and drilling to the deeper Hythe Formation. The Folkestone Formation is classed as a Principal Aquifer by the Environment Agency and the applicant has carried out extensive groundwater monitoring since 1994, which has shown depressed local groundwater levels and enhanced flows in the Shag Brook. Now that extraction has ceased, the applicant has stated that groundwater levels are expected to recover within a period of 5 years. The lake levels will gradually readjust as a result of the groundwater changes, with lake levels at Park Pit allowed to recover to 52.5m AOD, with a controlled outfall into Shag Brook. The Tapwood levels are anticipated to rise to 57m AOD, which is projected to reach equilibrium within 5 years. The applicant's assessments concluded that the proposed development would have little or no additional impact on the local groundwater or surface water flow regimes.
- 92 Sutton & East Surrey Water raised an objection in respect of the environmental damage caused by the dewatering activities, until the Environment Agency gave assurances that the works would not affect the quantity or quality of ground water and that remediation measures are put in place to correct the environmental damage, in particular the impact on the Alder Wood SSSI to the east side of the Buckland sandpits. Natural England, the Environment Agency and the Principal Environmental Enhancement Officer agree that the decline in wetland interest of SSSI (Western Alder Woods) is contributed to by, but not solely the result of sand extraction but also due to the prolonged drawing down of the watertable by the local water company for public abstraction. The Environment Agency raise no objection subject to a condition in respect of the details of outfall from Park Pit (which have been provided) and a condition in respect of groundwater monitoring in order to inform the assessment of risk to groundwater and surface water bodies from leachate emanating from the Jubilee Field landfill.
- 93 The issue of hydrology and the impacts of dewatering have been the subject of lengthy discussions and meetings with the applicant, the Environment Agency and Natural England, which has been the cause of the delay in determining this planning application. The concerns of local residents and organisations are acknowledged, but on the basis of the responses received from technical consultees, which includes the Environment Agency who are the body responsible for protecting and enhancing the quality of our water, Officers consider that any impact on the hydrology and hydrogeological environment or on amenity will be able to be controlled / mitigated to acceptable levels by the imposition of planning conditions. As such Officers consider that the proposal accords with the Development Plan.

Ecology and Biodiversity

- 94 Protection of site biodiversity is set out within Policy CS15 (Biodiversity and Geological Conservation) of the MVCS 2009, which states that all water course, mature hedges and trees within development sites should be, as far as practicable, retained. Only where no realistic alternatives are available or replacement of such features elsewhere in the site would result in biodiversity enhancements above what already exists at the site, will removal of such features be permitted. The policy goes on to state that planting and other schemes that promote biodiversity will be expected to focus on native specific from the locality.
- 95 The applicant has provided an environmental assessment which included an extended Phase 1 survey, species surveys (including great crested newts, bats, reptiles and water voles) and a review of the potential indirect effects on nature conservation designations. The assessment concluded that significant adverse effects are unlikely and can be avoided by the incorporation of mitigation measures and good site management. In terms of planting, most of this has already been carried out at both pits, and comprises a mixture of tree and shrub planting and wildflower grassland, as shown on the revised restoration schemes. A number of sand faces have been left exposed to provide visual interest and ecological diversity to the restored site. In terms of Park Pit the shallow areas have already been planted with marginal and aquatic planting, which have already developed, however further aquatic planting may be required when the water levels reach equilibrium. A bird management plan was recommended by Gatwick Airport Ltd and the applicant has included this as further information, which will be adopted as part of any permission.
- 96 The Surrey Wildlife Trust have not raised an objection to the proposed seed mixes or plant species but have raised queries with regard to the possibility of providing areas of the sandy cliffs for invertebrates and birds as a permanent feature, whether some areas identified for wildflower seeding could be left un-seeded to provide bare patches thereby creating variation; and whether some areas of the lake could be excluded from angling and established as a refuge for birds. The Principal Environmental Enhancement Officer (PEEO) has commented with regard to the provision of refuges that this may be problematic unless areas are physically segregated from the rest of the waterbody. This is because areas designed to maximise wildlife benefits by definition can result in being the best areas for fish and consequently can attract angling attention. The PEEO has stated that as the angling proposed at Park Pit is to be relatively low level he considers that the potential for adverse impact is limited. Cliff faces and areas of bare ground are already present within parts of the application site which are currently restored and these are to remain as such, thus providing areas for wildlife refuge. The County Ecologist has raised no objection.
- 97 Concerns have been raised by many local groups with regard to the adverse impact of the quarry working on the Reigate Heath SSSI, which lies to the southeast of Park Pit. In particular the drying out of the Western Alder Woods (Unit 1) of the SSSI which is approximately 40m southeast of the site, adjacent to the eastern bank of Shag Brook. Reigate Heath itself (Unit 2) comprises open heath and acid grassland, and Unit 3 along the eastern boundary of the SSSI is cited as being wet meadows. The issue of water levels, groundwater modelling and impacts on the SSSI has been an ongoing discussion point between Natural England, the Environment Agency, the applicant and the CPA, and one of the main reasons for the delay in determining this planning application. It has been agreed that the drying out of the SSSI is likely due to a combination of factors, including the historic groundwater abstraction for water supply for the area and mineral extraction. The applicant submitted a re-wetting scheme to assist with the regeneration of the SSSI, however due to the complex nature of this situation it was necessary for Natural England to commission a survey of the SSSI.

- 98 Based on the evidence contained within Natural England's survey, it was concluded that the special interest features of Units 1 and 3 of Reigate Heath SSSI have been damaged beyond recovery (Unit 1) or destroyed (Unit 3). This evidence shows that the interest features of the water-dependant units of the SSSI have been lost and that the impact is irreversible. Therefore in this instance due to the historical and permanent nature of an impact which has already occurred, both Natural England (NE) and the Environment Agency (EA) agree that the proposed re-wetting scheme of Unit 1 should no longer be considered as this would not guarantee restoration of any of the SSSI interests. The Principal Environmental Enhancement Officer concurs with this conclusion. Officers therefore consider that the proposal would accord with the relevant Development Plan policies in terms ecology and biodiversity.

Restoration and Aftercare

- 99 The importance of securing a good quality restoration is central to the consideration of mineral working and associated proposals. Delay in restoration has environmental costs and guidance in the NPPG (Minerals - Paragraph: 044) states that: *'For mineral extraction sites where expected extraction is likely to last for many years, early agreement on the details of at least the later stages of aftercare may not be appropriate. In such cases, it would still be appropriate:*
- *for the applicant to provide a general outline of the final landform and intended after-use;*
 - *for the mineral planning authority to agree at the outset outlines of requirements covering the main stages of reclamation of a site (e.g. filling, restoration and aftercare), together with detailed schemes for stripping and storage of soil materials'*
- 100 The SMP2011 requires mineral working proposals to provide for restoration and post restoration management to a high standard, and sites should be progressively restored or restored at the earliest opportunity with the restoration sympathetic to the character and setting of the wider area and capable of sustaining an appropriate afteruse.
- 101 In 1999 modern conditions for working, restoration and aftercare of the Buckland Sandpits were approved under the Minerals Review planning permission (ref: MO98/1549), which was to provide restoration to two landscaped lakes. The restoration landform is remaining as two lake settings, however with a reduction in the planting blocks around the lakes to facilitate the recreational use (fly-fishing from both rowing boats on the lake and from the shoreline) at Park Pit and the seasonal grazing of the slopes around Tapwood. The applicant considers this planting is no longer necessary or integral to the restoration and aftercare of the sandpits.
- 102 There have been long and exhaustive discussions regarding the final water level that will be achieved at Tapwood once the pumps are turned off. The original (approved) restoration design was based on a final water level of 61.5m AOD, as a result, much of the restoration at Tapwood that took place prior to 2010 was based on that final water level. However, subsequent modelling undertaken post-2010 showed that the final water level was more likely to be 57m AOD. Therefore, the Tapwood 'Revised Restoration Scheme' has been based on the modelled level of 57m AOD but the applicant acknowledges that if a different water level is achieved, the design will have to change. The applicant expects the final predicted water level will be achieved within 5 years, and once it is agreed that final water level has been reached, the applicant proposes to submit a revised scheme to include details of how the landform will be altered to accommodate this new level. If the final water level does in fact turn out to be higher at 61.5m, then little, if any remedial works, will be required. For levels below 61.5m AOD, varying degrees of works may be required, which may require an amended scheme to be approved. Final planting (and restoration sign off) would have to wait until final lake levels are achieved at which point the 5 year aftercare could commence.

- 103 Park Pit was largely restored and planted in 2005 to a pre-determined water level of 52.5m AOD, as planning permission was granted for this level. A review of this level has been undertaken by the applicant, in consultation with the Environment Agency and Natural England with a view to increasing it to as much as 56m AOD. This was on the basis that this would benefit the nearby SSSI, through re-wetting, however following research by Natural England (as discussed above) the re-wetting would of no benefit to the SSSI. Therefore, the previously approved level of 52.5m was the basis of the revised restoration, with the removal of some blocks of tree planting around the lake margins. Park Pit water levels are to be maintained at 52.5m AOD, as currently approved, with a piped outfall in the south east corner, which will feed into Shag Brook. This level would also facilitate the use of the retained building in the northern end of the site as a boathouse, which was permitted in 2015. In addition, through a series of removable drop boards, not only will the proposed Park Pit structure enable the lake to be controlled at the permitted 52.5m level, but also at levels below that for essential maintenance purposes.
- 104 Several statutory consultees, including the Environment Agency; parish councils and amenity groups originally raised concerns with regard to the final water level of Park Pit and considered that this water level should be raised. However, as explained above it has been agreed with the Environment Agency and Natural England that the 52.5m AOD is considered acceptable. Now mineral working has ceased, the water levels within Park Pit are slowly rising from the suppressed 50m AOD to 52.5m AOD. Some final aquatic planting is also needed at Park Pit, as levels rise to 52.5m AOD. Officers therefore consider that the restoration and aftercare for the site is acceptable in underpinning the existing structural landscape, and accords with the policies of the development plan.

Conclusion - Environment and Amenity

- 105 The Development Plan states that mineral development will be permitted only where a need has been demonstrated and the applicant has provided information sufficient for the mineral planning authority to be satisfied that there would be no significant adverse impacts arising from the development. Key issues identified in respect of the proposal include: landscape and biodiversity, noise and dust; flood risk and dewatering which have been addressed above. Officers consider that any impact on the environment or on amenity will only be temporary and will be able to be controlled / mitigated to acceptable levels by the imposition of planning conditions. As such Officers consider that the proposal, subject to planning conditions, is consistent with the aims and objectives of development plan policies relating to the environment and amenity.

METROPOLITAN GREEN BELT

The Development Plan

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

Policy MC3 Mineral Development in the Green Belt

Policy MC17 – Restoring mineral workings

- 106 The site lies within the Metropolitan Green Belt where policies of restraint apply. Government policy on Green Belts is set out in Part 9 '*Protecting Green Belt Land*' (paragraphs 79 to 92) of the NPPF. Government policy and guidance in relation to minerals planning is set out in Part 13 '*Facilitating the sustainable use of minerals*' (paragraphs 142 to 149) and the '*Minerals*' section of the NPPG. Mineral extraction is included in the forms of development listed in paragraph 90 that are not inappropriate in Green Belt '*provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*'. When determining planning applications paragraph 144 of the NPPF states local planning authorities should '*provide for restoration and aftercare of mineral workings at the earliest opportunity to be carried out to high environmental standards, though the application of appropriate conditions, where necessary*'.

- 107 SMP2011 Policy MC3 states that *'Mineral extraction in the Green Belt will only be permitted where the highest environmental standards of operation are maintained and the land restored to beneficial after-uses consistent with Green Belt objectives within agreed time limits'*. The supporting text at paragraphs 3.45 and 3.47 refer to almost all mineral working in Surrey being in the Green Belt, and the need for restoration and afteruse of mineral workings to be appropriate to the designation and objectives for the use of land in the Green Belt, which include securing nature conservation interest and retaining land in agricultural, forestry and related uses. Policy MC17 requires mineral working proposals to provide for restoration and post restoration management to a high standard. Sites should be progressively restored or restored at the earliest opportunity with the restoration sympathetic to the character and setting of the wider area and capable of sustaining an appropriate afteruse. For mineral working in the Green Belt afteruses should be appropriate to that designation, these include agriculture, forestry, recreation and nature conservation. Mole Valley Local Plan 2000 states at paragraph 4.20 that proposals involving mineral working within the Green Belt will be judged against policies within the Minerals Local Plan.
- 108 Given the site's Green Belt location it is necessary to consider whether the proposed development would maintain high environmental standards during operation and whether the restoration of the site can be achieved to a good standard and will provide an acceptable afteruse consistent with Green Belt objectives. Much of the consideration of whether high environmental standards could be maintained and whether an appropriate and acceptable restoration can be achieved has already been demonstrated in the sections above. Mineral working is a temporary use of land and minerals can only be worked where they are found.
- 109 Officers are satisfied that the restoration scheme as proposed meets the requirements with regard to Green Belt policy and the Local Development Plan due to the ecological and landscape benefits offered within the scheme. Officers consider that the proposed amendments to the restoration plans for Park Pit which involves the removal of tree planting along the periphery of the lake will not contradict the objectives of providing for high environmental standards in the restoration of mineral workings. Officers conclude that the temporary impacts of the mineral working on the Green Belt would be significantly mitigated by the progressive restoration of the site and as such, will not cause permanent harm to the Green Belt, and therefore the proposal accords with the policies of the development plan.

HUMAN RIGHTS IMPLICATIONS

- 110 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 111 It is the Officers view that the scale and duration of any potential impacts are not considered sufficient to engage Article 8 or Article 1 and that potential impact can be mitigated by the imposition of planning conditions. As such, this proposal is not considered to interfere with any Convention right.

CONCLUSION

- 112 The application site is located in the Metropolitan Green Belt where mineral related development need not be inappropriate development provided that high environmental standards are maintained and the site is well restored. Minerals can only be worked where they are found. The District Council, local parishes, residents and other objectors have expressed concerns about various issues including: need for the sand; landscape

impacts; air quality and dust; hydrology; impact on SSSI; and restoration. The applicant undertook an environmental assessment and has provided further information where necessary.

- 113 Technical consultees have carefully considered the application and information provided and not objected to the development. The views of technical consultees have been reported under individual issues earlier in the report. Mineral extraction has now ceased however there is no reason to believe that high environmental standards cannot be maintained during the restoration and aftercare of the site.
- 114 Officers consider there is no reason to believe that the site could not be well restored to the proposed after-uses, with planting already well established in parts of the site, and such uses and restoration are consistent with Green Belt objectives. Any adverse impact on the visual amenities of the AONB and AGLV have been limited and adequately controlled. The need for the sand has been demonstrated and is in the public interest and high environmental standards would be achieved and that the site well restored. Officers therefore consider that the proposed development accords with Surrey's Mineral Site Restoration Guidance and Surrey Minerals Plan Policies.

RECOMMENDATION

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

CONDITIONS

Approved Documents

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

Title	Drawing No.	Date
Site Location Plan	Figure 1.1	June 2010
Planning Application Boundary and Land under Applicants Control	Figure 1.2	June 2010
Park Pit - Revised Restoration Scheme	R44r/178Rev.f	November 2015
Tapwood Pit - Revised Restoration Scheme Based on Modelled Water Level of 57m AOD	R44r/270Rev.f	November 2015
Proposed planting for Area Besides Dungates Farm	R44r/278	November 2015 (received)
Colley Lake to Shag Brook Culvert: Cross Section (Reg22)	Figure 2.4	September 2011
Park Pit – Design of Lake Outfall/Headwall	(A4 sheet with plan, section and elevation)	November 2015

Time Limits

- 2 The restoration of Park Pit to a condition suitable for low intensity fishing and leisure uses shall be completed no later than 31 August 2016 in accordance with the 'Revised Restoration Scheme' Drawing No. R44r/178Rev.f dated November 2015
- 3 The restoration of Tapwood Quarry to a landscaped lake shall be completed by 31 August 2016 in accordance with the 'Revised Restoration Scheme Based on Modelled Water Level of 57m AOD' Drawing No.R44r/270Rev.f dated November 2015.

Bird Management Plan

- 4 The Bird Management Plan as contained in Appendix B of the AMEC Regulation 22 response Dated 21 September 2011, shall be implemented as approved from the date of this decision notice.

Protection of Groundwater

- 5 The monitoring of the groundwater shall be carried out and completed in all respects in accordance with plan R44r/202 and the scheme submitted and approved under planning application MO97/1141 dated 20 March 1998. The monitoring shall be carried out until the County Planning Authority is satisfied that the water level in Tapwood Pit has reached equilibrium, with reports provided to the County Planning Authority on an annual basis as specified in the approved plan.

Restoration

- 6 All trees, marginal aquatic plants, shrub planting and other landscape works at Park Pit shall be maintained in good and healthy condition and be protected from damage in accordance with the schemes as shown on 'Revised Restoration Scheme' Drawing No. R44r/178Rev.f dated November 2015, any tree or shrub which dies or is severely damaged or diseased shall be replaced in the next available planting season with others of a similar size and species.
- 7 All trees, shrub planting and other landscape works at Tapwood shall be maintained in good and healthy condition and be protected from damage in accordance with the schemes as shown on 'Revised Restoration Scheme Based on Modelled Water Level of 57m AOD' Drawing No.R44r/270Rev.f dated November 2015, any tree or shrub which dies or is severely damaged or diseased shall be replaced in the next available planting season with others of a similar size and species.
- 8 Within 5 years of the date of this permission, the County Planning Authority shall be notified of the final water levels and any necessary revised restoration requirements. If a revised restoration scheme is required, then within 6 months of the receipt of such notification, a revised restoration scheme shall be submitted for approval in writing by the County Planning Authority.

Aftercare

- 9 The land at Tapwood and Park Pit shall be brought to the required standard for use for amenity purposes in accordance with the provisions of the aftercare scheme forming part of planning application ref: MO10/0847 and approved restoration drawings, and with detailed annual schemes to be submitted as may be approved. Schemes shall be submitted annually throughout the five-year period of aftercare and shall provide details of the soil, planting, seeding, cultivation, fertilisation, watering, drainage or other treatment of the land which it is proposed should be carried out.

Reasons

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity and to ensure the prompt and effective restoration to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Surrey Minerals Plan 2011 Policy MC17.
- 3 To enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity and to ensure the prompt and effective restoration to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Surrey Minerals Plan 2011 Policy MC17.

- 4 To 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 pursuant to Policy MC14 of the Surrey Minerals Plan 2011.
- 5 To ensure that the proposed development will not have a significant adverse impact on water quality or water resources in accordance with paragraphs 103 and 109 of the National Planning Policy Framework (NPPF), Water Framework Directive (WFD); Surrey Minerals Plan 2011 Policy MC14.
- 6 To secure restoration to the required standard and enhance biodiversity in accordance with the Surrey Minerals Plan 2011 Policies MC17 and MC18.
- 7 To secure restoration to the required standard and enhance biodiversity in accordance with the Surrey Minerals Plan 2011 Policies MC17 and MC18.
- 8 To secure restoration to the required standard and enhance biodiversity in accordance with the Surrey Minerals Plan 2011 Policies MC17 and MC18.
- 9 To secure restoration to the required standard and provide submission in order to enable the County Planning Authority and other parties attending aftercare site meetings to consider the report and proposals for the following year in accordance with the National Planning Policy Framework 2012.

Informatives:

1. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
- 2 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.

CONTACT

Stephen Jenkins

TEL. NO.

020 8541 9424

BACKGROUND PAPERS

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

Government Guidance

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG) 2014

The Development Plan

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

Mole Valley Local Plan 2000 (MVL2000)

Mole Valley Local Development Framework Core Strategy DPD 2009 (MVCS2009) and Landscape SPD 2013

<p style="text-align: center;">Site Location</p> <p>Scale 1:133,417</p>	<p>Park Pit and Tapwood Quarry (Buckland Sandpits), Reigate Road, Buckland, Reigate</p> <p>The continued extraction and processing of silica sand and transportation off site of sand, an amended interim restoration scheme for Park Pit, an amended programme of working for Tapwood Quarry, an amended dust action plan and dust management scheme, an amended groundwater monitoring scheme; and an amended restoration and aftercare scheme at Buckland Pits (Tapwood Quarry and Park Pit) until 31 August 2014 with restoration to water based recreation, woodland and grazing by 31 August 2016 without compliance with Conditions 3, 4, 16, 17, 23, 31, 32, 38, 39, 40, 41 and 42 of planning permission ref. MO98/1549 dated 27 May 1999.</p> <p>Application No(s): MO10/0847</p> <p>Electoral Division(s): Dorking Rural</p>
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523,814 151,411

521,894 149,861

Application Site Area

<p>GRID NORTH</p>	<p>RefNo: SCC REF 2010/0136</p> <p>Date printed: 03/02/2016</p>	<p>0 50 100 200 300 400 500 600 700 Metres</p>	<p>Scale 1:10,000</p>
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2006 Aerial Photos

Aerial 1 : Parkpit and Tapwood Quarry



Page 37



All boundaries are approximate

Aerial 2 : Parkpit and Tapwood Quarry



Application Site Area

Page 38



All boundaries are approximate

Figure 1 : View south previous plant and stockpiles
at northern end of site



Figure 2 : View west of northern lagoon area and beach with boathouse



Figure 3 : View south across lagoon



Figure 4 : View south from northern shore toward
Dungates Farm



Figure 5 : View toward restored eastern area



Figure 6 : View northwest across lake



Figure 7 : View southeast across lake



Figure 8 : View west across lake



TO: PLANNING & REGULATORY COMMITTEE **DATE:** 24 February 2016

BY: PLANNING DEVELOPMENT TEAM MANAGER

DISTRICT(S) SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**

Stanwell & Stanwell Moor

Mr Evans

PURPOSE: FOR DECISION

GRID REF: 504375 174375

TITLE: MINERALS/WASTE SP/15/00929/SCC

SUMMARY REPORT

Oakleaf Farm Waste Recycling Facility, Oakleaf Farm, Horton Road, Stanwell Moor, Surrey TW19 6AF

Construction and use of 2.47 hectares of new concrete hardstanding to resurface the existing unmade compound area at Oak Leaf Farm waste recycling, recovery and processing facility.

The Oak Leaf Farm Waste Recycling Facility, an area of some 9.4ha, lies to the south of Horton Road, Stanwell Moor, approximately 1 km south east of Junction 14 of the M25 Motorway, some 500m south west off London Heathrow Airport's western perimeter and approximately 75m north of King George VI Reservoir. Access to the site is off Horton Road. The application site lies within the Metropolitan Green Belt.

The Oak Leaf Farm site is a former mineral working with a complicated planning history dating back to the 1960's and is identified in the adopted Surrey Waste Local Plan 2008 as suitable for development as a waste management facility.

In November 2009 planning permission (ref.SP08/0992) was granted for the construction and use of the site as a permanent waste recycling, recovery and processing facility for construction and demolition waste on a site of approximately 9.4ha. The scheme provided for the construction of a new bunded compound of which 2.19ha would be laid to concrete hardsurface and the remaining 2.47ha to an unmade surface (e.g. bare soil, stone). The applicant states that at the time of application ref.SP08/0992, the extent of concrete hardstanding proposed had been limited on the grounds of cost.

The application site area of 2.47ha is the unmade surface area that forms the western part of the operating compound. The proposal is for construction works and would involve surfacing the remaining 2.47 ha of unmade surface with concrete. The concrete surface would provide a cleaner surface, easier to maintain in clean and tidy condition and give rise to less dust during drier conditions. The concrete surface would enable the site to operate more efficiently during wet weather. The concrete would be laid during the existing permitted hours for site construction

operations, laid in sections using premixed concrete at between 150 to 200sqm per day. It is calculated it would take between 125 to 165 days to lay the additional concrete. There would be some additional vehicle movements involved of up to 25 concrete delivery vehicles per day. It is stated these movements would be incorporated into the existing vehicle limits for the site.

Development Plan policies seek to protect the local environment and the amenities of local residents from the adverse effects of development. This particular proposal raises issues for surface water drainage, highway matters, noise and air quality (dust). No technical objections have been raised by the respective consultees on these issues however Spelthorne Borough Council have raised strong objection on the grounds of intensification of the use of the site. It is considered that, taking into account the advice of technical consultees and mitigation measures proposed and controls through the relevant planning conditions, the development is unlikely to give rise to any significant adverse impact on amenity or local environment.

The proposed development is inappropriate development in the Green Belt and would have an impact on openness by virtue of its presence. In relation to Green Belt policy, Officers consider there are factors which amount to very special circumstances regarding this development, which clearly outweigh the harm to the Green Belt and any other harm. The proposal is for ancillary development to an existing waste management facility. Having regard to existing characteristics of the waste site and amenity benefits for providing the concrete surface, Officers consider the proposal would not result in greater harm to the openness of the Green Belt or the visual amenities of the Green Belt than at present, and that the proposal is acceptable and complies with SWP 2008 Policy CW6 and an exception to Green Belt policy can be made. Officers therefore consider that the proposal is proportionate to the need and 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

APPLICATION DETAILS

Applicant

Charles Morris Fertilisers Ltd

Date application valid

26 June 2015

Period for Determination

25 September 2015

Amending Documents

Letter from EAS Ltd dated 24 September 2015 – further details for surface water drainage; email from EAS Ltd dated 13 January 2016 and attachments.

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.

Issue	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Highways, Traffic & Access	Yes	28 - 37
Surface Water & Flood Risk	Yes	38 - 47
Noise	Yes	48 - 63
Air Quality (dust)	Yes	64- 72
Metropolitan Green Belt	No	73 - 84

ILLUSTRATIVE MATERIAL

Site Plan

Site plan

Aerial Photographs

Aerial 1

Aerial 2

Site Photographs

Figure 1 – Unmade surface vs existing concrete facing west (northern extract)

Figure 2 – Unmade surface vs. existing concrete facing west (southern extract)

Figure 3 – View of existing internal access haul road facing west

Application Plan

Site Plan 1163/41D: Site Location Plan dated 27 April 2015

BACKGROUND

Site Description

- 1 The application site, comprising an area of some 2.47 hectares is situated at the Oak Leaf Farm Waste Recycling Facility, off Horton Road, Stanwell Moor and is located in the Metropolitan Green Belt. The site lies approximately 1 km south east of junction 14 of the M25, some 500 metres south west off London Heathrow Airport’s western perimeter and approximately 75 metres north of King George VI Reservoir. The Staines reservoirs are

part of the Staines Moor SSSI and South West London Waterbodies Special Protection Area (SPA) and Ramsar Site. The site lies in the southern end of the Colne Valley Regional Park.

- 2 The main site access lies to the east of Stanwell Moor village centre, on the southern side of Horton Road opposite a garden centre which lies on the northern side, some 100 metres to the west of the A3044 Stanwell Moor Road (dual carriageway). A public right of way, known as Haws Lane forms the southern boundary of the site, and beyond this is the reservoir. A more dense area of housing lies to the west and north west of the site, beyond an area used as paddocks, within 60-120 metres of the main site perimeter boundary.

Planning History

- 3 The Oak Leaf farm site, of nearly 10 hectares is a former mineral working and has a complicated planning history. The original consent for sand and gravel extraction was gained by way of three planning permissions granted in the 1960s which required the site to be restored to an agricultural use. The infilling of the extraction area was undertaken by Charles Morris Fertilizers who also obtained planning permission in 1966 (ref. STA.P.9214) for the storage of processed organic sludge on a smaller area of the site.
- 4 The site was being used for the unauthorised import, storage and treatment of other waste materials, which led to an Enforcement Notice being issued on 23 July 1992 in respect of these unauthorised activities. Following an appeal, the Enforcement Notice was upheld with some minor amendments and was granted a long compliance period until April 1995.
- 5 On 24 July 1996 planning permission was granted on appeal (ref. APP/B3600/A/95/256933), subject to the completion of a Section 106 legal agreement to secure the discontinuance of all uses and the completion of restoration by the end of a ten-year period (24 July 2006). In addition, this decision required the cessation of organic sludge storage and the removal of screening bunds, both of which benefited from planning permission.
- 6 Subsequently, Oak Leaf Farm is identified in the adopted Surrey Waste Local Plan 2008 as a site suitable for development as a waste management facility.
- 7 In November 2009 planning permission (ref.SP08/0992) was granted to redevelop the site as a permanent waste facility, allowing for the construction and use of the site for the recycling, recovery and processing of construction and demolition waste, comprising: a Materials Recovery Facility (MRF) building; site office and workshop; wheel wash; two weighbridges; lorry and car parking areas; storage areas; site entrance and access road; and landscaped bunds.
- 8 Attached to planning permission (ref: SP08/0992) is a Section 106 legal agreement to secure a landscape and ecology management plan and footpath upgrade, and some 32 planning conditions. Some 8 of those conditions required the submission of further schemes for approval by the County Planning Authority (CPA). These were submitted to and approved by the CPA in 2010 under the following:
 - Ref.SP10/0430 dated 3 August 2010 – for Condition 20 (Details of Bird Hazard Management Plan)

- Ref.SP10/0390 dated 6 September 2010 – for Condition 25 (Method statement for controlling Japanese knotweed)
 - Ref.SP10/0278 dated 23 September 2010 – for Condition 24 (Scheme of landscaping, planting and maintenance) and Condition 26 (Scheme for the provision and management of a buffer zone alongside ditch)
 - Ref.SP10/0476 dated 29 September 2010 – for Condition 29 (Details of Dust Action Plan)
 - Ref.SP10/0617 dated 29 September 2010 – for Condition 28 (Details of external materials for buildings)
 - Ref.SP10/0668 dated 20 December 2012 – for Condition 13 (Method of Construction Statement)
 - Ref.SP10/0734 dated 20 December 2012 – for Condition 27 (Scheme of surface water drainage)
- 9 In 2011 a non-material amendment to the planning permission ref.SP08/0992 was sought in order to increase the base level within the compound to 21m AOD from 20m AOD. This was approved by the CPA in April 2012 (ref.SP11/00418).
- 10 More recently at the County Council's Planning and Regulatory Committee meeting of 15 October 2014 Members resolved, subject to the prior completion of a variation to the Section 106 legal agreement and subject to conditions, to permit planning application ref: SP/14/01125/SCC for changes to the permitted hours of working of the Materials Recovery Facility building (MRF) permitted under application ref.SP08/0992 so as to allow machinery within the building to operate for twenty-four hours a day, seven days a week. Following completion of a variation to the Section 106 legal agreement planning permission ref. SP/14/01125/SCC was issued on 13 March 2015.

THE PROPOSAL

- 11 The applicant is seeking planning permission for the construction and use of 2.47 hectares of new concrete hardstanding to resurface the existing unmade compound area at Oak Leaf Farm waste recycling, recovery and processing facility.
- 12 In November 2009 planning permission (ref.SP08/0992) was granted for the construction and use of the site as a permanent waste recycling, recovery and processing facility for construction and demolition waste on a site of approximately 9.4 hectares. The scheme provided for the construction of a new bunded compound of which 2.19 hectares would be laid to concrete. The applicant has stated that at the time of application ref.SP08/0992, the extent of concrete hardstanding was limited on the grounds of cost.
- 13 The applicant now wishes to concrete hardsurface the entire operational compound area. This would involve surfacing the remaining 2.47 hectares of unmade compound surface with new concrete. The applicant states that the advantages would be that concrete is easier to maintain in a clean and tidy condition, and would give rise to less dust during dry conditions. It would also provide a surface with which to work efficiently during wet weather.

CONSULTATIONS AND PUBLICITY

District Council

14 **Spelthorne Borough Council**

Objection

“This Authority Strongly OBJECTS to the proposed application on the grounds of the intensification of the use of the site and further noise and disturbance arising from the recently approved 24 hour use of the site in terms of plant and vehicle movements”

Officer Comment

Comments to the points raised by the Borough Council are as follows:

- *Intensification of the use of the site*

In November 2009 Surrey County granted planning permission reference SP08/0992 (as amended by planning permission SP/14/01125/SCC dated 13 March 2015) to allow redevelopment of the site for the construction and use of a recycling, recovery and processing facility for construction and demolition waste, and associated development, on a site of approx 9.4 hectares. The 2009 permission allowed for the construction of a bunded operating compound. At the time of the application 2.19 hectares of the operating compound, which had been limited on cost grounds, would be laid to concrete. The remaining 2.47 hectares would be left to an ‘unmade’ operating hardsurface.

The applicant now wishes to concrete hardsurface the remaining 2.47 ha of the compound which they state ‘in order to maintain a clean and tidy operating area, and now have funds available’. The proposal does not seek to change the nature of site operations, either in terms of type or intensity, which will remain as already permitted for the site. There will however be some additional construction works, which would be considered temporary, as a result of this proposal. The likely impacts of the construction of the additional 2.47 ha concrete hardsurface will be addressed within the body of this report below.

- *Further noise and disturbance arising from the recently approved 24 hour use of the site in terms of plant and vehicle movements*

In March 2015 revision was made to the parent planning permission (ref SP08/0992) when the County Council granted planning permission ref SP/14/01125/SCC to allow plant and machinery to operate inside the MRF Building (yet to be constructed) 24 hours per day, 7 days per week. The permitted revisions to site operations are confined to the MRF building and all operational activities are to be undertaken within the building only, especially in terms of plant and machinery. There would be some limited external activity involving site personnel arriving to and from the site in light vehicle. The likely impacts of the revisions to the 24 hour operation of the MRF Building have already been assessed and considered acceptable when SP/14/01125/SCC was granted.

In terms of this application, the proposal would generate some additional vehicle movements during the construction of the additional concrete surface. There is the potential of some noise during the construction activities proposed. Assessment of these issues will be addressed within the body of the report below.

Consultees (Statutory and Non-Statutory)

- 15 **The Environment Agency**
No objection
- 16 **The Lead Local Flood Authority – Surrey County Council (SuDS)**
No objection subject to conditions
- 17 **The County Highway Authority – Transport Development Planning**
No Objection, subject to conditions
- 18 **Thames Water**
No objection
- 19 **Affinity Water**
No objection

Parish/Town Council and Amenity Groups

- 20 **Stanwell Moor Residents' Association**
No comments received

Summary of publicity undertaken and key issues raised by public

- 21 The application was publicised by the posting of 2 site notices and an advert was placed in the local newspaper. A total of 76 of owner/occupiers of neighbouring properties were directly notified by letter. No letters of representation have been received from neighbouring residents or members of the public.

PLANNING CONSIDERATIONS

- 22 The County Council as County Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities when determining planning applications to “have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations”. At present in relation to this application the Development Plan consists of The Surrey Waste Plan 2008; Spelthorne Borough Core Strategy and Policies DPD 2009, and the saved policies from the Spelthorne Borough local Plan 2001.
- 23 The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance, which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning

system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The Development Plan remains the cornerstone of the planning system. Planning applications, which comply, with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.

- 24 The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. However, the policies in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).
- 25 Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management and the companion guide was replaced in October 2014 by updated National Planning Policy for Waste (NPPW) and the guidance NPPG. The NPPW seeks to deliver England's waste ambitions to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering the country's waste ambitions by driving waste management up the waste hierarchy through delivery of sustainable development, including the provision of modern infrastructure.
- 26 Paragraph 7 of the NPPW sets out six bullet points that waste planning authorities should take account of when determining planning applications. Of these bullet points, bullet point three, four and five are the most relevant in determining this planning application. Bullet point three requires consideration to the likely impact of a waste development proposal on the local environment and on amenity against criteria set out in Appendix B of the NPPW. Appendix B sets out a list of locational criteria, which of relevance include a) protection of water quality and flood risk, g) air emissions including dust, and j) noise. Bullet point four of paragraph 7 seeks to ensure that waste management facilities in themselves are well designed so that they contribute positively to the character and quality of the area in which they are located. And bullet point 5 states that decision makers should not be concerned with the control of processes which are a matter for the pollution control authorities, and assume that the relevant control regimes will be properly applied and enforced.
- 27 The proposed works by way of this application would be ancillary to the redevelopment of the site as an extension to the 2.19 ha of concrete hardstanding already permitted. Officers consider that the main issues that arise in considering this proposal are: Green Belt policy; Highways matters; and potential impacts on the environment and local amenity in respect of flood risk and drainage. For completeness noise and hours of working, and air quality matters will also be addressed.

HIGHWAYS, TRAFFIC AND ACCESS

National Guidance

National Planning Policy Framework 2012 (NPPF)

National Planning Policy for Waste 2014 (NPPW)

Surrey Waste Plan 2008

Policy DC3 General Considerations

Policy CC2 – Sustainable Travel

- 28 Government policy on transport is set out in part 4 'Promoting sustainable transport' of the NPPF (paragraphs 29 to 41). At paragraph 32, the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Planning decisions should take account of whether safe and suitable access can be achieved for all people, and that development should only be prevented or refused on transport grounds where its residual cumulative impacts would be severe.
- 29 Paragraph 7 of the NPPW at bullet point number 3 advises that waste planning authorities when determining waste planning applications should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In respect of traffic and access, point (f) of Appendix B advises that considerations should include the suitability of the road network and the extent to which access would require reliance on local roads.
- 30 Policy DC3 of the Surrey Waste Plan 2008 states that planning permission for waste related development will be granted provided it can be demonstrated that the traffic generation, access and the suitability of the highway network in the vicinity, including access to and from a motorway and primary route network associated with the proposal can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources.
- 31 Spelthorne Borough Council Core Strategy Policy CC2 (Sustainable Travel) provides that the Borough Council will seek to secure more sustainable travel patterns through only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking account where relevant:
- number and nature of additional traffic movements, including servicing needs,
 - capacity of the local transport network,
 - cumulative impact including other proposed development,
 - access and egress to the public highway, and
 - highway safety

The Development

- 32 The site already generates HGV movements and the impacts of which were assessed and accepted at the time the planning permission was granted by the County Council in 2009 under ref SP08/0992.
- 33 The applicant now wishes to concrete hardsurface the remaining unmade 2.47ha surface of the site in order to maintain the area in a clean and tidy condition, and to reduce potential dust in dry conditions and provide a surface to operate from in wet conditions. The proposal would give rise to some additional HGV vehicle movements during construction of the concrete surface. The applicant states the proposal would involve between 150 and 200 square metres of new concrete laid per day, which would generate between 19 and 25 vehicles per day (38 to 50 vehicle movements). This would calculate to between 124 and 165 days required for concrete laying for the additional 2.47ha area.

The applicant has stated this would not be carried out on a continuous basis as the concrete sections require time to set.

- 34 The County Highways Authority (CHA) has been consulted on the application to assess the likely highway impacts generated by the proposal. The CHA does not raise objection to the proposal in-principle, but does consider that the total number of vehicle movements associated with the concreting, and the waste recycling, recovery and processing activities combined should not exceed the existing condition which limits vehicles movements generated by the site through Stanwell Moor. The CHA has therefore recommended that a planning condition be imposed on any new consent, if planning permission were minded to be granted, which limits HGV access through Stanwell Moor in line with the existing planning condition.
- 35 None of the other technical consultees consulted on the proposal have raised objection on highways grounds. No letters of representation have been received from neighbouring residents or members of the public.
- 36 Spelthorne Borough Council has raised objection to the planning application on the grounds of the intensification and use of the site in terms of vehicle movements. Officers do not consider, taking into account the advice from the Highway Authority, that traffic generation from the proposal would give rise to additional adverse impacts on highway grounds. The site already generates vehicle movements and the additional traffic generation, which is for site construction traffic, considered temporary in nature.

Highways conclusion

- 37 Officers consider that, on basis of the information provided and advice of specialist technical consultees, and subject to the imposition of the recommended planning conditions on highway matters, the proposal would be acceptable from a highways point of view. Officers conclude therefore that the proposal is in accordance with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG on highways matters.

ENVIRONMENT AND AMENITY CONSIDERATIONS

National Guidance

National Planning Policy Framework 2012 (NPPF)

National Planning Policy for Waste 2014 (NPPW)

Surrey Waste Plan 2008

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

Policy DC3 General Considerations

Spelthorne Borough Core Strategy and Development Plan Document 2009

Strategic Policy SP6 Maintaining and Improving the Environment

Policy LO1 Flooding

Policy EN1 Design of New Development

Surface Water and Flood Risk

- 38 Government policy on flood risk is contained in part 10 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF (paragraphs 93 to 108). The aims of the planning policy on flood risk, as set out in the NPPF and the NPPF Technical Guidance are to ensure flood risk is taken into account in planning decisions and plan preparation; to avoid inappropriate development in areas at risk of flooding by directing development away from high flood risk areas; and where development is necessary making it safe without increasing flood risk elsewhere. Guidance on how policy should be implemented is set out in the accompanying NPPF Technical Guidance.
- 39 Paragraph 103 of the NPPF sets out that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, (informed by a site-specific flood risk assessment following the Sequential Test, and if required) it can be demonstrated that 1) within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and 2) the development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can safely be managed, including emergency planning; and it gives priority to the use of sustainable drainage systems.
- 40 Paragraph 7 of the NPPW requires that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and amenity against locational criteria set out in appendix B. In testing the suitability of sites waste planning authorities should consider Appendix B criteria (g) protection of water quality and resources and flood risk management where considerations will include the proximity of vulnerable groundwater aquifers. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care.
- 41 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 include, where relevant to a development proposal, assessment of: the contamination of ground and surface water; the drainage of the site and adjoining land and the risk of flooding; and the groundwater conditions and hydrogeology of the locality. Where necessary, appropriate mitigation should be identified so as to minimise or adverse any material adverse impact and compensate for any loss. Policy L01 (Flooding) of the SBCCS DPD 2009 seeks to reduce flood risk and its adverse effects on people and property in Spelthorne through a range of measures including reducing the risk of flooding from surface water and its contribution to fluvial flooding by requiring development to have appropriate sustainable drainage systems.

The development

- 42 Much of the Borough of Spelthorne lies within the floodplains of the River Thames Colne or Ash. The application site lies approximately 420m east of the River Colne at its closest point. The application site is classified by the Environment Agency in the EA's most up to date flood risk map and the Spelthorne Borough Councils Strategic Flood Risk Assessment as falling in Flood Zone 1. Flood Zone 1 (*low probability or low risk*) is defined as being land having less than 1 in 1000 annual probability of river or sea flooding. The site is used for non-hazardous waste treatment. This type of waste development has a flood risk vulnerability classification of '*less vulnerable*' under Table 2 (Flood risk vulnerability classification) of the national Planning Practice Guidance (PPG). The PPG then sets out under Table 3 (Flood risk vulnerability and flood zone compatibility) that less vulnerable development that may be considered acceptable development in Flood Zone 1.
- 43 The applicant is seeking permission to lay 2.47ha of new concrete hardsurface to replace the existing unmade surface within the operating compound at the application site. The new concrete hardsurface would be an extension to the 2.19 hardsurface already permitted in November 2009 under planning permission reference SP08/0992. The impacts and issues of flood risk and surface water drainage of SP08.0992 were assessed and accepted when the permission was granted in 2009.
- 44 The applicant has submitted a Flood Risk Assessment (FRA) in support of this planning application. The applicants FRA has assessed the proposal in accordance with application of the Sequential tests set out in the NPPF and PPG. The assessment identifies that the proposed development fulfils the requirements of the Sequential test as it lies in Flood Zone 1 the lowest flood risk, and that the development proposed is suitable for Flood Zone 1, therefore the proposal is not required to pass the exception test. The FRA confirms that there would be no significant adverse impact of flood risk from the proposal, subject to certain recommendations for surface water drainage. To accompany the FRA the applicant has submitted a revised Surface Water Drainage Strategy (SWDS) which assess the additional 2.47 ha concrete surface incorporated into the scheme of surface water drainage approved for the site. As per the existing site drainage, the revised SWDS proposes site surface water runoff will be managed through infiltration system and disposal to soakaway, with the use of silt-traps and oil interceptors to minimise any risk of groundwater contamination, and to keep runoff at the existing "Greenfield" flow rate.
- 45 The Environment Agency (EA) has assessed the application from a water quality perspective and raises no objection to the proposal in that regard. The Lead Local Flood Authority (LLFA) assessed the proposal for flood risk noting the applicant findings set out in the FRA. However, the LLFA raised a number of issues with the proposed surface water drainage strategy requesting that further information be provided to satisfactorily demonstrate how the sites drainage scheme will cater and manage for the potential increase in surface water runoff.
- 46 The applicant subsequently provided additional supporting information between September 2015 and January 2016 to address the concerns raised by the LLFA. Following review of the further details the LLFA is satisfied that the proposal now satisfies matters on surface water management, subject to conditions to ensure that the SuDS Scheme is properly implemented and maintained for the lifetime of the development.

Conclusion Surface Water and Flood Risk

- 47 Officers consider that on the basis of the information provided, taking into account advice of specialist technical consultees and subject to implementation of mitigation measures proposed and the recommended planning conditions, the proposal is acceptable on flood risk and surface water drainage issues. Officers conclude therefore that the proposal is in accordance with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG on flood risk and drainage matters.

Noise and Hours of Working

- 48 The NPPF expects that the planning system should contribute to and enhance the natural and local environment by “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution” (paragraph 109).
- 49 The NPPF goes on to state at paragraph 123 that planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result from new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 50 Bullet point number 3 of paragraph 7 of national planning policy on waste (NPPW) advises that waste planning authorities when determining waste planning applications should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In respect of noise point (j) of Appendix B advises that considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise, including from goods vehicle traffic movements to and from a site.
- 51 At paragraph 122 of the NPPF it is stated that a local planning authority should focus on whether the development itself is an acceptable use of the land, and the impact of that use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The local planning authority should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities
- 52 Surrey Waste Plan 2008 Policy DC3 (General Considerations) requires that information be submitted to accompany a planning application which demonstrates that any impacts of the development with regard to noise can be controlled to achieve levels that will not significantly affect people, land, infrastructure and resources.
- 53 Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 Policy EN11 (Development and Noise) seeks to minimise the impacts of noise and sets out a series of criteria by which to achieve this including measures to reduce noise to acceptable levels and ensuring provision of appropriate noise attenuation measures.
- 54 In terms of noise, the site already has planning permission for amongst other things, for the construction of 2.19ha of concrete hardsurface within the new operating compound

area permitted in 2009 under planning permission ref. SP08/0992 (as amended in 2015 under planning permission ref. SP/14/01125/SCC). The construction of the additional 2.47ha of concrete hardsurface within the existing operating area would be ancillary to the 2009 planning permission.

- 55 In terms of use, the operational activities to be undertaken on hardsurface area would be the same as existing, involving operations such as the use of plant and machinery for processing imported construction and demolition wastes for then export as product that were permitted in 2009 and no changes are proposed. The existing activities are currently undertaken on an unmade surface and the applicant now wishes to concrete the remainder of the 2.47ha unmade surface in order to provide and maintain a clean and efficient operating area for those activities.
- 56 The noise impacts arising from the operations permitted in 2009, including the construction of the 2.19 ha hardstanding, were assessed and accepted when planning permission was granted. To maintain planning control over the development, several planning conditions have been imposed which set limits to the maximum noise levels arising from the permitted site operations. A further condition is also imposed restricting the hours of operation for construction works that limits those operations to 0730-1700 hours Mondays to Fridays excluding Public Holidays; 07:00-1300 hours Saturdays; and no construction working on Sundays or Public Holidays.
- 57 As further mitigation to minimise and attenuate noise from the application site and the activities to be undertaken therein, the 2009 permission included for the construction of new screening bunds around the perimeter of the new enlarged compound area. The screening bunds are to be constructed 8 meters in height along the northern western and eastern boundaries of the site; and 6 metres along the southern boundary adjacent with the Rights of Way.
- 58 The likely noise impacts from concreting the remaining 2.47 would involve construction works along with some additional HGV movements as discussed in the Highways section above. The applicant states the construction works would involve vehicles bringing ready-mix concrete to the site. The vehicle would arrive to and from the site via Stanwell Moor road. Arriving at the site vehicles will travel directly to the pour location and it is proposed between 150 and 200 square metres of new concrete laid per day. Due to the time required for the concrete to set the operation will not be undertaken on a continuous basis. Based on the information provided by the applicant it is estimated that between 124 and 165 days will be required for concrete laying for the additional 2.47ha area now proposed.
- 59 No objections have been raised by the technical consultees consulted on the application on the grounds of noise. No letters objections have been received from neighbouring residents or members of the public.
- 60 As discussed in this report above, Spelthorne Borough Council has raised objection to the application on the grounds of intensification of the site and further noise and disturbance arising from the recently approved 24 hour use of the MRF building. This proposal does not seek to change the nature of waste operations or waste type or throughput at the site. The proposal is for construction works which seek permission to replace an existing unmade surface with a concrete hardsurface with no intensification of use of the site.

- 61 Nevertheless, Officers recognise that there is the potential to generate noise at the site from the activities proposed. However, Officers also recognise that planning permission already exists for redevelopment of the site that involves a number of noise generating activities which include construction activities, and which were assessed and accepted when permission was granted in 2009. The site already has measures in place to control noise including the construction of 6 and 8 metre high screening bunds along the site perimeter, and further controls on noise limits, hours of working and traffic movements imposed by condition.
- 62 The activities proposed are for construction works which would be ancillary to the redevelopment of the site. These works would be subject to the same measures for controlling noise limits from site operations which can be secured by condition. Officers therefore consider that any additional noise impact from this proposal would be limited and not give rise to adverse impact subject to maintaining existing measures for controlling noise.

Noise and Hours of Working Conclusion

- 63 Officers conclude subject to maintaining existing measures and limits on noise and hours of operation secured by planning condition, the proposal would be acceptable on noise grounds. Officers conclude therefore that the proposal is in accordance with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG with regards to noise.

Air Quality - Dust

- 64 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to unacceptable levels of air pollution. To prevent unacceptable risks from pollution planning decisions should ensure new development is appropriate for its location and that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account and account taken of the potential sensitivity of the area to adverse effects from pollution (NPPF paragraph 120). In relation to dust emissions, policy in the NPPF is that unavoidable dust emissions should be controlled, mitigated or removed at source.
- 65 Paragraph 7, bullet point 3, of the new national planning policy on waste (NPPW) advises that waste planning authorities when determining waste planning applications should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In respect of air emissions including dust, point (g) of Appendix B advises that considerations will include the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.
- 66 Paragraph 122 of the Framework goes on to advise that when considering development proposals the local planning authority should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.
- 67 Policy DC3 of the Surrey Waste Plan 2008 states that planning permission for waste related development will be granted provided that any impacts of the development can be

controlled to achieve levels that will not significantly affect people, land, infrastructure and resources. Matters such as the release of polluting substances to the atmosphere, and adverse effects on neighbouring amenity including fumes and dust, should be assessed and where necessary, appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss.

- 68 The whole of Spelthorne Borough is designated as an Air Quality Management Area (AQMA) due to levels of nitrogen dioxide, mainly attributable to road traffic and Heathrow Airport. The AQMA does not apply to PM10 particulate matter. For particulates the main areas are adjoining the M25 and Heathrow Airport.
- 69 Policy SP6 (Maintaining and Improving the Environment) of the Spelthorne Borough Core Strategy seeks to maintain and improve the quality of the environment within the borough by ensuring development proposals contribute to improving air quality. Policy EN3 (Air Quality) advises that Spelthorne Borough Council will seek to improve the air quality of the Borough and minimise harm from poor air by refusing development where the adverse effects on air quality are of a significant scale and which cannot be appropriately and effectively mitigated.
- 70 This proposal involves the laying of additional ready-mix concrete on an area comprising 2.47ha of unmade operating surface within the existing operating compound at the Oak Leaf Farm recycling facility. The applicant states the concrete would be poured in sections of approximately 150 to 200m² which will give rise to between 19 and 25 deliveries by HGV vehicle per day. The delivery vehicles would travel to and from the pour location via internal access roads. The applicant states that the concrete to be laid is premixed, as such there would no potential for dust generation. They also state that the advantages of a concrete surface is that the surface would be easier to maintain and keep clean and give to less dust during dry conditions.
- 71 Officers recognise that there is the potential to generate some dust emissions at the site from the activities proposed with regards to the movement of vehicles on internal access roads and surfaces. However, Officers also recognise that planning permission already exists for the redevelopment of the site as a permanent waste site which involves a number of dust generating activities which includes construction works. Under the existing planning permission the site has in place a range of measures to mitigate dust including amongst others: measures to keep internal access road surfaces clean; internal speed limit of 10-15mph; that the site is well screened with 6 and 8 metre perimeter screening bunds; and that the site operates under a Dust Action Plan (DAP). The proposed construction works are ancillary to the redevelopment of the site and Officers consider that subject to maintaining the existing measures for managing the sites dust emissions, the proposal would be acceptable in dust terms.

Conclusion Air Quality – Dust

- 72 Officers conclude, subject to maintaining existing measures to mitigate dust, the proposal would be acceptable in terms of dust. Officers conclude therefore that the proposal is in accordance with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG with regards to air quality – dust.

GREEN BELT

Surrey Waste Plan 2008

Spelthorne Borough Local Plan 2001

Policy GB1 Development Proposals in the Green Belt

- 73 Paragraph 79 of the NPPF establishes the importance of Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green belts are their openness and their permanence. Paragraph 80 of the NPPF states that Green Belt serves five purposes: (a) to check the unrestricted sprawl of large built-up areas, (b) to prevent neighbouring towns merging into one another, (c) to assist in safeguarding the countryside from encroachment, (d) to preserve the setting and special character of historic towns, and (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 74 Paragraph 87 of the NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green belt, and goes on to say 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.
- 75 Policy CW6 of the Surrey Waste Plan 2008 states that *“there will be a presumption against inappropriate waste related development in the Green Belt except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”* Policy CW6 goes on to state that the characteristics of the application site and wider environmental and economic benefits of sustainable waste management may contribute to very special circumstances.
- 76 Spelthorne Borough Local Plan 2001 Policy GB1 Development Proposals in the Green Belt advises that development in the Green Belt, which would conflict with the purposes of the Green Belt and maintaining its openness, will not be permitted.

Harm

- 77 The application site lies within an existing waste management facility, which is located within the Green Belt where there is a general presumption against inappropriate development. Waste management operations, including the proposal, are not deemed to be compatible with the objectives of maintaining the openness of the Green Belt and are therefore considered to be inappropriate development.
- 78 The proposal is for additional concrete hardsurfacing within the existing operator’s compound at the site. The additional concrete hardsurface area would have greater impact on the openness of the Green Belt during its construction, however the completed concreted area would have negligible impact on the existing developed operational area. Inappropriate development may only be permitted where very special circumstances are demonstrated to outweigh the harm caused by inappropriateness and any other harm. Therefore the applicant will need to demonstrate that very special circumstances exist that overcome the harm caused to the Green Belt

Very Special Circumstances

- 79 The applicant has advanced an argument that the principle for the construction and operation of the waste recycling facility processing construction and demolition waste has already been established in this Green Belt location by virtue of the existing planning permissions. The proposal involves essential ancillary infrastructure to this existing waste management facility which is allocated in the Surrey Waste Plan 2008 as a site suitable for development as a recycling, storage, transfer, materials recovery and processing facility (excluding thermal treatment).
- 80 The applicant states the additional concrete area is necessary as part of the ongoing development of the site, and in order to maintain a clean and safe operating area. The additional concrete area would help improve the efficiency of recycling operations at the site. The applicant also states proposal would have benefits towards wider amenity in reducing likely dust from the existing unmade surface within the compound.
- 81 The benefits of the waste management facility have already been accepted, as addressing waste as a resource, moving it higher up the waste hierarchy and meeting the needs of the national Waste Management Plan and sustainability principles of the NPPF and NPPW.
- 82 Officers recognise that the proposed additional concrete hardsurface would have an impact on the Green Belt in terms of openness. However the proposal is for ancillary development at an existing waste management site and cannot be located elsewhere as it meets the needs of the operational improvement of the site. Officers are of the opinion that this impact would be limited in the context of the existing waste management facility. The works are contained within an existing compound which is well screened by perimeter screening bunds 8 metres high to the west, north and east and 6 metres high along the southern boundary.

Green Belt Conclusion

- 83 Officers recognise that the recycling and processing activities carried out at the site require appropriate supporting infrastructure. Officers are satisfied the need for the concrete surface will enable clean and safe site operations, contributing to greater efficiencies for waste recycling operations and cannot be located elsewhere, and accordingly that these are factors that amount to very special circumstances which clearly outweigh the harm to the Green Belt. Officers are satisfied that the proposal is proportionate to the nature, scale and character of the existing waste management facility and that the scale of the development would not have greater harm on the openness of the Green Belt, or the visual amenities than at present. In relation to any other harm, for the reasons assessed in the detailed issues sections discussed above, Officers consider that proposal is proportionate to the need and unlikely to give rise to any significant adverse impact amenity or local environment.
- 84 For the reasons discussed, Officers consider that there are factors which amount to very special circumstances that clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and any other harm identified in this report. Accordingly, Officers consider the proposal satisfies the requirements of Green Belt policy contained within relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG, and NPPW.

HUMAN RIGHTS IMPLICATIONS

- 85 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda, is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 86 It is acknowledged that the proposal has the potential to impact on residential amenity. The issues are considered and assessed in the report and it is the Officers view that the scale of any potential impacts, either on their own or the cumulative effect of multiple impacts, are not considered sufficient to engage Article 8 or Article 1 and any impact impacts can be mitigated through the mitigation measures incorporated into the proposal and by planning conditions. As such, this proposal is not considered to interfere with any Convention right.

CONCLUSION

- 87 This application is for a proposal to concrete surface 2.47ha of unmade operating area within the existing operating compound at the Oak Leaf Farm Waste Recycling facility. This is an established waste site with planning permission for processing construction and demolition waste. Currently, the majority of construction and demolition and soil waste processing operations are carried out on unmade surface's within the sites compound. The proposed concrete surface would provide a cleaner operating surface, easier to maintain in clean and tidy condition and give rise to less dust during drier conditions. The concrete surface would enable the site to operate more efficiently during wet weather.
- 88 This particular proposal raises issues for surface water drainage, highway matters, noise and air quality (dust). No technical objections have been raised by the respective consultees on these issues however Spelthorne Borough Council have raised strong objection on the grounds of intensification of the use of the site. It is considered that, taking into account the advice of technical consultees and mitigation measures proposed and controls through the relevant planning conditions, the development is unlikely to give rise to any significant adverse impact on amenity or local environment.
- 89 The proposed development is inappropriate development in the Green Belt and would have a limited impact on openness during its construction. In relation to Green Belt policy, Officers consider there are factors which amount to very special circumstances regarding this development, which clearly outweigh the harm to the Green Belt and any other harm. The proposal is for ancillary development to an existing waste management facility. The provision of the concrete surface will enable clean and safe site operations, contributing to greater efficiencies for waste recycling at the facility and thereby contributing to the wider goals for achieving sustainable waste management and moving waste up the hierarchy.
- 90 Having regard to existing characteristics of the waste site and amenity benefits for providing the concrete surface, Officer's consider the proposal would not result in greater harm to the openness of the Green Belt or the visual amenities of the Green Belt than at present, and that the proposal is acceptable and complies with SWP 2008 Policy CW6 and an exception to Green Belt policy can be made. Officers therefore consider that the proposal is proportionate to the need and in accordance with development plan polices and taking the above into consideration, planning permission should be granted subject to conditions.

RECOMMENDATION

The recommendation is to PERMIT subject to conditions

Conditions:

Approved Plans and Drawings

1. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:

Drawing number 1163/41D: Proposed Additional Hardstanding dated 27 April 2015

Drawing number CMF/OLF/D001-D Rev G: Surface Water Drainage Plan dated April 2015

Commencement

2. The development hereby permitted shall be begun not 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 development.

Pre-Commencement

3. Prior to the commencement of the development hereby approved, details of how the sustainable drainage system will be protected and maintained during the construction of the development shall be submitted to and approved by the County Planning Authority. The scheme shall be implemented as approved.
4. Prior to the commencement of the development hereby approved, details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite, shall be submitted to and approved by the County Planning Authority. The scheme shall be implemented as approved.
5. Prior to the commencement of the development hereby approved, a maintenance plan that includes details on maintenance regimes of each SuDS element and who will maintain the elements, shall be submitted to and approved by the County Planning Authority. The scheme shall be implemented as approved.

Hours

6. No construction operations or activities authorised by this permission shall be carried out except between the following times:

0730 - 1700 hours Mondays to Fridays excluding Public Holidays

0730 - 1300 hours Saturdays

There shall be no construction operations or activities authorised by this permission on Sundays, National, Bank or Public Holidays.

Highways

7. For the duration of the concrete deliveries to the site required by this permission, the total number of HGV vehicles accessing the application site from Stanwell Moor including those permitted under SP08/0992 shall not exceed 90 per weekday day, 50 on a Saturday and no

more than 8 per hour. Records of vehicle numbers shall be maintained and made available to the County Planning Authority upon request.

Noise

8. The level of noise arising from any operation, plant or machinery on the site in association with construction of the development hereby permitted when measured at or recalculated as at a height of 1.2m above ground level and 3.6m from the facade of any residential property or other occupied building shall not exceed $Leq = 70dB(A)$ when measured over any 60 minute period.

Reasons:

1. In the interests of proper planning and to ensure that the permission is implemented in accordance with the terms of the application.
2. 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).
3. To protect against pollution of watercourses and prevent flooding and to ensure satisfactory storage of/disposal of surface water from the site, and to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Borough Core Strategy and Development Plan Document 2009 Policy LO1 Flooding.
4. To protect against pollution of watercourses and prevent flooding and to ensure satisfactory storage of/disposal of surface water from the site, and to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Borough Core Strategy and Development Plan Document 2009 Policy LO1 Flooding.
5. To protect against pollution of watercourses and prevent flooding and to ensure satisfactory storage of/disposal of surface water from the site, and to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Borough Core Strategy and Development Plan Document 2009 Policy LO1 Flooding.
6. To enable the County Planning Authority to adequately control the development and to protect the amenities of local residents in accordance with Policy DC3 of the Surrey Waste Plan 2008.
7. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Surrey Waste Plan 2008 Policy DC3.
8. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Policy DC3 of the Surrey Waste Plan 2008 and Policy EN11 of the Spelthorne Borough Core Strategy and Policies and Development Plan Document 2009.

Informatives:

1. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

CONTACT

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BACKGROUND PAPERS

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

Government Guidance

National Planning Policy Framework 2012

National Planning Policy for Waste 2014

National Planning Practice Guidance

The Development Plan

Surrey Waste Plan 2008

Spelthorne Borough Core Strategy and Policies DPD February 2009

Spelthorne Borough Local Plan 2001 (Saved policy)

Other Documents

Planning permission Ref SP08/0992 dated 19 November 2009 and accompanying application documents and Officers report.

<p style="text-align: center;">Site Location</p> <p>Scale 1:25,988</p>	<p>Oakleaf Farm, Horton Road, Stanwell Moor, Surrey TW19 6AF</p> <p>Construction and use of 2.47 hectares of new concrete hardstanding to resurface the existing unmade compound area at Oak Leaf Farm waste recycling, recovery and processing facility.</p> <p>Application No(s): SP/15/00929/SCC</p> <p>Electoral Division(s): Stanwell & Stanwell Moor</p>
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Application Site Area

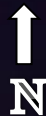
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Aerial 1 : Oakleaf Farm



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All boundaries are approximate



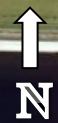
Aerial 2 : Oakleaf Farm



Application Site Area



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All boundaries are approximate

Figure 1 : Unmade surface vs existing concrete facing west (northern extract)



Figure 2 : Unmade surface vs existing concrete facing west (southern extract)



Figure 3 : View of existing internal access haul road facing west



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TO: PLANNING & REGULATORY COMMITTEE **DATE:** 24 February 2016

BY: PLANNING DEVELOPMENT TEAM MANAGER

DISTRICT(S) SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**

Stanwell & Stanwell Moor

Mr Evans

PURPOSE: FOR DECISION

GRID REF: 504451 174309

TITLE: MINERALS/WASTE SP15/01184/SCC

SUMMARY REPORT

Oakleaf Farm Waste Recycling Facility, Oakleaf Farm, Horton Road, Stanwell Moor, Surrey TW19 6AF

The installation and use of concrete crushing plant for the processing of construction and demolition wastes to produce recycled aggregate.

The Oak Leaf Farm Waste Recycling Facility, an area of some 9.4ha, lies to the south of Horton Road, Stanwell Moor, approximately 1 km south east of Junction 14 of the M25 Motorway, some 500m south west off London Heathrow Airport's western perimeter and approximately 75m north of King George VI Reservoir. Access to the site is off Horton Road. The application site lies within the Metropolitan Green Belt.

The Oak Leaf Farm site is a former mineral working with a complicated planning history dating back to the 1960's and is identified in the adopted Surrey Waste Local Plan 2008 as suitable for development as a waste management facility.

In November 2009 planning permission (ref.SP08/0992) was granted to redevelop the site, allowing for the construction and use of a permanent recycling, recovery and processing facility for construction and demolition waste comprising a Materials Recovery Facility building (MRF), site office and workshop, wheel wash and two weighbridges, lorry and car parking areas, storage areas, site entrance and access road, and landscape perimeter screening bunds. The 2009 permission allows for the use of a concrete crusher inside the MRF. However the 2009 permission was subsequently varied by planning reference SP/14/01125/SCC in March 2015 to allow operations involving the use of shredding machinery to be carried out inside the MRF building 24 hours per day, 7 days per week. As a result of the March 2015 planning permission the County Planning Authority restricted the use of concrete crushing plant at the site by planning condition as no crusher was proposed under the 2015 permission and to maintain planning control over the use of a concrete crusher at the site.

The concrete crusher application site area is approximately 0.19 ha and is located on the southern boundary within the existing operating compound on an open concrete hardstand area adjacent to a permitted washing plant, and approximately 22m to the west of the (yet to be constructed) MRF building. The applicant still requires the use of a concrete crusher and the proposal is to locate and operate the concrete crusher in a different location within the site compound from that permitted in 2009 in order to produce recycled aggregate from the construction and demolition waste handled at the site. The crusher is to be used in connection with washing plant equipment already permitted for use at the site. The operating hours proposed for the use of the concrete crusher are between 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays. The proposal does not seek to change the throughput or type of waste handled at the site, which is controlled by the waste licence issued from the Environment Agency.

Local residents have raised concerns about noise and dust from the use of the machinery. Spelthorne Borough Council have raised strong objection to the proposal on the grounds of visual intrusion within the Green Belt, the intensification of the use of the site and further disturbance arising from the use of the concrete crusher. The local member objects to the proposal.

The implications of the siting and use of the concrete crushing plant within the existing recycling yard area have been assessed against Green Belt policy and in terms of impacts to local environment and amenity.

Development Plan policies seek to protect the local environment and the amenities of local residents from the adverse effects of development. The issues to be assessed for this particular proposal involve issues of noise, air quality (dust), landscape and visual matters. No objection has been raised by the respective consultees on these issues. Officers consider that, taking into account the mitigation measures proposed and controls through the relevant planning conditions, the development is unlikely to give rise to any significant adverse impact on amenity and the local environment.

The proposed development is inappropriate development in the Green Belt and would have an impact on openness. In relation to Green Belt policy, Officers recognise that the proposal would allow the site to contribute towards Surrey's targets for producing recycled aggregate and sustainable waste management more generally. Officers also acknowledge that the principles of this permanent waste site in this Green Belt location have already been accepted. The siting and operation of the concrete crusher in the proposed 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.

Officers conclude that, taking account of the factors advanced by the applicant and that the proposal is ancillary development to an existing waste management facility, very special circumstances exist such that harm to the Green Belt and any other harm is clearly outweighed by the need for the proposal. Officers therefore consider that the proposal is proportionate to the need and 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

APPLICATION DETAILS

Applicant

Charles Morris Fertilisers Ltd

Date application valid

13 August 2015

Period for Determination

12 November 2015

Amending Documents

WBM Acoustic Consultants - Noise Assessment dated 9 November 2015

SUMMARY OF PLANNING ISSUES

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

Issue	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Air Quality (dust)	Yes	30-51
Noise & Hours of Working	Yes	52-63
Landscape & Visual	Yes	64-71
Highways, Traffic & Access	Yes	72-78
Metropolitan Green Belt	No	79-94

ILLUSTRATIVE MATERIAL

Site Plan

Plan 1

Aerial Photographs

Aerial 1

Aerial 2

Site Photographs

Figure 1 View of the proposed concrete crusher location facing the southern screening bund

Figure 2 View of existing internal access haul road facing west

Figure 3 View of existing landscape screening bunds at site entrance

Application Plan

Site Plan 1163/40D: Site Location Plan dated 5 August 2015

BACKGROUND

Site Description

- 1 The application site, an area of approximately some 0.19 hectares is situated at the Oak Leaf Farm Waste Recycling Facility, off Horton Road, Stanwell Moor and is located in the Metropolitan Green Belt. The site lies approximately 1 km south east of junction 14 of the M25, some 500 metres south west off London Heathrow Airport's western perimeter and approximately 75 metres north of King George VI Reservoir. The Staines reservoirs are part of the Staines Moor SSSI and South West London Waterbodies Special Protection Area (SPA) and Ramsar Site. The site lies in the southern end of the Colne Valley Regional Park.
- 2 The main site access lies to the east of Stanwell Moor village centre, on the southern side of Horton Road opposite a garden centre which lies on the northern side, some 100 metres to the west of the A3044 Stanwell Moor Road (dual carriageway). A public right of way, known as Haws Lane forms the southern boundary of the site, and beyond this is the reservoir. A more dense area of housing lies to the west and north west of the site, beyond an area used as paddocks, within 60-120 metres of the main site perimeter boundary.

Planning History

- 3 The Oak Leaf farm site, of nearly 10 hectares is a former mineral working and has a complicated planning history. The original consent for sand and gravel extraction was gained by way of three planning permissions granted in the 1960s which required the site to be restored to an agricultural use. The infilling of the extraction area was undertaken by Charles Morris Fertilizers who also obtained planning permission in 1966 (ref. STA.P.9214) for the storage of processed organic sludge on a smaller area of the site.
- 4 The site was being used for the unauthorised import, storage and treatment of other waste materials, which led to an Enforcement Notice being issued on 23 July 1992 in respect of these unauthorised activities. Following an appeal, the Enforcement Notice was upheld with some minor amendments and was granted a long compliance period until April 1995.
- 5 On 24 July 1996 planning permission was granted on appeal (ref. APP/B3600/A/95/256933), subject to the completion of a Section 106 legal agreement to secure the discontinuance of all uses and the completion of restoration by the end of a ten-year period (24 July 2006). In addition, this decision required the cessation of organic sludge storage and the removal of screening bunds, both of which benefited from planning permission.
- 6 Subsequently, Oak Leaf Farm is identified in the adopted Surrey Waste Local Plan 2008 as a site suitable for development as a waste management facility.
- 7 In November 2009 planning permission (ref.SP08/0992) was granted to redevelop the site as a permanent waste facility, allowing for the construction and use of the site for the

recycling, recovery and processing of construction and demolition waste, comprising: a Materials Recovery Facility (MRF) building; site office and workshop; wheel wash; two weighbridges; lorry and car parking areas; storage areas; site entrance and access road; and landscaped bunds.

- 8 Attached to planning permission (ref: SP08/0992) is a Section 106 legal agreement to secure a landscape and ecology management plan and footpath upgrade, and some 32 planning conditions. Some 8 of those conditions required the submission of further schemes for approval by the County Planning Authority (CPA). These were submitted to and approved by the CPA in 2010 under the following:
- Ref.SP10/0430 dated 3 August 2010 – for Condition 20 (Details of Bird Hazard Management Plan)
 - Ref.SP10/0390 dated 6 September 2010 – for Condition 25 (Method statement for controlling Japanese knotweed)
 - Ref.SP10/0278 dated 23 September 2010 – for Condition 24 (Scheme of landscaping, planting and maintenance) and Condition 26 (Scheme for the provision and management of a buffer zone alongside ditch)
 - Ref.SP10/0476 dated 29 September 2010 – for Condition 29 (Details of Dust Action Plan)
 - Ref.SP10/0617 dated 29 September 2010 – for Condition 28 (Details of external materials for buildings)
 - Ref.SP10/0668 dated 20 December 2012 – for Condition 13 (Method of Construction Statement)
 - Ref.SP10/0734 dated 20 December 2012 – for Condition 27 (Scheme of surface water drainage)
- 9 In 2011 a non-material amendment to the planning permission ref.SP08/0992 was sought in order to increase the base level within the compound to 21m AOD from 20m AOD. This was approved by the CPA in April 2012 (ref.SP11/00418).
- 10 More recently at the County Council's Planning and Regulatory Committee meeting of 15 October 2014 Members resolved, subject to the prior completion of a variation to the Section 106 legal agreement and subject to conditions, to permit planning application ref: SP/14/01125/SCC for changes to the permitted hours of working of the Materials Recovery Facility building (MRF) permitted under application ref.SP08/0992 so as to allow machinery within the building to operate for twenty-four hours a day, seven days a week. Following completion of a variation to the Section 106 legal agreement planning permission ref. SP/14/01125/SCC was issued on 13 March 2015.

THE PROPOSAL

- 11 In November 2009 planning permission was granted for the redevelopment of the Oakleaf Farm site of approximately 9.4 hectares for the construction and use of the site as a permanent recycling, recovery and processing facility for construction and demolition wastes, which included the erection of a Materials Recovery Facility (MRF) building, offices

and other infrastructure and the use of a concrete crusher inside of the MRF building under planning reference SP08/0992 dated 19 November 2009.

- 12 The 2009 permission was subsequently varied by planning reference SP/14/01125/SCC dated 13 March 2015 to allow operations involving the use of shredding machinery to be carried out inside the MRF building 24 hours per day, 7 days per week. As a result of that planning permission the use of a concrete crusher is no longer permitted at the waste site.
- 13 The applicant is now seeking planning permission for the installation and use of concrete crushing plant for use in site operations for processing the imported construction and demolition wastes to produce recycled aggregate. The crusher is to be used in connection with washing plant equipment already permitted for use at the site.
- 14 The proposed concrete crusher is to be located on the southern boundary within the existing yard on an open concrete hardstand area adjacent to the washing plant, and approximately 22m to the west of the yet to be constructed materials MRF building.
- 15 The applicant anticipates the crusher would be run for between 1 and 2 hours per day. The operating hours proposed for the use of the concrete crusher are between 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays. The proposal does not seek to increase the amount or type of waste handled at the site which is controlled by a waste licence issued from the Environment Agency.

CONSULTATIONS AND PUBLICITY

District Council

- 16 Spelthorne Borough Council – Planning: Strongly Objects, on the grounds of visual intrusion within the Green Belt, the intensification of the use of the site and further disturbance arising from the use of the concrete crusher

Officer Comment

The County Council acknowledges the points of objection raised by the Borough Council. These points are addressed within the detailed sections of the planning considerations contained within this report below.

- 17 Spelthorne Borough Council Environmental Health – Air Quality: No objection
- 18 Spelthorne Borough Council Environmental Health – Noise: No comments to make

Consultees (Statutory and Non-Statutory)

- 19 The Environment Agency South East: No objection.
- 20 County Air Quality Consultant - RPS Ltd: No objection
- 21 County Noise Consultant - RPS Ltd: No objection, subject to conditions

Parrish/Town Council and Amenity Groups

- 22 Stanwell Moor Residents Association: No comments received

Summary of publicity undertaken and key issues raised by public

23 The application was publicised by the posting of 2 site notices and an advert was placed in the local newspaper. A total of 76 of owner/occupiers of neighbouring properties were directly notified by letter. In response to date 3 letters of representation have been received by the County Planning Authority (CPA) objecting to the proposed development. Not all points raised are relevant to this proposal. Of the comments made, issues regarding air quality; noise; and hours of operation are material to this proposal. For completeness comments on highway matters are also noted.

The local member and local District councillor both object to the proposal.

A summary of the main points raised are grouped together below:

Pollution – Dust

- There would be extra pollution, we already have a lot of aircraft from Heathrow
- Dust would be horrendous.
- Breathing in fine dust containing crystalline silica can cause lung damage. Will the concrete crusher lead to more dangerous pollution in an area that is already highly polluted. If the proposal increases poor air quality it should be refused.

Noise

- There would be extra noise, we already have a lot of aircraft from Heathrow
- Already hear continuous noise from the site all day
- Noise would be horrendous

Hours of operation

- The crusher will be run for one to two hours per day. How will the hours of operation be controlled.
- We have been told the crusher will operate 24 hours per day

Highway matters

- The traffic would be terrible
- There is a continuous stream of lorries along Horton Road and a lot park up before entering the site.
- Lorries are not mindful towards other road users
- Road made narrow with parked cars on one or both sides making it dangerous when confronted with HGV's

Officer Comment

The issues raised will be discussed within the sections of this report below.

PLANNING CONSIDERATIONS

- 24 The County Council as County Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities when determining planning applications to “have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations”. At present in relation to this application the Development Plan consists of The Surrey Waste Plan 2008; Spelthorne Borough Core Strategy and Policies DPD 2009, and the saved polices from the Spelthorne Borough local Plan 2001.
- 25 The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance, which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The Development Plan remains the cornerstone of the planning system. Planning applications, which comply, with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.
- 26 The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. However, the policies in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).
- 27 The Government sets out its specific planning policy for waste in the National Planning Policy for Waste 2014 (NPPW) and accompany Planning Practice Guidance NPPG. The NPPW seeks to deliver England’s waste ambitions by driving waste management up the waste hierarchy, the delivery of resource efficiency through the provision of modern infrastructure and wider climate change benefits; ensuring waste management is considered alongside other spatial planning concerns such as housing and transport; providing a framework in which communities and business take more responsibility for their own waste; helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and ensuring the design and layout of new residential and commercial development and other infrastructure complements sustainable waste management.
- 28 Paragraph 7 of the NPPW sets out six bullet points that waste planning authorities should take account of when determining planning applications. Of these bullet points, bullet point three and five are the most relevant in determining this planning application. Bullet point three requires consideration to the likely impact of a waste development proposal on the local environment and on amenity against locational criteria set out in Appendix B of the

NPPW. In this case the Appendix B locational criteria of relevance include c) *landscape and visual impact*, f) *Traffic and access*, g) *air emissions including dust*, and j) *noise, light and vibration*. Bullet point 5 states that decision makers should not be concerned with the control of processes which are a matter for the pollution control authorities, and assume that the relevant control regimes will be properly applied and enforced.

- 29 The proposal is for the installation and use of a concrete crusher in connection with processing imported construction and demolition wastes handled by the site to produce recycled aggregate. Officers consider that the main issues that arise in considering this proposal are: Green Belt policy; and potential impacts on the environment and local amenity in respect of noise and hours of working, and air quality issues. For clarification matters of visual amenity and highway matters are also addressed.

ENVIRONMENT AND AMENITY CONSIDERATIONS

National Guidance

National Planning Policy Framework 2012 (NPPF)

National Planning Practice Guidance (PPG)

National Planning Policy for Waste 2014 (NPPW)

Surrey Waste Plan 2008

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

Policy CW6 Green Belt

Policy DC3 General Considerations

Spelthorne Borough Core Strategy and Polices Development Plan Document 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

Air Quality – (Dust)

- 30 European Union (EU) legislation on air quality forms the basis for national UK legislation and policy on air quality. The EU Framework Directive 2008/50/EC on ambient air quality assessment and management came into force in the UK in June 2010. The Directive aims to protect human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollutants. National Air Quality legislation is transposed into the Air Quality Standards Regulations 2010 and the UK Air Quality Strategy 2007 in conjunction with the Environment Act 1995. The Environment Act 1995 provides a system under which local authorities are required to review and assess the air quality within their administrative boundaries area. Should this process identify that objectives set in the Air Quality Strategy will not be met, the local authority must declare an Air Quality Management Area.

- 31 The NPPF advocates that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution. To prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area should be taken into account.
- 32 Paragraph 124 of the NPPF states that “planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA) and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan”. At paragraph 122, the NPPF goes on to state that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of that use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The local planning authority should assume that these regimes will operate effectively.
- 33 The National Planning Policy for Waste (NPPW) requires waste planning authorities when determining waste planning applications should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from relevant health bodies. Appendix B location criteria point (g) *air emissions, including dust* states considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained equipment and vehicles.
- 34 Surrey Waste Plan 2008 (SWP 2008) Policy DC3 seeks to ensure that proposals do not cause significant adverse harm to land or people from dust emissions and requires appropriate mitigation measures to be identified so as to minimise or avoid any material adverse impact.
- 35 Policy EN3 (Air Quality) of Spelthorne Borough Council Core Strategy Development Plan Document 2009 (SBC CS DPD 2009) states the Council will seek to improve the air quality of the Borough and minimise harm from poor air quality by:
- a) supporting measures to encourage non-car based means of travel,
 - b) supporting appropriate measures to reduce traffic congestion where it is a contributor to existing areas of poor air quality,
 - c) requiring an air quality assessment where development:
 - i) is in an Air Quality Management Area, and
 - ii) generates significant levels of pollution, or
 - iii) increases traffic volumes or congestion, or
 - iv) is for non-residential uses of 1000 m² or greater, or
 - v) is for 10 or more dwellings, or

- vi) involves development sensitive to poor air quality
- d) refusing development where the adverse effects on air quality are of a significant scale, either individually or in combination with other proposals, and which are not outweighed by other important considerations or effects and cannot be appropriately and effectively mitigated,
- e) refusing development where the adverse effects of existing air quality on future occupiers are of a significant scale which cannot be appropriately or effectively mitigated and which are not outweighed by other material considerations.
- 36 Neither the NPPW, nor the Waste section of the National Planning Practice Guidance (PPG) provide any specific direction on dust assessment methodology for waste planning applications. In the absence of this, Surrey County Council expects applicants for waste developments to follow the dust assessment advice provided earlier for minerals workings. Lending support to this approach, guidance is referred to the former MPS2 (Minerals Policy Statement 2) and its Annex 1 (Dust). The MPS2 stated that *“Industries involving similar process (i.e. aggregates recycling, construction and waste disposal, etc) should take into account relevant elements of this Statement in planning their own development proposals, in the expectation that they will be applied by planning authorities.”*
- 37 The key planning principle set out in MPS2 is that dust emissions should, as far as possible, be controlled, mitigated or removed at source. Development proposals that could give rise to dust emissions should include appropriate proposals for the control and/ or mitigation of such emissions. MPS2 defines dust as *“particulate matter in the size range 1 - 75µm in diameter [...] particles that are less than or equal to 10µm in diameter are commonly referred as PM10.* Paragraph 1.1 of Annex 1 of MPS outlines that *residents can potentially be affected by dust up to 1km from the source, although concerns about dust are most likely to be experienced near to dust sources, generally within 100m, depending on site characteristics and in the absence of appropriate mitigation”.* The paragraph goes on further to state that dust emissions should be kept at a level that reflects high environmental standards and that this should be achieved by working towards continuous improvement based on best available techniques.
- 38 There are two issues concerning airborne particles from waste development sites, the impact upon residential amenity by causing a nuisance; and the impact upon health. The technical guidance documents on dust suggest that: (a) large dust particles, which make up the greatest proportion of dust emitted from mineral workings, will largely deposit within 100m of sources, (b) intermediate-sized particles are likely to travel up to 200 – 500m from the source, and (c) PM₁₀ particles, which makes up a small proportion of the dust emitted from most mineral workings, are only deposited slowly but may travel 1000m or more with concentrations decreasing rapidly on moving away from the source due to dispersion and dilution.
- 39 Oak Leaf Farm is identified within the Surrey Waste Plan 2008 Policy WD2 for development as a recycling facility. A Key Development Criteria is that the level of activity proposed should be similar to that currently experienced at the site and that *“concrete crushing is not considered an appropriate process at this location”.* It is therefore important to be satisfied that it can be demonstrated that generated dust levels from the proposal will not give rise to a significant adverse impact and cause harm to residential amenity.

- 40 In November 2009 Surrey County Council granted planning permission at the application site for the construction and operation of a permanent waste recycling facility for processing construction and demolition waste, permitted under reference SP08/0992 dated 19 November 2009. The permission included construction of a building to operate as a Materials Recovery Facility (MRF) as well as a variety of waste processing machinery for use either on external processing areas; such as soil screeners and a washing plant, or within the MRF building; such as trommel screen, balers, conveyers and blower equipment. The 2009 permission also allowed the use of a concrete crusher inside the MRF building. The site operates under a Dust Action Plan (DAP) which was approved by the County Council in September 2010 under application ref. SP10/0476. This was followed when, in March 2015, planning permission (ref: SP/14/01125/SCC) was granted for changes to the permitted hours of working of the MRF building permitted under application ref. SP08/0992 to allow machinery to operate inside the building for twenty-four hours a day, seven days a week. However, under that permission the use of a concrete crusher at the site would not be permitted, as no concrete crusher was proposed under the March 2015 permission and to maintain planning control, the County Planning Authority restricted the use of concrete crushing plant at the site by planning condition.
- 41 The applicant now seeks permission to install and operate a concrete crusher on the site in order to produce recycled aggregate. It is proposed that the concrete crusher will be installed in a new location within the site, on open land within the operating compound, located on a concrete hardstanding between the permitted washing plant and MRF building, adjacent to the southern boundary of the site. The application proposes no new additional vehicle movements, or increase in the volume and type of waste permitted for handling at the site.
- 42 The proposal has the potential to give rise to dust emissions during the operation of the concrete crusher. The application site is located within an Air Quality Management Area (AQMA) designated for annual mean nitrogen dioxide (NO₂), which covers the whole of the borough of Spelthorne. Three letters of representation have been received against the proposal which raise issues regarding; dust nuisance; and effects of pollution on health.
- 43 The applicant has submitted an Air Quality Assessment (AQA) to accompany the application which focuses on potential dust nuisance that may be generated during the operation of the crusher. The AQA identifies that the nearest sensitive receptors lie over 200m from the proposed concrete crusher location.
- 44 In terms of health impacts, the AQA identifies that dust generated from the operation of the crusher would be of relatively large particle size which the applicant highlights, studies have shown are of a size unlikely to affect health. Consequently, the impact on health from these particles is unlikely to be significant compared to the smaller particle sizes associated with combustion type processes (<2.5 µm) such as those from traffic emissions from surrounding road network. Included in the report is an assessment of data from the most up-to-date local monitoring of the AQMA undertaken by Spelthorne Borough Council for NO₂, PM₁₀ and PM_{2.5} at the Oaks Road monitoring location which, for the period 2011-2013, indicates that all air quality strategy objectives have been met for the period.
- 45 In terms of dust nuisance, the applicant states that their observation of existing soil screening and processing operations indicate that any impact of dust arising from site operations is limited to the vicinity of the activity within the site, even without dust suppression measures.

- 46 The applicant has proposed a range of mitigation measures for controlling dust from the crushing activity which includes; minimise drop heights through the use of variable height conveyor; avoiding double handling through appropriate siting of equipment; and suppressing dust through using water sprays. In addition to the measures proposed, the site is screened by 6m and 8m high bunds constructed along the perimeter of the site which includes landscape planting on the bunds.
- 47 The applicant's assessment concludes that the potential for dust nuisance from the proposal to surrounding residential and community properties would be low, and that subject to implementation of the mitigation proposed (referred in the paragraph above) the release of dust can be controlled to an extent that would prevent a nuisance and ensure that residual effects will not be significant.
- 48 The County Air Quality Consultant (CAQC) has reviewed the applicant's air quality assessment. The CAQC notes the assessment findings and considers that it is clear that the risk of adverse impact of dust pollution from the proposal is low, adding that the assessment shows that the nearest downwind receptors are more than 200m from the proposed crusher location. In addition the CAQC notes there is an 8m screening bund separating the site from receptors to the north of the site. Accordingly the CAQC agrees with the findings of the applicant's air quality assessment that the risk of dust impacts is low and does not raise objection to the proposal and adding that, with the implementation of mitigation measures, dust impact would be negligible. The Environment Agency (EA) raises no objection, having assessed the proposal as having a low environmental risk.
- 49 Spelthorne Borough Council (SBC) Environmental Health Officer (EHO) has not raised objection to the proposal, although recommended that a condition be imposed to any permission to ensure that a dust management plan is submitted for approval and subsequent implementation. Officers acknowledge the recommendations of the SBC Environmental Health Officer, however the site operates under an approved Dust Action Plan already and the applicant has proposed a range of measures for mitigating dust for this proposal with which to complement the approved dust scheme for the site.
- 50 On this basis Officers consider that, having regard to the paragraphs above, the development proposed would not give rise to significant adverse impact to local amenity with regard to dust impacts.

Air Quality - Dust Conclusion

- 51 Officers conclude that, subject to the successful implementation of measures for mitigating dust proposed, and further controls secured by planning condition, the proposal is in accordance with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG with regards to air quality – dust.

Noise and Hours of Working

- 52 Paragraphs 109 – 125 of the NPPF advocates that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution. Accordingly, to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural

environment or general amenity, and the potential sensitivity of the area should be taken account.

- 53 The NPPF requires that planning policies and decisions should aim to (a) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result from new development; (b) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; (c) recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and (d) identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason
- 54 The NPPW at bullet point number 3, paragraph 7, advises that waste planning authorities when determining waste planning applications should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B. Under Appendix B point (j) *noise and vibration*, considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings. Intermittent and sustained operating noise may be a problem if not properly managed.
- 55 Policy DC3 seeks to ensure that proposals do not cause significant adverse harm to land or people from dust emissions and requires appropriate mitigation measures to be identified so as to minimise or avoid any material adverse impact. Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 Policy EN11 (Development and Noise) seeks to minimise the impacts of noise and sets out a series of criteria by which to achieve this including measures to reduce noise to acceptable levels and ensuring provision of appropriate noise attenuation measures.

The Development

- 56 As discussed in the paragraphs above SWP 2008 Policy WD2 *Key Development Criteria* considers concrete crushing as not an appropriate process at this location. It is therefore important to be satisfied that it can be demonstrated that noise levels from the proposal will not give rise to significant adverse impact and harm residential amenity.
- 57 In 2009 planning permission was granted which allowed for the use of concrete crusher at the site within in the MRF building. In 2015 under ref SP14/01125/SCC the applicant was granted planning permission for changes to operations inside the MRF building and at that time did not require the use of concrete crushing plant, so no crusher was proposed in the application. To maintain planning control and protect harm to the amenity and as no crusher was proposed under the 2015 the County Planning Authority restricted the use of a concrete crusher by planning condition. Officers recognise that there is the potential to generate noise at the site from the activities proposed. Three letters of representation have been received from neighbouring residents raising concern on potential noise impacts from the proposal.
- 58 The proposed concrete crusher is to be located at a new location on the southern boundary within the existing yard on an open concrete hardstand area adjacent to the washing plant, and approximately 22m to the west of the yet to be constructed materials MRF building. The operating hours proposed for the crusher are between 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays. The applicant anticipates the crusher would be run for between

1 and 2 hours per day during the proposed operating hours. The proposal does not seek to increase the amount or type of waste handled at the site which is controlled by a waste licence issued from the Environment Agency. No new vehicle movements proposed for this application.

- 59 The applicant submitted a detailed noise report (WBM Acoustic Consultants 15 July 2015) that assesses the up-to-date noise environment at the site with inclusion of a concrete crusher. The noise assessment follows the principles of the noise assessment made for previous planning applications for redeveloping the site (refs.SP08/0992 as varied by SP/14/01125/SCC). The applicant's noise assessment identifies the same nearest noise sensitive receptor locations as being: 121 Horton Road, 149 Horton Road and Pegasus Stables dwellings (over 200m from the crusher). The report also includes assessment against the noise conditions (Condition 17) which have been imposed on the parent planning permission to control existing operational noise from the development. The noise assessment concludes that the calculated site noise levels for site operations including the proposed concrete crusher operation at Pegasus Stables dwellings (the nearest noise sensitive receptor) would be at the permitted site noise limit set for Pegasus Stables dwellings, allowing for mitigation from the 8m high screening bund.
- 60 The County Noise Consultant (CNC) noted the findings of the noise assessment, although noted that the assessment followed criteria contained within the Surrey County Councils '*Guidelines for Noise Control – Minerals and Waste or the Governments Planning Practice Guidance on Minerals*' and whilst these guidelines include waste disposal, they imply that where a waste operation is not associated to minerals site restoration, other methods should apply. Consequently the CNC considers the assessment should be made against British Standard (BS) 4142:2014 '*Methods for rating and assessing industrial and commercial sound*'. The CNC therefore recommended that the applicant should amend the noise assessment and submit a report to include an assessment of the proposal in accordance with the aforementioned BS 4142:2014.
- 61 The applicant subsequently submitted a revised noise assessment dated 9 November 2015. The CNC noted the findings in the report, although commented that an acoustic feature correction has not been included in the revised assessment. However, the CNC considers that if a conservative 3 dB correction was to be applied this would result in the excess of rating over background sound level of -1 dB. The CNC therefore considers that, in accordance with BS 4142:2014, where the rating level does not exceed the background sound level, the specific sound source from the crushing activity will have a low impact. In conclusion, the CNC recommends that the existing planning condition limiting the level of noise from all operations on site should remain in place for this application. In addition, a suitably worded condition should also be imposed to ensure that the concrete crusher does not operate out of hours.
- 62 SBC Environmental Health (Noise) requested further information directly from the applicant. After receipt of the requested information and confirmation that the noise limit stipulated on the original planning permission can be met, the SBC Environmental Health officer has since made no further comment. The EA has not raised objection to the proposal.

Conclusion – Noise and Hours of Working

- 63 Having regard to the above paragraphs, Officers consider that the development would not have significant adverse impact on local amenity on the grounds of noise and any impacts can be satisfactorily controlled by condition. Officers conclude that the proposal is in accordance with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG with regard to noise and hours of working.

Landscape and Visual Impact

- 64 National Planning Policy for Waste Appendix B locational criteria (g) *landscape and visual impacts* states, when determining planning applications, waste planning authorities considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.
- 65 Surrey Waste Plan 2008 Policy DC3 (General Considerations) requires that appropriate information be submitted in support of a planning application to demonstrate that any visual and landscape impact of the development on the application site and surrounding land including townscape can be controlled to achieve levels that will not significantly adversely affect people, land and infrastructure. The policy requires an assessment of the landscape and visual impact from the proposal.
- 66 Policy EN8 of the Spelthorne Borough Core Strategy and Policies DPD requires that new development, wherever possible, contributes to an improvement in the landscape and avoids harm to any features of the landscape; and that planning permission be refused where development would have a harmful impact on the landscape.
- 67 The application site located on the urban fringe is bounded immediately to the north and west by residential properties, to the south by reservoirs and to the east by Stanwell Moor Road. The context of the surrounding land includes exhausted and restored mineral workings, light commercial and industrial uses, Heathrow airport (to the north), and the M25 and other arterial roads.

The Development

- 68 The proposed concrete crusher is to be located at a new location on the southern boundary within the existing yard on an open concrete hardstand area. The applicant states that the height of the crusher is 4.05m.
- 69 The application site is a developed site where 6m and 8m high are constructed around the perimeter. Officers are satisfied that the crusher at approximately 4m in height, and at the proposed location, would not be visible above the perimeter screening bunds. Furthermore, landscape planting schemes already approved for the bunds will afford further screening of the site as the planting establishes.
- 70 Within the site, the crusher would be located adjacent to the washing plant already permitted, and 22 meters to the west of the MRF building (yet to be constructed) which has a ridge height of approx 10 meters and is much higher, therefore within the context of the site the visual impact of the crusher would be limited.

Conclusion Landscape and Visual Impact

- 71 Officers are satisfied that the proposal would not conflict with the aims and objectives of relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG with regard to landscape and visual impacts.

HIGHWAYS, TRAFFIC AND ACCESS

National Guidance

National Planning Policy Framework 2012 (NPPF)

National Planning Policy for Waste 2014 (NPPW)

Surrey Waste Plan 2008

Policy DC3 General Considerations

Spelthorne Borough Core Strategy and Policies Development Plan Document

Policy CC2 – Sustainable Travel

- 72 Government policy on transport is set out in part 4 ‘Promoting sustainable transport’ of the NPPF (paragraphs 29 to 41). At paragraph 32, the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Planning decisions should take account of whether safe and suitable access can be achieved for all people, and that development should only be prevented or refused on transport grounds where its residual cumulative impacts would be severe.
- 73 Paragraph 7 of the NPPW at bullet point number 3 advises that waste planning authorities when determining waste planning applications should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In respect of traffic and access, point (f) of Appendix B advises that considerations should include the suitability of the road network and the extent to which access would require reliance on local roads.
- 74 Policy DC3 of the Surrey Waste Plan 2008 states that planning permission for waste related development will be granted provided it can be demonstrated that the traffic generation, access and the suitability of the highway network in the vicinity, including access to and from a motorway and primary route network associated with the proposal can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources.
- 75 Spelthorne Borough Council Core Strategy Policy CC2 (Sustainable Travel) provides that the Borough Council will seek to secure more sustainable travel patterns through only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking account where relevant:
- number and nature of additional traffic movements, including servicing needs,
 - capacity of the local transport network,
 - cumulative impact including other proposed development,
 - access and egress to the public highway, and
 - highway safety

The Development

- 76 Concerns have been raised by neighbouring residents with regards to highway safety and vehicle movements. Officers note the concerns raised, however these concerns do not directly relate to the subject of this planning application. The proposal is for the use of a concrete crusher for processing construction and demolition wastes already permitted for handling at the site in order to produce recycle aggregate. There are no new HGV movements proposed under this planning application.
- 77 All HGV movements would be the same as existing, as already allowed for the site. Under the existing consent (ref.SP08/0992, as varied by SP/14/01125/SCC) there are several planning conditions for controlling Traffic matters which will remain extant, one of which limits the daily volume of vehicle movements to and from the site through Stanwell Moor village. Outside of that limit, all other access for the site is via Stanwell Moor Road (A3044) where there are no restrictions. The site has a waste licence issued from the Environment Agency (EA) of approx 250,000tpa which limits the amount of waste handled by the site and determines the overall limit of HGV vehicle movements which can access the site annually.

Highways conclusion

- 78 In conclusion Officers are satisfied that, as the proposal is for the operational use of a concrete crusher at the site and as there will be no material change to vehicle movements at the site by way of this planning application, the proposal accords with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG, and NPPW on highways matters.

GREEN BELT

Surrey Waste Plan 2008

Policy WD2 – Recycling, storage, transfer, materials recovery and processing facilities (excluding thermal treatment)

Policy CW5 – Location of Waste facilities

Policy CW6 – Development in the Green Belt

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

Policy AR1 – Presumption in favour of sustainable development

Spelthorne Borough Local Plan 2001

Policy GB1 Development Proposals in the Green Belt

- 79 Paragraph 79 of the NPPF establishes the importance of Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green belts are their openness and their permanence. Paragraph 80 of the NPPF states that Green Belt serves five purposes: (a) to check the unrestricted sprawl of large built-up areas, (b) to prevent neighbouring towns merging into one another, (c) to assist in safeguarding the countryside from encroachment, (d) to

preserve the setting and special character of historic towns, and (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 80 Paragraph 87 of the NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and goes on to say 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.
- 81 Policy CW6 of the Surrey Waste Plan 2008 states that there will be a presumption against inappropriate waste related development in the Green Belt except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Policy CW6 goes on to state that the characteristics of the application site and wider environmental and economic benefits of sustainable waste management may contribute to very special circumstances.
- 82 Spelthorne Borough Local Plan 2001 Policy GB1 Development Proposals in the Green Belt advises that development in the Green Belt, which would conflict with the purposes of the Green Belt and maintaining its openness, will not be permitted.
- 83 Policy WD2 of Surrey Waste Plan 2008 identifies the locations where planning permission will be granted for development involving recycling, storage, transfer, materials recovery and processing of waste. For such development to take place the policy test should be met including the need to satisfy key development criteria and where very special circumstances can be demonstrated in accordance with the provisions of Policy CW6 of the SWP 2008. Waste sites also have to be assessed against SWP 2008 development control Policy DC3 (General Considerations), which requires that the County Council be satisfied the impacts of a proposal will not significantly affect the local environment and amenity and that applicant has demonstrated they have assessed the particular environment and amenity issues.

Harm

- 84 The application site lies within an existing waste management facility, which is located within the Green Belt where there is a general presumption against inappropriate development. Waste management operations, including the proposal, are not deemed to be compatible with the objectives of maintaining the openness of the Green Belt and are therefore considered to be inappropriate development.
- 85 The proposal is for the installation and use of a concrete crusher located within the existing operator's compound to be used for processing imported construction and demolition waste permitted for handling at the site. The concrete crusher would have greater impact on the openness of the Green Belt by virtue of its presence thereby causing harm, furthermore a key development criteria (Policy WD2 of SWP 2008) identifies that concrete crushing is not considered an appropriate activity at this location and thereby its presence can cause other harm in terms of adverse impacts to neighbouring residential amenity, especially from noise and dust. Inappropriate development may only be permitted where very special circumstances are demonstrated to outweigh the harm caused by inappropriateness and

any other harm. Therefore the applicant will need to demonstrate that very special circumstances exist that overcome the harm caused to the Green Belt.

Very Special Circumstances

- 86 The applicant has advanced an argument for what they consider to be a case for very special circumstances. They state the site is a permitted waste recycling facility, granted planning permission in 2009 to redevelop the site and which also previously granted the use of a crusher on this site (Ref. SP08/0992). By virtue of a revised planning permission (Ref.SP/14/01125/SCC) granted in 2015 the use of a concrete crusher operation would no longer be permitted at the site. The applicant still wishes to be able to produce recycled aggregate, stating they have the same need for a concrete crusher as at the time of the 2009 parent planning permission. The concrete crusher will form an integral part of the recycling operations where concrete, brick and rock residuals arising from imported construction and demolition waste will be crushed on site which otherwise would require removal for processing elsewhere at another facility. They state that the use of the crusher on site would improve the sites operational efficiency for contributing to sustainable waste management and would reduce vehicle movements.
- 87 The application the subject of this report does not seek to amend the type or volume of waste undertaken at this waste recycling facility, which is controlled by a waste licence issued by the Environment Agency. The Oak Leaf Farm site is identified as a site under Policy WD2 of SWP 2008 where planning permission for development involving waste recycling, recovery and processing will be granted provided key development criteria are met and where very special circumstances can be demonstrated in accordance with provisions of Policy CW6 for development in the Green Belt.
- 88 In considering whether very special circumstances may exist, Officers accept that the principle of the construction and operation of the application site as a permanent waste recycling facility for processing construction and demolition waste in this Green Belt location has already been established and accepted by virtue of the existing planning permissions (principally Ref.SP08/0992), thereby already establishing a need for the site. It is further acknowledged this previous planning permission (Ref.SP08/0992) established a principle of the use of a concrete crusher on site, albeit in a different location.
- 89 The Oak Leaf Farm site is listed as a permanent aggregate recycling site in the County's *Aggregates Recycling Joint DPD for Minerals and Waste Plan* (Policy AR1) where the aim of the County Council, in seeking to make increased provision for aggregate recycling, is to support recycled aggregate production at existing facilities. Officers recognise that at a typical C&D waste processing facility the production of recycled aggregate involves a number of processes which includes the use of concrete crushing plant. If permitted, the concrete crusher is to be used on site in conjunction with a washing plant (already permitted) as part of the sites recycled aggregate potential, thereby contributing towards goals for sustainable waste management and moving waste up the hierarchy.
- 90 The proposed concrete crusher would be ancillary to the existing waste management use which is characterised by amongst other things, buildings, structures, moving and fixed plant and machinery, material stockpile and daily vehicle movements. The crusher is well located within the existing compound, on the southern boundary and screening of the site is already afforded by the construction of 6m and 8m high perimeter screening bunds which also include a scheme of landscape planting. Taking these factors into consideration, Officers do not consider that the crusher would have an adverse impact on local visual amenity, the

local landscape or local highway network and consider that the crusher is proportionate to the nature and scale of the existing waste management facility.

- 91 Policy CW6 of the SWP 2008 states that the characteristics of the application site and wider environmental and economic benefits of sustainable waste management may contribute to very special circumstances. Having regard to the existing waste management use outlined above, Officers are of the opinion that the impact of the proposed development in terms of loss of openness on the Green Belt would be limited in the context of the location of the plant within the existing waste management facility.
- 92 With regard to 'other harm', in view of the conclusions in the above sections on environment and amenity, highways, and visual matters, Officers do not consider that the amenities of the Green Belt would be harmed to such a degree that planning permission should be refused, that would result as 'any other harm' in the context of Green Belt planning policy. Officers are satisfied that any significant adverse impacts can be controlled through the mitigation proposed and where necessary, secured through planning condition.

Green Belt Conclusion

- 93 Officers recognise that the recycling and processing activities carried out at the site require appropriate plant and equipment to maximise the sites efficiency towards recycling C&D waste. Officers are satisfied that there is the need for the concrete crusher which would be ancillary to the permitted recycling of construction and demolition waste and will enable the production of recycled aggregate, contributing to greater efficiencies for sustainable waste management and cannot be located elsewhere. Officers are also satisfied that the proposal is proportionate to the nature, scale and character of the existing waste management facility and that the scale of the development would have only limited impact on openness of the Green Belt and any other harm.
- 94 For the reasons discussed, Officers consider that there are factors that exist which amount to very special circumstances that clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and any other harm identified in this report such that an exception to policy can be made. Accordingly, Officers consider the proposal satisfies the requirements of Green Belt policy contained within relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG, and NPPW.

HUMAN RIGHTS IMPLICATIONS

- 95 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 96 It is acknowledged that the proposal has the potential to impact on residential amenity. The issues are considered and assessed in the report and it is the Officers view that the scale of any potential impacts, either on their own or the cumulative effect of multiple impacts, are not considered sufficient to engage Article 8 or Article 1 and any impact impacts can be mitigated through the mitigation measures incorporated into the proposal and by planning conditions. As such, this proposal is not considered to interfere with any Convention right.
-

CONCLUSION

- 97 The applicant is proposing the installation and use of concrete crushing plant within the existing operating compound at the recycling facility. In 2009 planning permission was granted which allowed for the use of concrete crusher at the site within in the MRF building. In 2015 under ref SP14/01125/SCC the applicant was granted planning permission for changes to operations inside the MRF building and at that time did not require the use of concrete crushing plant, so no crusher was proposed in the application. To maintain planning control and protect harm to the amenity and as no crusher was proposed under the 2015 permission the County Planning Authority restricted the use of a concrete crusher by planning condition. This is an established site with planning permission for the production of recycled aggregated and the applicant has stated that there is now a need for the use of a concrete crusher on site as it would form an integral part of the recycling process, without which aggregate production would not be possible.
- 98 The application site is located in the Metropolitan Green Belt and therefore planning permission may only be granted where factors that amount to very special circumstances exist that clearly outweigh the harm caused by inappropriateness and any other harm. The crusher is considered to be appropriately sited within the yard on the southern boundary which would be adjacent a permitted washing plant and MRF building. In this location the crusher would not cause harm to visual amenity, the site is well screened with 6 and 8 meter high perimeter screening bunds which include landscape planting schemes on the bunds. Officers are satisfied that with regard to air quality that the risk of impact would be low, reduced to negligible through the implementation of the proposed mitigation and management measures. In terms of noise the sound source would have a low impact, subject to further controls to be imposed through planning conditions.
- 99 Officers consider that the proposal is proportionate to the need and within the existing context of the site the proposal will only have a limited impact on the openness of the Green Belt, and any other harm can be controlled by conditions. The proposed facilities are ancillary to the primary waste use at the site and the characteristics of the existing developed site and wider environmental and economic objectives for sustainable waste management are considerations that contribute to very special circumstances. Officers therefore consider that there are factors as identified above which combined amount to very special circumstances and outweigh any harm caused.

RECOMMENDATION

The recommendation is to PERMIT, subject to the following conditions

Conditions:

1. The development hereby approved shall be carried out in all respects strictly in accordance with the following plans/drawings:

Drawing number 1163/40D: Site Location Plan dated 5 August 2015

2. No lights shall be illuminated nor shall any operations or activities authorised or required by this permission be carried out outside the following hours:

07:00 to 18:00 Mondays to Fridays

07:00 to 13:00 Saturdays

and there shall be no working on Sundays, or Bank, National or Public Holidays.

3. The level of noise arising from the development hereby permitted shall not exceed the level of 55 LAeq (½ hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5m from the facade of the properties 121 to 149 Horton Road or 47 LAeq (½ hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5m from the facade of the noise sensitive locations at Pegasus stables or the properties in Hithermoor Road.
4. No activity hereby permitted shall cause dust to be emitted so as to cause nuisance or loss of amenity at sensitive receptors. Should such emissions occur the activity shall be suspended until it can be resumed without causing any unacceptable emissions. The operation of the concrete crusher shall be commensurate with the Dust Action Plan approved under Ref. SP10/0476 dated 29 September 2010 or as subsequently amended.

Reasons:

1. In the interests of proper planning and to ensure that the permission is implemented in accordance with the terms of the application.
2. To protect the amenities of local residents in accordance with Policy DC3 of the Surrey Waste Plan 2008.
3. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Policy DC3 of the Surrey Waste Plan 2008 and Policy EN11 of the Spelthorne Borough Core Strategy and Policies and Development Plan Document 2009.
4. In the interests of local amenity, the environment and/or human health 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 the site. Please check with the Environment Agency as to whether your site is compliant with the current permit and also legislation.
2. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

CONTACT

Duncan Evans

TEL. NO.

0208 541 9094

BACKGROUND PAPERS

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

Government Guidance

National Planning Policy Framework 2012

National Planning Policy for Waste 2014

National Planning Practice Guidance

The Development Plan

Surrey Waste Plan 2008

Surrey Minerals Plan 2011

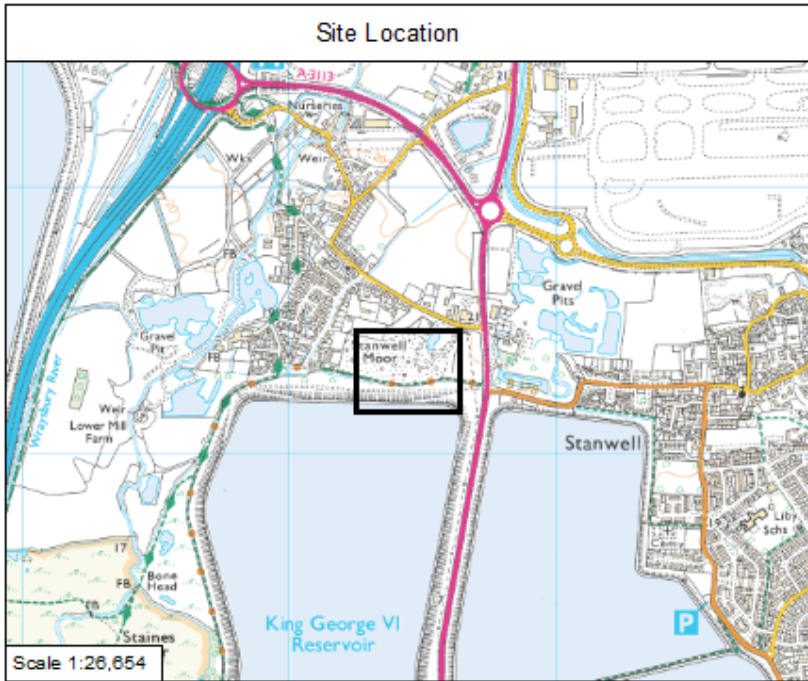
Spelthorne Borough Core Strategy and Policies DPD February 2009

Spelthorne Borough Local Plan 2001 (Saved policy)

Other Documents

Planning permission Ref SP08/0992 dated 19 November 2009 and accompanying application documents and Officer

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Oakleaf Farm Waste Recycling Facility, Oakleaf Farm, Horton Road, Stanwell Moor, Surrey TW19 6AF.

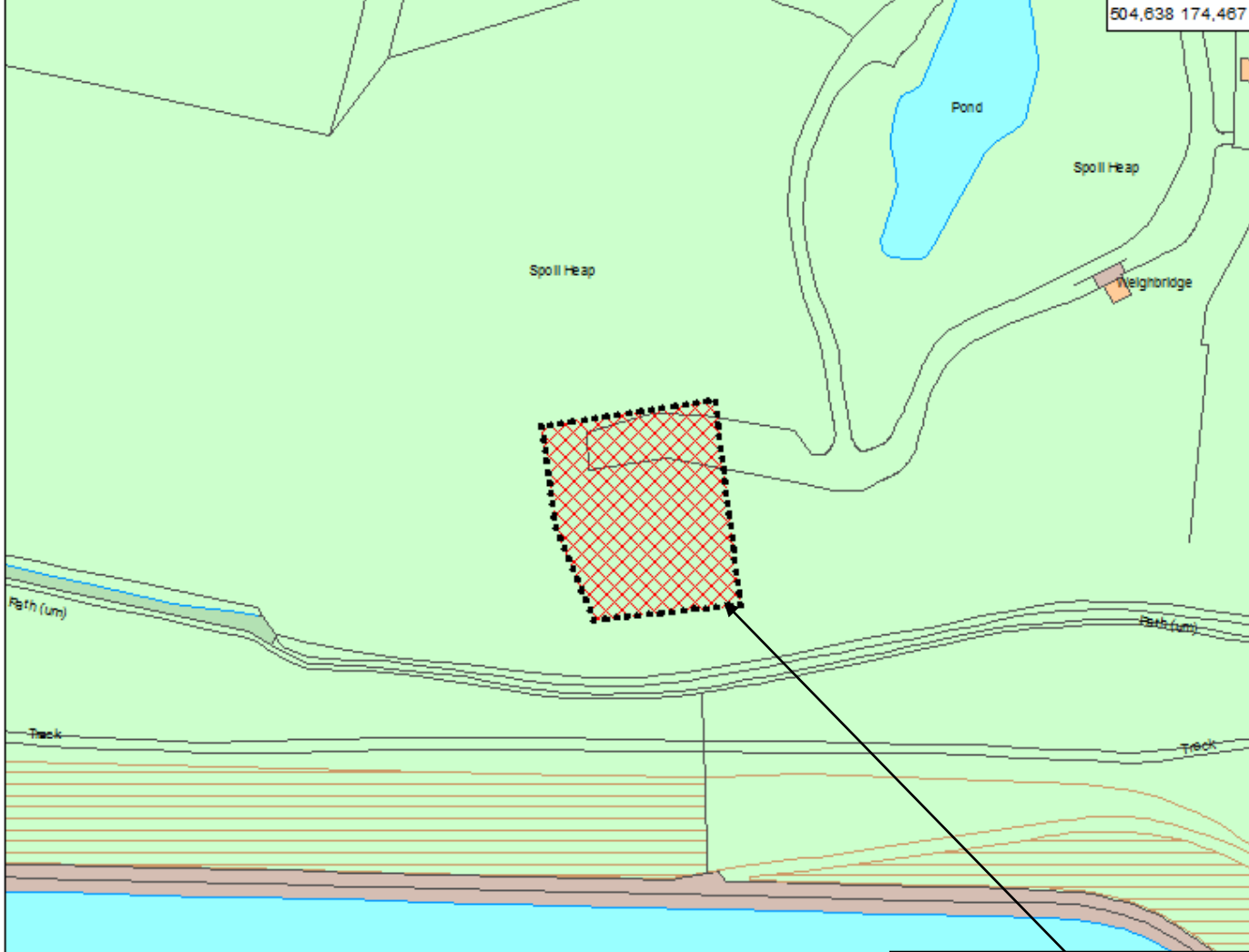
The installation and use of concrete crushing plant for the processing of construction and demolition wastes to produce recycled aggregate.

Application No(s): SP15/01184/SCC

Electoral Division(s): Stanwell & Stanwell Moor

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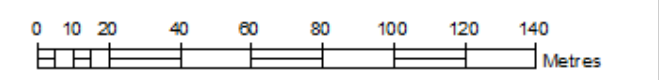
This plan is for indicative purposes only



Application Site Area



RefNo: SCC REF 2015/0146
Date printed: 03/02/2016



Scale
1:2,000

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2012-13 Aerial Photos

Aerial 1 : Oakleaf Farm Waste Recycling Facility



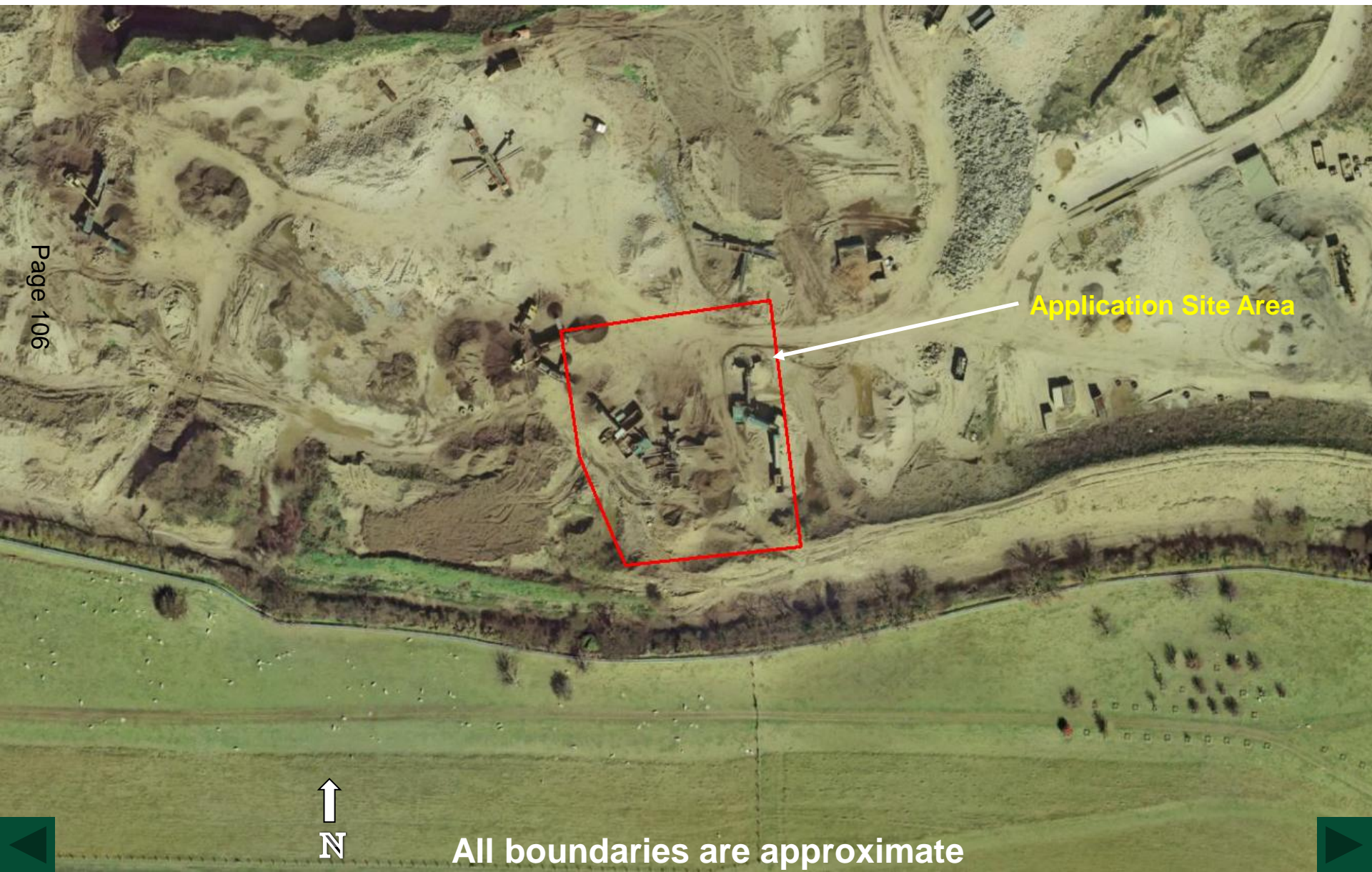
Page 105



All boundaries are approximate

2012-13 Aerial Photos

Aerial 2 : Oakleaf Farm Waste Recycling Facility



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Application Site Area



All boundaries are approximate

Figure 1 : View of the proposed concrete crusher location facing the southern screening bund



Figure 2 : View of existing internal access haul road facing west



Figure 3 : View of existing landscape screening bunds at site entrance



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TO: PLANNING & REGULATORY COMMITTEE –
BY DELEGATION

DATE: February 2016

BY: PLANNING DEVELOPMENT TEAM MANAGER

DISTRICT(S) REIGATE & BANSTEAD BOROUGH COUNCIL
TANDRIDGE DISTRICT COUNCIL

ELECTORAL DIVISION(S):
Horley East
Mrs Ross-Tomlin
Lingfield
Mr Sydney

PURPOSE: FOR DECISION

GRID REF: 530848 142733

TITLE: MINERALS/WASTE RE15/02426/CON

SUMMARY REPORT

2 Perrylands Lane, Smallfield, Horley, Surrey RH6 9PR

The continued use of land as a soil processing facility, utilising imported builders construction and demolition waste, including: the siting of a screener, single storey portacabin, portaloos, two metal containers, concrete hardstanding, stockpiles of soils and rubble, perimeter soil bunds, lighting, water mist sprinklers, access gates, wheelwash, and the provision of car parking and fuel storage without compliance with Conditions 2, 6 and 24 of planning permission ref: RE14/02134/CON dated 21 January 2015 to provide a revised drainage strategy.

The application site (known as No.2 Perrylands Lane) is located in the Metropolitan Green Belt approximately 2km south east of Horley and 500m to the southwest of the village of Smallfield. The county boundary with West Sussex is approximately 1km to the southwest where the M23 spur road joins the M23 at Junction 9. The application site is approximately 0.82 hectares with the eastern half abutting an elevated section of the M23 motorway, which runs north / south. The M23 is on an embankment some 5m to 6m high above the site.

The application site is located to the rear (south) of the residential properties; 1, 2, 3 and 4 Perrylands Lane, Smallfield. The residential properties of Rowlands and The Peeks lie to the southwest and west of the site respectively beyond the woodland boundary. The land beyond these properties is characterised by low-density residential development and fields. Commercial activities adjoin the northern part of the eastern boundary and the eastern part of the northern

boundary. The application site is generally square and is approached via a gated access with a track which runs between numbers 1 and 2 Perrylands Lane. The site access joins Perrylands Lane, which runs east/ west, a narrow country lane classified as a D road with limited passing places.

Perrylands Lane passes under the M23 motorway approximately 50m from the application site access point and is one of only few ground level crossings of the M23 in the area. The section of Perrylands Lane from the M23 to where it joins Peeks Brook Lane to the west is registered as a Public Byway (BOAT) (No. 377). Peeks Brook Lane is also registered as a BOAT (No. 369). Footpath 368 connects with Perrylands Lane to the east of the M23 and runs southwards. Bridleway 372 connects with Peeks Brook Lane to the north of residential property Lagenhoe located to the south west of the application site.

In January 2015, the County Planning Authority (CPA) granted a new planning permission ref: RE14/02134/CON for the use of land as a soil processing facility, utilising imported builders construction and demolition waste, including the siting of a screener, single storey portacabin, portaloo, two metal containers, concrete hardstanding, stockpiles of soils and rubble, perimeter soil bunds, lighting, water mist sprinklers, access gates, wheelwash and the provision of car parking and fuel storage.

This application is seeking to vary Conditions 2, 6, and 24 of planning permission ref: RE14/02134/CON dated 21 January 2015 to provide a revised drainage strategy at the site. The applicant is seeking to vary the above conditions as since planning permission ref: RE14//02134/CON was granted, the landowner of the site who also owns the neighbouring land to the west of the application site has constructed a drainage ditch on this adjoining land which also serves the application site. The applicant submits that the newly formed ditch arrangements on the neighbouring land have sufficient capacity to the serve the application site and it is therefore unnecessary to install pipes of a higher diameter with waterflows from the application site able to connect to the newly enhanced neighbouring drainage system.

Local residents have raised concerns about flood risk and drainage impacts from the proposed drainage strategy, while Burstow Parish Council has also objected to the proposal raising concerns about the number of vehicle movements and failure to comply with other conditions. Horley Town Council raises no objection to the application.

Development Plan policies seek to protect the local environment and the amenities of local

residents from the adverse effects of development. The issues to be assessed for this particular proposal involve issues of flood risk and drainage and biodiversity and ecology. No objection has been raised by the respective consultees on these issues, subject to conditions. Officers consider that, taking into account the details of the proposal, concerns raised in letters of representation, the views of technical consultees, and controls through the relevant planning conditions, the development is unlikely to give rise to any significant adverse impact in terms of amenity or the environment.

The proposed waste development is inappropriate development in the Green Belt and therefore the application falls to be considered as contrary to the provisions of the Development Plan. In relation to Green Belt policy, Officers acknowledge that the principle of this waste site has already been accepted and consider that the revised drainage strategy would not result in greater harm to the openness of the Green Belt or any other harm identified when planning permission for the use of the land as a soil processing facility was granted. The proposal is therefore in accordance with Surrey Waste Plan 2008 Policy CW6, Reigate and Banstead Local Plan 2005 Policy Co1 and Reigate and Banstead Local Plan: Core Strategy 2014 Policy CS3. Officers therefore consider that the proposal can be granted subject to conditions

The recommendation is to PERMIT subject to conditions.

APPLICATION DETAILS

Applicant

Blockade Services

Date application valid

19 October 2015

Period for Determination

26 February 2016

Amending /Amplifying Documents

- Email from WYG dated 17 December 2015
- Drawing No: TSP/BSL/P2804/001, Drainage Layout, Revision C, dated 9 February 2016

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.

Issue	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Surface Water & Flood Risk	Yes	35 - 42
Biodiversity and Ecology	Yes	43 - 47
Metropolitan Green Belt	No	48 - 55

ILLUSTRATIVE MATERIAL

Aerial Photographs

Aerial 1: 2 Perrylands Lane

Site Photographs

Figure 1: Ditch Adjoining Land

Figure 2: View onto Adjoining Land

BACKGROUND

Site Description

1. The application site (known as No.2 Perrylands Lane) is located in the Metropolitan Green Belt approximately 2km south east of Horley and 500m to the southwest of the village of Smallfield. The county boundary with West Sussex is approximately 1km to the southwest where the M23 spur road joins the M23 at Junction 9. The application site is approximately 0.82 hectares with the eastern half abutting an elevated section of the M23 motorway, which runs north / south. The M23 is on an embankment some 5m to 6m high above the site.
2. The application site is located to the rear (south) of the residential properties; 1, 2, 3 and 4 Perrylands Lane, Smallfield. The residential properties of Rowlands and The Peeks lie to the southwest and west of the site respectively beyond the woodland boundary. The land beyond these properties is characterised by low-density residential development and fields. Commercial activities adjoin the northern part of the eastern boundary and the eastern part of the northern boundary. The application site is generally square and is approached via a gated access with a track which runs between numbers 1 and 2 Perrylands Lane. The site access joins Perrylands Lane, which runs east/ west, a narrow country lane classified as a D road with limited passing places.
3. Perrylands Lane passes under the M23 motorway approximately 50m from the application site access point and is one of only few ground level crossings of the M23 in the area. The section of Perrylands Lane from the M23 to where it joins Peeks Brook Lane to the west is registered as a Public Byway (BOAT) (No. 377). Peeks Brook Lane is also registered as a BOAT (No. 369). Footpath 368 connects with Perrylands Lane to the east of the M23 and runs southwards. Bridleway 372 connects with Peeks Brook Lane to the north of residential property Lagenhoe located to the south west of the application site.

Planning History

4. On 8 April 1994 a Certificate of Lawful Existing Use or Development (CLEUD) (ref. RE93/1323) was issued in respect of a scrap yard on a site of 0.82ha for the application site. The scrap yard had been registered with the District Council since January 1968. The CLEUD area included a portacabin used as an office and a corrugated lock up storage building on the eastern boundary of the CLEUD area.
5. In 2009 a retrospective planning application (ref: RE09/1184) was submitted to the County Planning Authority for a change of use from a vehicle scrap yard to a soil processing facility. The application was refused on 16 October 2009, with a recommendation for enforcement action. The Planning and Regulatory Committee endorsed enforcement proceedings in line with the officer recommendation and on 11 January 2010 the County Council served an Enforcement Notice on the applicant and landowner. The applicant and

landowner appealed both the refusal of planning permission for the soil recycling facility and the enforcement notices. This appeal was heard in September 2010 by way of a public inquiry. The appeals (refs: APP/B3600/A/10/2122467, APP/B3600/C/10/2122563 & 2122573) were allowed, with planning permission being granted on 12 October 2010 subject to 18 conditions, which required the approval of further details.

6. In June 2011 the following details pursuant applications were approved:
 - Ref: RE10/2056 - Details of the location of stockpiles of processed and unprocessed waste pursuant to Condition 4; details of the provision of two formal passing bays on Perrylands Lane pursuant to Condition 7; and details of a scheme for the provision of 3m high bunding and fencing pursuant to Condition 13 (s278 legal agreement was required)
 - Ref: RE11/0135 - Details of specification of deliveries and removals from the site pursuant to Condition 8; details of facilities to keep the public highway clean pursuant Condition 9; details of vehicle layout for parking, loading and unloading pursuant to Condition 10; and details of landscaping pursuant to Condition 15.
7. In November 2011 planning permission (ref. RE11/1401 & TA11/1147) was granted for the provision of two formal passing bays on Perrylands Lane, revising that previously approved (ref.RE10/2056). A Section 278 legal agreement was required in respect of the works to the highway. In September 2013 a planning application (ref. RE13/01799/CON) was submitted to vary conditions 6 and 16 of the appeal decision, in order to allow the use of a concrete crusher on site in place of a screener and amended Dust Action Plan. This application was subsequently withdrawn.
8. In November 2013 the County Planning Authority (CPA) advised the applicant that the planning permission (Appeal decision ref: APP/B3600/A/10/2122467) for the soil processing facility at the site had lapsed due to the failure to comply with the time limits for the provision of passing bays as specified in Condition 7 of the appeal decision. The applicant made an application to seek to judicially review the CPA's decision, but they did not ultimately proceed as the applicant successfully applied for planning permission (ref: RE14/02134/CON) for the use of land as a soil processing facility (see full description of permission below).
9. In January 2015, the CPA granted a new planning permission ref. RE14/02134/CON for the use of land as a soil processing facility, utilising imported builders construction and demolition waste, including the siting of a screener, single storey portacabin, portaloo, two metal containers, concrete hardstanding, stockpiles of soils and rubble, perimeter soil bunds, lighting, water mist sprinklers, access gates, wheelwash and the provision of car parking and fuel storage.
10. On 21 July 2015, planning permission (ref: RE15/00816/CON) was granted for the use of land as a soil processing facility, utilising imported builders' construction and demolition waste, including: the siting of a screener, single storey portacabin, portaloo, two metal containers, concrete harstanding, stockpiles of soils and rubble, perimeter soil bunds, lighting, water mist sprinklers, access gates, wheelwash, and the provision of car parking and fuel storage without compliance with Condition 19 of planning permission ref: RE14/02134/CON dated 21 January 2015 to enable a 360° excavator to operate up to 3m above ground level, subject to conditions.
11. Also on 21 July 2015, planning permission (ref: RE15/01107/CON) was granted for the use of land as a soil processing facility, utilising imported builders' construction and demolition waste, including: the siting of a screener, single storey portacabin, portaloo, two

metal containers, concrete harstanding, stockpiles of soils and rubble, perimeter soil bunds, lighting, water mist sprinklers, access gates, wheelwash, and the provision of car parking and fuel storage without compliance with Condition 2 – approved plans and Condition 27 – landscaping plans of planning permission ref: RE14/02134/CON dated 21 January 2015, in order to allow for an amended bund design and landscaping scheme, subject to conditions. On 26 August 2015, details of wheel washing facilities (ref: RE15/01408/CON) submitted pursuant to Condition 4 of planning permission ref: RE14/02134/CON dated 21 January 2015 were approved.

12. On 27 January 2016, the County Highway Authority wrote to the applicant (Blockade Services Limited) in accordance with the S278 Agreement dated 24 August 2015 stating that the applicant may consider the County Highway Authority's letter as the Provisional Certificate, following the recent completion of the passing bays on Perrylands Lane. The works are now subject to a 12 month maintenance period.

THE PROPOSAL

13. This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended). Section 73 allows planning permission to be given for development of the same description as development already permitted but subject to different conditions. As such, the development which this Section 73 application seeks to amend will have been judged to be acceptable in principle at an earlier date at the time that the planning permission was granted.
14. Section 73 of the Town and Country Planning Act 1990 (as amended) makes clear that in considering a Section 73 planning application, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted. Therefore the key issues to consider are whether the proposed variations to Conditions 2, 6 and 24 of planning permission ref: RE14/02134/CON dated 21 January 2015 would result in an adverse impact on amenity or the environment.
15. Each condition that the applicant is seeking to vary is listed below [**Officer Note:** only the plans which the applicant is seeking to vary are included under Condition 2 below]:

***Condition 2:** The development hereby permitted shall be carried out in accordance with the following approved plans and drawings: Drawing No. TSP/BSL/P2129/01, Drainage Strategy Plan, dated April 2011.*

***Reason:** For the avoidance of doubt and in the interests of proper planning.*

***Condition 6:** Prior to the commencement of the development hereby permitted, the culvert proposed on the western boundary of the site under the field entrance gate and any culverts under the bunds shall be installed and have a minimum diameter of 450mm.*

***Reason:** In order to ensure that the surface water drainage system within the site is not compromised in accordance with Policy DC3 of the Surrey Waste Plan 2008.*

***Condition 24:** The drainage ditch on the north and west boundaries of the site and the french*

drain within the site, shall be provided in conjunction with the repositioning and construction of the bunds in accordance with the 'Site Layout' and 'Drainage Strategy Plan', and the drainage system shall be maintained and kept clear of debris at all times throughout the duration of the development hereby permitted.

Reason: *In order to prevent the increased risk of flooding and to ensure that the drainage system within the site is provided and surface water drainage of the site is not compromised in accordance with Policy DC3 of the Surrey Waste Plan 2008."*

16. The applicant is seeking to vary the above conditions as since planning permission ref: RE14//02134/CON was granted the landowner of the site, who also owns the neighbouring land to the west of the application site, has constructed a drainage ditch which also serves the application site. The applicant submits that the newly formed ditch arrangements on the neighbouring land have sufficient capacity to serve the application site and it is therefore unnecessary to install pipes of a higher diameter with waterflows from the application site able to connect to the newly enhanced neighbouring drainage system.
17. The newly formed ditch on adjoining land is shown on submitted plans. The applicant's drainage engineers have been to the adjoining land and undertaken a levels survey to measure the sections of the drainage ditches to see whether the ditches could cope with the discharge from the application site. It is stated that the drainage ditch on the adjoining land is generally 450mm deep by 350mm wide at the bottom of the ditch widening to 600mm, giving a cross section of 0.214m². A 450mm diameter pipe has a cross section area of 0.16m². The gradient of the ditch is approximately 1 in 260.
18. By connecting to the ditch system on adjoining land, the applicant would no longer need to provide a drainage ditch in the north western corner of the application site as the proposed connection to the adjoining ditch system would direct water westwards along the adjoining drainage ditch system and then northwards to Perrylands Lane. By directing flow into the ditch on adjoining land, the applicant would no longer need to construct a culvert under the field entrance gate in the northwest corner of the site. Any surface water in the ditch located on the northern boundary of the site would enter the ditch system adjoining No.3 Perrylands Lane and enter the ditch system along Perrylands Lane.
19. In seeking to vary Conditions 2, 6, and 24 of planning permission ref: RE14/02134/CON dated 21 January 2015, the applicant has proposed that the conditions should be amended as follows:
 - **Condition 2:** *"The list of approved plans should be amended to include reference to the Plan of revised Drainage Flows, September 2015."*

The applicant submits that the Ditch Survey Plan, ref: TSP/BSL/P2804/03 Rev A, demonstrates that the improved drainage on the adjacent land, which is outside of the site.

 - **Condition 6:** *"Prior to the commencement of the development hereby permitted, the drainage system as shown on the approved 'Drainage Strategy Plan' be connected to the*

adjoining drainage network as shown on plan: TSP/BSL/P2804 (Title: Ditch Survey) to utilise the newly formed ditch.”

- **Condition 24:** *“The French drain within the site, shall be provided in conjunction with the repositioning of the bunds in accordance with the ‘Drainage Strategy Plan’ and the drainage system shall be maintained and kept clear of debris at all times throughout the duration of the development hereby permitted.”*

The applicant submits that the revised wording of Condition 24 removes reference to the drainage ditch on the north and west boundaries of the site, reflecting the revised use of the newly formed ditch, which runs east to west, across the neighbouring land (labelled ‘Newly formed ditch’) as shown on Plan TSP/BSL/P2804/03 Rev B.

CONSULTATIONS AND PUBLICITY

District Council

20. **Reigate & Banstead Borough Council**
No comments received

Consultees (Statutory and Non-Statutory)

21. **Tandridge District Council (adjoining authority)**
No comments received
22. **Countryside Management and Biodiversity Manager**
No objection
23. **Natural England**
No comments to make
24. **The Environment Agency**
No comments to make: *“This application falls outside our remit as a statutory planning consultee and we do not wish to be consulted on it.”*
25. **Lead Local Flood Authority**
No objection, subject to conditions

Parish/Town Council and Amenity Groups

26. **Horley Town Council**
No objection
27. **Burstow Parish Council**
Object: raising concerns about the number of vehicle movements and failure to comply with other planning conditions (including the passing bays, hours of operation, number of vehicle movements).

Summary of publicity undertaken and key issues raised by public

28. The application was publicised by the posting of 2 site notices and an advert was placed in the local newspaper. A total of 154 of owner/occupiers of neighbouring properties and those who had previously commented on planning permission ref: RE14/02134/CON dated 21 January 2015 were directly notified by letter. In response to this notification, at the time of writing this report, a total of 5 written representations objecting to the planning application have been received. Relevant matters raised in these letters are as follows:

- The surrounding area and roads have seen a massive increase in flooding over the past two years. The County Council should ensure that the impact of the drainage proposals is fully assessed to ensure that flooding in the area will not be increased.

[**Officer's Note:** a number of matters raised in written representations are in relation to traffic movements, noise and air pollution and the condition and upkeep of the surrounding road network. These matters are not relevant to this planning application which is seeking to vary conditions: 2, 6 and 24 to provide a revised drainage strategy. As stated in paragraph 13 above, the original planning permission which this application is seeking to vary (ref: RE/14/02134/CON) considered a number of potential impacts, including noise, air quality and highways/transportation.]

PLANNING CONSIDERATIONS

29. The County Council as County Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities when determining planning applications to "have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations". At present in relation to this application the Development Plan consists of The Surrey Waste Plan 2008, the Reigate and Banstead Local Plan: Core Strategy 2014 and the Reigate and Banstead Local Plan 2005 (saved policies 2014).
30. The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance, which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The Development Plan remains the cornerstone of the planning system. Planning applications, which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.

31. The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. However, the policies in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).
32. The National Planning Policy for Waste (NPPW) 2014 was published in October 2014 replacing with immediate effect Planning Policy Statement 10: Planning for Sustainable Waste Management. The NPPW sets out detailed waste planning policies to work towards a more sustainable and efficient approach to resource use and management. The NPPW should be read in conjunction with the NPPF, the Waste Management Plan for England, National Policy Statements for Waste Water and Hazardous Waste or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.
33. The Surrey Waste Plan 2008 (SWP2008) sets out the planning framework for the development of waste management facilities in Surrey. The plan is divided into four sections. The Core Strategy sets out the spatial vision for the area over the plan period together with key spatial objectives and strategic policies. The Waste Development section contains site specific proposals for the development of waste management facilities. The Waste Development Control Policies section contains a set of development control policies that apply across the whole County and apply to all waste development. The Proposals Map illustrates the areas of designation identified in the core strategy policy and the location of identified sites.
34. The Reigate and Banstead Local Plan: Core Strategy, adopted in July 2014 (RBCS2014) provides the spatial strategy for Reigate & Banstead for the next 15 years. It covers a wide range of spatial planning issues. The RBCS2014 forms part of the Development Plan that guides land-use planning in the borough. Until the Development Management Plan is adopted, policies in the Reigate and Banstead Local Plan 2005 (saved policies 2014) which have been formally saved also form part of the development plan. A list of Reigate and Banstead Local Plan 2005 (RBLP2005) saved policies are included in Appendix 3 of the RBCS2014.

FLOOD RISK

Surrey Waste Plan 2008 (SWP2008)

Policy DC3 – General Considerations

Reigate and Banstead Local Plan: Core Strategy 2014 (RBCS2014)

Policy CS10 – Sustainable Development

Reigate and Banstead Local Plan 2005 (saved policies 2014) (RBLP2005)

35. Paragraph 103 of the NPPF sets out that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
36. Policy DC3 of the SWP2008 states that planning permission for waste related development will be granted provided that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. Matters such as flooding (among others) should be assessed

and where necessary, appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss.

37. Policy CS10 of the RBCS2014 sets out that development will need to take account of all sources of flooding and manage flood risk through the use of SuDS and flood resistant/resilient design features.

Officer's Assessment

38. The applicant is seeking to vary the above conditions as since planning permission ref: RE14//02134/CON was granted a drainage system on adjoining land to the west of the application site has been improved. The landowner of the application site also owns this neighbouring land to the west. The applicant submits that the newly formed ditch arrangements on the neighbouring land have sufficient capacity to serve the application site and it is therefore unnecessary to install pipes of a higher diameter with waterflows able to connect to the newly enhanced neighbouring drainage system.
39. The Environment Agency (EA) have responded that they have no comments to make on this application as it falls outside their remit as a statutory planning consultee. Officers note that as of 15 April 2015, Surrey County Council in its capacity as Lead Local Flood Authority (LLFA) is now a statutory consultee on surface water management drainage issues for all new major developments.
40. Having been consulted on the proposals, the Lead Local Flood Authority (LLFA) have reviewed the surface water drainage strategy for the site and have assessed it against the requirements under the NPPF, its accompanying NPPG and Technical Standards. The LLFA have raised no objection to the proposed changes to the surface water drainage strategy to incorporate a different drainage design at the site, subject to conditions. However they recommend that the reference to culverts being installed on site needing to be at least 450mm, to allow the free passage of water, is retained.
41. Concerns have been raised in a written representation that the surrounding area and roads have seen an increase in flooding over the past two years and that the County Council should ensure that the impact of the drainage proposals is fully assessed to ensure that flooding in the area would not be increased. Officers can confirm that the LLFA have assessed the drainage proposals raising no objection the proposed drainage strategy.

Conclusion

42. The LLFA have raised no objection to the proposed changes to the surface water drainage strategy at the site. Having reviewed the submitted details, written representations and responses from consultees, Officers consider that the proposals for a revised drainage strategy at the site would not increase flood risk or cause an adverse impact in terms of surface water drainage in accordance with Policy DC3 of the Surrey Waste Plan 2008 and Policy CS10 of the Reigate and Banstead Local Plan: Core Strategy 2014, subject to conditions.

BIODIVERSITY AND ECOLOGY

Development Plan Policies

Surrey Waste Plan 2008 (SWP2008)

Policy DC3 – General Considerations

Reigate and Banstead Local Plan: Core Strategy 2014 (RBCS2014)

Policy CS10 – Sustainable Development

43. Policy DC3 of the SWP2008 states that planning permission for waste related development will be granted provided that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. Matters such as the loss or damage to flora and fauna and their respective habitats at the site or on adjoining land should be assessed and where necessary, appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss.
44. Policy CS10 of the RBCS2014 sets out that development should be designed to ensure that adverse impacts on landscape, wildlife and amenity are addressed.

Officer's Assessment

45. A narrow strip of land to the west of the application site which borders Peeks Brook Lane has been identified as Priority Inventory Habitat (PIH) – Deciduous Woodland. The drainage ditch on adjoining land which this application proposes to connect to would divert water flows from the site within close proximity to this PIH. The ditch along Peeks Brook Lane adjacent to PIH falls outside of the application site.
46. In response to consultation on the proposal, the Countryside Management and Biodiversity Manager (CMBM) responded that they have no ecological objections or observation to make on this application. In response to consultation on the development proposal, Natural England have advised that they have no comments to make.

Conclusion

47. The CMBM and Natural England have raised no objection to the proposed changes to the surface water drainage strategy at the site. The revised surface water drainage strategy proposes to divert surface water flow via the newly formed ditch on adjoining land northwards to Perrylands Lane. Having reviewed the submitted details, written representations and responses from consultees, Officers consider that the proposals for a revised drainage strategy at the site would not have a significant adverse impact on flora and fauna on this adjoining land in accordance with Policy DC3 of the SWP2008 and Policy CS10 of the RBCS2014.

GREEN BELT

Surrey Waste Plan 2008 (SWP2008)

Policy CW6 – Development in the Green Belt

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

Reigate and Banstead Local Plan: Core Strategy 2014 (RBCS2014)

Policy CS3 – Green Belt

Reigate and Banstead Local Plan 2005 (saved policies 2014) (RBLP2005)

Policy Co 1 – Green Belt

48. The application site is located in the Metropolitan Green Belt. The NPPF states at paragraph 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 80 sets out the five key purposes of the Green Belt. The relevant criteria for this application are to check the unrestricted sprawl of large built up areas and to safeguard encroachment of the countryside. The Inspector in the 2010 appeal decision concluded that the bunds and stockpiles, which form an integral part of the soil processing facility represent a negative impact on openness and the development is therefore inappropriate in Green Belt terms. However, whilst the site is in the countryside and Green Belt, the land affected would be no larger than the lawful use of the land as a scrap yard.
49. 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”*.
50. 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 requirements of the NPPF that very special circumstances to justify inappropriate development of waste management facilities in the Green Belt will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The policy 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. Policy CW5 of the SWP 2008 deals with unallocated site and notes that priority should be given to previously developed, contaminated, derelict or disturbed land as potentially appropriate locations for waste management activities.
51. Policy CS3 of the RBCS2014 seeks to maintain the Green Belt within the Borough and states that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances clearly outweigh the potential harm to the Green Belt. Policy Co1 states that in order to preserve the openness of the Green Belt, planning permission will not be granted for development that is inappropriate in the Green Belt unless justified by very special circumstances

52. Policy WD2 (iii) of the SWP 2008 identifies the locations where planning permission for development involving bulking up of waste and facilities for recycling, recovery and processing of waste will be granted. Waste sites also have to be assessed against SWP2008 development control Policy DC3 (General Considerations), which requires that the County Council be satisfied that the impact of a proposed development is such that it does not significantly affect people, land, infrastructure and resources. It also requires planning applicants to show that they have assessed particular environment and amenity issues.

Officer's Assessment and Conclusion

53. As set out above in paragraph 13, this application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended). Section 73 allows planning permission to be given for development of the same description as development already permitted but subject to different conditions. As such, the development which this Section 73 application seeks to amend will have been judged to be acceptable in principle at an earlier date at the time that the planning permission was granted.
54. In the determination of planning permission ref: RE14/02134/CON dated 21 January 2015 for the use of the land as a soil processing facility utilising imported builders construction and demolition waste, harm to the Green Belt was considered by Officers. Officers concluded that very special circumstances exist that clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness to justify the granting of planning permission. The principle of the development was granted by Inspector (Appeal decision ref: APP/B3600/A/10/2122467).
55. This application is seeking to vary conditions 2, 6 and 24 of planning permission ref: RE14/02134/CON dated 21 January 2015. Taking into account existing planning permissions at the site, Officers do not consider that the proposed variations to the drainage strategy represent a material change which would increase harm to the Green Belt, by reason of its inappropriateness, impact on openness or any other harm. As discussed in previous sections of this report, the proposed variations to the drainage strategy at the site would not cause a significant adverse impact in terms of flood risk, drainage or biodiversity/ecology. Officers otherwise do not consider there have been any other material changes in the circumstances underlying the grant of the original planning permission. Therefore, Officers consider that very special circumstances still exist that clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness, and any other harm in accordance with Policies CW6, WD2 and DC3 of the SWP 2008, Policy CS3 of the RBCS2014 and Policy Co 1 of the RBLP2005.

HUMAN RIGHTS IMPLICATIONS

56. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
57. It is acknowledged that there would be an impact on the Green Belt caused by inappropriateness of the development and harm to openness. Additionally, impacts in respect of flood risk/drainage

and biodiversity and ecology have been assessed in the body of the report. The scale of the impacts is not considered to be sufficient to engage Article 8 or Article 1 of Protocol 1 and, if planning permission were to be granted, such impacts are capable of being mitigated by the measures incorporated into the application proposal and by planning condition and the mitigation measures and controls available through the Environmental Permitting regime. As such, this proposal is not considered to interfere with any Convention right.

CONCLUSION

58. The application site is located in the Metropolitan Green Belt where there is a presumption against inappropriate development. Key issues in determining this application include the history of the site for waste uses, including the Inspector's decision and report and planning permissions granted by the County Planning Authority. However, there still needs to be consideration of the following: compliance with the Development Plan, the protection of the Metropolitan Green Belt, flood risk and drainage impact and the potential impact on local residential, environmental and amenity interests (including biodiversity and ecology).
59. 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. This application is seeking to vary Conditions 2, 6 and 24 of planning permission ref: RE14/02134/CON dated 21 January 2015 which granted planning permission for the use of the land as a soil processing facility. In assessing the application, Officers considered that very special circumstances exist that clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness to justify the granting of planning permission. In assessing this proposal, Officers do not consider that the proposed changes to the drainage strategy at the site materially alter the very special circumstances which have previously been identified and the development which has previously been permitted. Therefore, Officers consider that the proposal accords with Policy CW6 and WD2 of the Surrey Waste Plan 2008, and Policy CS3 of the Reigate and Banstead Local Plan: Core Strategy 2014.
60. There have been no objections from technical consultees with respect to the proposed development. Residents have objected to the proposal raising concerns that the surrounding area and roads have seen an increase in flooding over the past two years and that the proposal should be assessed to ensure that the flooding in the area would not be increased by the proposal. The Lead Local Flood Authority has assessed the proposal and has raised no objection subject to conditions. Other concerns raised by residents relate to traffic movements, noise and air pollution and the condition and upkeep of the surrounding road network. As has been set out in paragraph 28 above, these concerns are not relevant to this planning application.
61. Having considered the submitted details, concerns raised in written representations and consultation responses from consultees, Officers consider that the proposals for a revised drainage strategy at the site would not have a significant adverse impact on residential amenity or

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the environment or cause an increased risk of flooding in accordance with Policy DC3 of the Surrey Waste Plan 2008 and Policy CS10 of the Reigate and Banstead Local Plan: Core Strategy 2014.

RECOMMENDATION

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

Conditions:

Commencement

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

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:
 - Drawing No. 5253/0001, Site Location Plan (date stamped 22.08.14)
 - Drawing No. 5596/001/H, Proposed Site Plan (date stamped 11.06.15)
 - Drawing No. 5596/002/REV-A, Proposed Section Drawing, dated 04/03/15
 - Drawing No. 5596/003, Proposed Bund Planting, dated 04/03/15
 - Drawing No. 5253/005, Route to be used by HGVs entering and leaving the Blockade Services site at Perrylands Lane, July 2014
 - Drawing No. 5253/006, Layout of Vehicle Parking, Loading and Unloading Area, and Turning Area, July 2014
 - Drawing No. 5253/007, Extent of Landscaping on site at 2 Perrylands Lane, July 2014
 - Drawing No. 5253/008, Position of Wheel Washing Equipment, July 2014
 - Drawing No. 06 J7/01043, Details of Jakoustic Fencing System (date stamped 22.08.14)
 - Drawing No. 90627-TK02 rev A, Swept Path of Large Tipper Turning within Site (date stamped 22.08.14)
 - Drawing No. 90627-01, Visibility Splays (date stamped 22.08.14)
 - Figure 1, Location of Noise Mitigation Features (date stamped 22.08.14)
 - Drawing No. TSP/BSL/P2804/001, Rev C, Drainage Layout, dated 9 February 2016
 - Drawing No. P2804, 2 Perrylands Lane, Smallfield, Horley, RH6 9PR - Site Photos
 - Drawing No. 5596/004 (P2804), Photo Location Plan

- Drawing No. TSP/BSL/P2804/03, Rev A, Ditch Survey, dated 20 April 2015
- Plan of Revised Drainage Flows, dated September 2015

Pre-Commencement

3. Prior to the commencement of the egress of HGVs, the wheel wash facilities approved by notice ref: RE15/01408/CON dated 26 August 2015 shall be installed, maintained, and operated in accordance with the approved details and used whenever the operations hereby permitted involve the movement of HGVs to or from the site in conditions otherwise likely to give rise to mud or debris being carried onto the highway.

Limitations

4. No machinery shall be operated, no process shall be carried out, no servicing, maintenance or testing of plant shall be undertaken, no lights shall be illuminated (other than PIR security lights) and no deliveries taken at or despatched from the site outside the following times:

0800 - 1700 Mondays to Fridays,

0900 - 1330 on Saturdays

nor at any time on Sundays, Bank, National or Public Holidays.

This shall not prevent the carrying out of emergency operations but these are to be notified to the County Planning Authority, in advance or within 3-days of the operation having been undertaken.

5. Only inert construction and demolition waste shall be imported onto the application site. All incidental waste, to include rubbish and scrap, shall be removed from the site and disposed of at a suitably licensed waste management facility.
6. There shall be no crushing of any brick, concrete or stone.
7. The 2 formal passing bays constructed by the applicant along Perrylands Lane (between the motorway bridge and Ontario Close) shall be maintained in general accordance with the Section 278 legal agreement and the approved plans contained within Appendix 14 of the August 2014 Planning Statement and planning permission ref: RE11/1401 & TA11/1147 dated 14 November 2011 so that they are sufficient for a 20 tonne capacity lorry (and thus an equestrian or cyclist) to comfortably give way to another 20 tonne capacity lorry.
8. Site operations shall be carried out in accordance with the Working Scheme (Appendix 3 of the August 2014 Planning Statement) and Dwg 5596/001/H 'Proposed Site Plan', with stockpiles of processed and unprocessed waste to be no more than 4 metres in height.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no plant, building or machinery, whether fixed or moveable, other than that specifically authorised by inclusion in the following list shall be erected or brought onto the application site without the prior written approval of the County Planning Authority.

Items authorised by this permission: 1 office portacabin, 2 metal containers, one of which contains fuel storage, 1 portable toilet, 1 screener, 1 360° excavator, 1 road sweeper, 1 mini digger, 1 loading shovel, 2 skips, 1 wheelwash.

All these items shall be removed from the site upon the cessation of the use hereby permitted.

Traffic and Access

10. All lorries used for carrying loads to and from the application site are to be sheeted.
11. There shall be no more than 30 HGV movements per day (15 in and 15 out) on Monday to Fridays and no more than 16 HGV movements (8 in and 8 out) on Saturdays. HGV movements shall not exceed 20 tonnes capacity (other than as required for the movement of the plant and machinery authorised under the terms of Condition 11).
12. Any HGV movements associated with the development hereby permitted shall be required to use the route as indicated on Drawing No.5253/005 so as to avoid the use of Broadbridge Lane to the south. Records of HGV movement to and from the site must be kept and submitted quarterly to the County Planning Authority in February, May, August and November for the preceding 3-months.
13. Space shall be laid out within the site in accordance with the approved plans for vehicles to be parked, for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking / turning area shall be used and retained exclusively for its designated purpose.

Noise

14. Except for temporary uses, the level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2 metres above ground level and 3.6 metres from the façade of a residential property or other noise sensitive building that faces the site shall not exceed 60LAeq during any 30 minute period.
15. For the temporary operation of bund formation, the level of noise arising from this activity when measured at, or recalculated as at, a height of 1.2 metres above ground level and 3.6 metres from the façade of a residential property or other noise sensitive building that faces the site shall not exceed 70LAeq during any 30 minute period.
16. The bunds and acoustic fence as shown on Drawing Nos. 5596/001/H 'Proposed Site Plan', 5596/002 rev A 'Proposed Section Drawing', and 06 J7/01043 'Detail of Acoustic Fencing System' shall be maintained in a good condition through treatment and replacement where necessary, to ensure its acoustic performance.
17. All plant and machinery are to work only from ground level except within the hatched area of 'Drawing No. 5596/001/H – Proposed Site Plan – Received 11/06/15', where a single 360° excavator may operate up to 3m above ground level for the purpose of feeding the screener hopper.

Lighting

18. In order to avoid any upward glare of light from the site lighting and to minimise light spill outside the boundary of the site, lights are to face into the site operational area and be directed downward with appropriate reflectors/cowls to minimise light pollution.

Dust

19. Within 6 months of the date of this planning permission, the approved sprinkler system shall be installed and used thereafter whenever the proposed use is in operation in dry or windy conditions in order that the operator will minimise dust generated from the site.
20. The mitigation measures outlined within the Dust Action Plan dated August 2010 R1390-R02-v3 shall be undertaken and adhered to at all times during the implementation of the development hereby permitted.
21. The Dust Action Plan shall be periodically reviewed and amended if required at no greater than two year intervals in the first six years, with five year reviews thereafter for the duration of the use of the site.
22. Having regard to the Dust Action Plan no activity hereby permitted shall cause dust to be emitted from the site. Should such emissions occur, the relevant activity shall be suspended until it can be resumed without causing any such emissions.

Drainage

23. Within 6 months of the date of this planning permission, the drainage system as shown on the approved Drawing No. TSP/BSL/P2804/001, Rev C, Drainage Layout, dated 9 February 2016 shall be installed and connected to the adjoining ditch network, as shown on Drawing No. TSP/BSL/P2804/03, Rev A, Ditch Survey, dated 20 April 2015 to utilise the newly formed ditch. The culvert under the bund shall be installed and have a minimum diameter of 450 mm.
24. The drainage ditches on the north, west and south boundaries of the site and the land drain within the site, shall be provided in conjunction with the repositioning and construction of the bunds in accordance with Drawing No. 5596/001/H 'Proposed Site Plan' and the Drawing No. TSP/BSL/P2804/001, Rev C, Drainage Layout, dated 9 February 2016. The drainage system shall be maintained and kept clear of debris at all times throughout the duration of the development hereby permitted.
25. If the surface water drainage system fails, the development hereby permitted shall be suspended until the surface water drainage system is operating properly to the satisfaction of the County Planning Authority.

Landscaping

26. All trees on and immediately adjoining the site shall be protected from damage as a result of operations on site, to the satisfaction of the County Planning Authority in accordance with the

guidance in British Standard BS5837:2012. Any trees or parts of trees removed without the County Planning Authority's consent or die or become in the opinion of the County Planning Authority seriously diseased or otherwise damaged within 5 years following completion of the planting shall be replaced not later than the end of the first available planting season.

27. The proposed hedgerow shall not exceed 4m in height when measured from the base of the hedgerow.
28. The landscaping of the site shall be carried out in accordance with Drawing Nos. 5596/002 rev A 'Proposed Section Drawing' and 5596/003 'Proposed Bund Planting' dated 04/03/15 and Scheme of Maintenance dated April 2015.
29. The maintenance of the landscaping for both planting and fencing shall be carried out in accordance with the 'Scheme For the Maintenance of the Landscaping Planting and Fencing at Blockade Services' dated April 2015, approved under notice ref: RE15/01107/CON dated 21 July 2015.

Reasons:

1. To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and to enable the County Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.
2. For the avoidance of doubt and in the interests of proper planning.
3. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy DC3 of the Surrey Waste Plan 2008 and Policies Mo4, Mo5, Mo7 of the Reigate and Banstead Borough Local Plan 2005.
4. 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 pursuant to Policy DC3 of the Surrey Waste Plan 2008.
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7. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy DC3 of the Surrey Waste Plan 2008 and Policies Mo4, Mo5, Mo7 of the Reigate and Banstead Borough Local Plan 2005.
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13. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy DC3 of the Surrey Waste Plan 2008 and Policies Mo4, Mo5, Mo7 of the Reigate and Banstead Borough Local Plan 2005.
14. To enable the County Planning Authority to adequately control the development and to ensure the minimum disturbance and avoid noise nuisance to the locality to comply with Policy DC3 of the Surrey Waste Plan 2008.
15. To enable the County Planning Authority to adequately control the development and to ensure the minimum disturbance and avoid noise nuisance to the locality to comply with Policy DC3 of the Surrey Waste Plan 2008.
16. To enable the County Planning Authority to adequately control the development and to ensure the minimum disturbance and avoid noise nuisance to the locality to comply with Policy DC3 of the Surrey Waste Plan 2008.
17. To enable the County Planning Authority to adequately control the development and to ensure the minimum disturbance and avoid noise nuisance to the locality to comply with Policy DC3 of the Surrey Waste Plan 2008.
18. To enable the County Planning Authority to adequately control the development and to minimise its impact in respect of lighting on the amenities of the local area in accordance with Policy DC3 of the Surrey Waste Plan 2008.
19. To enable the County Planning Authority to adequately control the development and to minimise its impact in respect of dust on the amenities of the local area in accordance with Surrey Waste Plan Policy DC3.
20. To enable the County Planning Authority to adequately control the development and to minimise its impact in respect of dust on the amenities of the local area in accordance with Surrey Waste Plan Policy DC3.

21. To enable the County Planning Authority to adequately control the development and to minimise its impact in respect of dust on the amenities of the local area in accordance with Surrey Waste Plan Policy DC3.
22. To enable the County Planning Authority to adequately control the development and to minimise its impact in respect of dust on the amenities of the local area in accordance with Surrey Waste Plan Policy DC3.
23. In order to prevent the increased risk of flooding and to ensure that the drainage system within the site is provided and surface water drainage of the site is not compromised in accordance with Policy DC3 of the Surrey Waste Plan 2008 and Policy CS10 of the Reigate and Banstead Local Plan: Core Strategy 2014.
24. In order to prevent the increased risk of flooding and to ensure that the drainage system within the site is provided and surface water drainage of the site is not compromised in accordance with Policy DC3 of the Surrey Waste Plan 2008 and Policy CS10 of the Reigate and Banstead Local Plan: Core Strategy 2014.
25. In order to prevent flooding onsite and elsewhere and to ensure that the drainage system within the site is provided and surface water drainage of the site is not compromised in accordance with Policy DC3 of the Surrey Waste Plan 2008 and Policy CS10 of the Reigate and Banstead Local Plan: Core Strategy 2014.
26. In the interests of visual amenity in accordance with Policy DC3 of the Surrey Waste Plan 2008.
27. In order to ensure the hedgerow remains stable in the long term in the interests of visual amenity in accordance with Policy DC3 of the Surrey Waste Plan 2008.
28. To comply with the terms of the application and in the interests of biodiversity and conservation to comply with policy DC3 of the Surrey Waste Plan 2008.
29. To comply with the terms of the application and in the interests of biodiversity and conservation to comply with policy DC3 of the Surrey Waste Plan 2008.

Informatives:

1. The applicant's attention is drawn to the Section 278 Legal Agreement with regard to maintenance of the two passing bays on Perrylands Lane.
2. The applicant is advised that any culvert, diversion, weir, dam or like obstruction to the flow of a watercourse requires the separate consent of the Environment Agency and/or Internal Drainage Board, under the Land Drainage Act 1991.
3. Any works to be carried out which will affect the flow or storage of water within, or which place or alter a structure/obstruction within an ordinary watercourse will require Ordinary Watercourse Consent. These can include permanent or temporary structures or works. An 'ordinary watercourse' is a watercourse that is not part of a main river and includes rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows. Consent within Surrey is

issued by the Sustainable Drainage and Consenting Team within Surrey County Council. The team can provide information on the requirements for consent and the application procedure and is contactable by email on SuDS@surreycc.gov.uk. Please note consent cannot be issued retrospectively. Works affecting designated Main River require consent from the Environment Agency.

4. The applicant is advised that if *Thuja plicata* is not available that suitable alternatives would be Laurel, *Caragana arborescens*, *Buxus sempervirens* or *Ceanothus*.
5. The applicant is advised that it would be beneficial if a backward sloping step could be formed in the bank profile along the tree planting line as this will help retain water moving down the bank face.
6. Because of the high ambient noise from non-site related sources, it may be necessary to measure noise from site operations closer to the source and use noise modelling techniques or calculations based on the provisions of BS 5228 – 1:2009.
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.
8. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

CONTACT

William Flaherty

TEL. NO.

020 8541 8095

BACKGROUND PAPERS

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

Government Guidance

National Planning Policy Framework 2012

National Planning Policy for Waste 2014

National Planning Practice Guidance 2012

The Development Plan

Surrey Waste Plan 2008

Reigate and Banstead Local Plan: Core Strategy 2014

Reigate and Banstead Local Plan 2005 (saved policies 2014)

Other Documents

Planning permission ref: RE14/02134/CON dated 21 January 2015

Planning permission ref: RE15/00816/CON dated 21 July 2015

Planning permission ref: RE15/01107/CON dated 21 July 2015

Approval of details ref: RE15/01408/CON dated 26 August 2015

<p style="text-align: center;">Site Location</p> <p>Scale 1:15,326</p>	<p>2 Perrylands Lane, Smallfield, Horley, Surrey RH6 9PR</p> <p>The continued use of land as a soil processing facility, utilising imported builders construction and demolition waste, including: the siting of a screener, single storey portacabin, portaloos, two metal containers, concrete hardstanding, stockpiles of soils and rubble, perimeter soil bunds, lighting, water mist sprinklers, access gates, wheelwash, and the provision of car parking and fuel storage without compliance with Conditions 2, 6 and 24 of planning permission ref: RE14/02134/CON dated 21 January 2015 to provide a revised drainage strategy.</p> <p>Application No(s): RE15/02426/CON</p> <p>Electoral Division(s): Horley East , 13840</p>
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This plan is for indicative purposes only

Application Site Area

<p>GRID NORTH</p>	<p>RefNo: SCC REF 2015/0192</p>		<p>Scale 1:1,150</p>
<p>Date printed: 03/02/2016</p>			

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2012-13 Aerial Photos

Aerial 1 : 2 Perrylands Lane



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All boundaries are approximate

Aerial 2 : 2 Perrylands Lane



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Application Site Area



All boundaries are approximate

Figure 1 : Ditch Adjoining Land



Figure 2 : View onto Adjoining Land



TO: PLANNING & REGULATORY COMMITTEE

DATE: FEBRUARY 2016

BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER

DISTRICT(S) TANDRIDGE

ELECTORAL DIVISION(S):

Warlingham

Mr. Hodge

Oxted

Mr. Skellett

PURPOSE: FOR INFORMATION

GRID REF: 542535 153660

TITLE: DECISION ON PLANNING APPEAL REFS: APP/B3600/C/14/3000220;
APP/B3600/X/14/3000386 and 3000387

LAND AT MOORHOUSE SANDPITS, WESTERHAM ROAD, LIMPSFIELD

Background

1. Moorhouse Sandpits, operated by the Titsey Estate, are a long established area of sand workings on the north side of the A25 some 3km east of Oxted and about 1km from the county boundary with Kent. The sandpits lie within the Metropolitan Green Belt, the Surrey Hills Area of Outstanding Natural Beauty ('AONB') and an Area of Great Landscape Value ('AGLV').
2. During the course of a routine monitoring visit to Moorhouse Sandpits in November 2010 it was noted by Officers of the County Planning Authority ('CPA') the a modern mortar plant of substantial construction was in the process of being erected within the mineral working along with associated infrastructure including fencing, storage bays, concrete surface etc. A photograph is attached showing these works.

LDC Applications

3. In November 2013, after much communication with the landowner's planning agent about the lawfulness or otherwise of the development, two Lawful Development Certificate applications¹ ('LDC') (Refs. TA/2013/1827 and TA/2013/1707) relating to mortar plant were submitted to the CPA for determination. It should be noted that by this stage the appellant had removed the mortar plant from the appeal site but had left the associated infrastructure in place.
4. In summary the appellant's contention was that the construction of modern plant for the production of mortar was lawful because: a planning permission granted in 1957 permitted the permanent use of the appeal site for the siting and operation of a mortar plant, and once this permission had been implemented in the same year the appeal site became a separate planning unit which extinguished the associated mining rights and obligations relating to the appeal site.
5. Having considered the appellant's applications, in February 2014 the CPA resolved under delegated powers to refuse the two applications for the following reasons:

¹ The two LDC applications were made in relation to "the resiting of an existing ready-mixed mortar mill" and "the use of the land for the stationing of a mobile mortar plant" respectively.

- On the balance of probabilities the siting and erection of a mortar mill or any other similar plant used for mortar or concrete manufacture amounts to “*operational development*” as an engineering operation on or over land within the meaning of s55(1) of the 1990 Act as opposed to a “*use*” within the meaning of s336(1) of the same.
- On the balance of probabilities planning permission Ref. GO/R2918 did not permit any mortar/concrete plant of any size within the appeal site as a matter of construction. This permission relates to the resiting of the then existing plant from Pit A and cannot therefore confer lawfulness on different plant erected on the appeal site since 2002.
- On the balance of probabilities the demolition and removal of the plant subject planning permission Ref. GO/R2918 means that the subsequent act of erecting any further plant on the appeal site is a separate and discrete act which requires express planning permission.

Enforcement Action

6. Following these refusals and despite repeated requests made by Officers the appellant failed to remove the fencing, concrete surface, storage bays etc. from the appeal site. Accordingly, in September 2014 an enforcement notice was issued which sought to force the removal of the same. This notice, together with the decision of the CPA to refuse the two LDC applications, was appealed to the Planning Inspectorate in November 2014.

The Appeal

7. A public inquiry was held to determine the appellant’s three appeals. This inquiry was held on 18 and 19 November 2015 at County Hall and was supplemented by two visits to the appeal site on 17 and 19 November 2015.

The Appeal Decision

8. In respect of the two refused LDC applications the Planning Inspector concluded firstly, that the 1957 permission was for an operational development, not a material change of use of the land. Secondly, the only ‘use’ permitted was by virtue of the mortar plant being used for its intended purpose i.e. the equipment could be used for the production of mortar whilst it was on the appeal site. Thirdly, the appeal site did not become a separate planning unit but was part of a mixed or composite use of all of the land included in the 1949 permission (and later the 2001 permission): use for mineral extraction and use for mortar production. Fourthly, permission to site a mortar mill on the appeal site ended in 2002 when what had been put there in 1957 was removed. Fifthly, the mortar plant put on the appeal site in 2002 and the one put there in 2010 were unauthorised developments.
9. In these circumstances, the Planning Inspectorate considered that the decisions of the CPA to refuse the appellant’s two LDC applications were well founded. Consequently, the appellant’s LDC appeals were dismissed.
10. In respect of the enforcement notice appeal, the appellant had argued that the infrastructure remaining on the appeal site benefited from various permitted development rights. It was also argued that in the absence of these rights the infrastructure was immune from enforcement action having been substantially completed 4-years before the enforcement notice was issued.
11. Again, the Inspector agreed with Officers in that there was no evidence to demonstrate that the work was substantially completed more than 4-years prior to the issue of the enforcement notice. However, the Inspector did vary the terms of the enforcement notice such that two storage bays could be retained on the appeal site subject to them

being lowered to no more than 2m in height and the period for compliance was extended from 8 to 16 weeks in respect of the unlawful concrete surface.

12. A copy of the appeal decision letter is attached.

Contact Officer

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Appeal Decisions

Inquiry held on 18 and 19 November 2015

Site visits made on 17 and 19 November 2015

by **D E Morden MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 January 2016

Appeal A: APP/B3600/C/14/3000220

Land at Moorhouse Sandpits, Westerham Rd, Limpsfield, Surrey, TN16 2ET

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr G Innes against an enforcement notice issued by Surrey County Council.
- The Council's reference is LPE/58281/NS.
- The notice was is dated 30 September 2014.
- The breach of planning control as alleged in the notice is the construction of a concrete surface and erection of fencing, storage bays and other fixed infrastructure (formerly used in connection with a mortar plant since removed) in the approximate position shown hatched black on the plan attached to the Notice.
- The requirements of the notice are (i) with the exception of the green breeze block building, remove all fencing, storage bays and fixed infrastructure from the land shown hatched black on the plan attached to the Notice and (ii) remove all concrete surfacing and concrete walling from the land shown hatched black on the plan attached to the Notice.
- The period for compliance with the requirements is 8 weeks for requirement (1) and 16 weeks for requirement (ii).
- The appeal is proceeding on the grounds set out in section 174(2)(c), (d) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the Notice is upheld with corrections and variations as set out in the Formal Decision at paragraph 81 below.

Appeal B: APP/B3600/X/14/3000386

Land at Moorhouse Sandpits, Westerham Rd, Limpsfield, Surrey, TN16 2ET

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr G Innes against the decision of Surrey County Council.
- The application Ref TA/2013/1827, dated 7 November 2013, was refused by notice dated 21 February 2014.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is the re-siting of an existing ready-mixed mortar mill.

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 82 below.

Appeal C: APP/B3600/X/14/3000387

Land at Moorhouse Sandpits, Westerham Rd, Limpsfield, Surrey, TN16 2ET

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr G Innes against the decision of Surrey County Council.
- The application Ref TA/2013/1707, dated 7 November 2013, was refused by notice dated 21 February 2014.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is the use of the land for the stationing of a mobile mortar plant.

Summary of Decision: The appeal is dismissed as set out in the Formal Decision at paragraph 83 below.

Preliminary Matters

1. Before hearing the evidence and following a site visit that all parties attended, the Council, at the opening of the inquiry, submitted a new plan to accompany the Enforcement Notice and proposed some words to correct the allegation. The changes were discussed between the parties following a discussion with me on site and as now proposed the alleged breach would read as follows:

‘Without planning permission the construction of a concrete surface (E) and the erection of fencing including gates (F), storage bays (A) and (B), concrete bays (C), and concrete walling (D) (formerly used in connection with a mortar plant since removed) in the approximate position shown hatched black on the Plan.’
2. The submitted plan shows the structures separately from the hatched black concrete surface area so I will correct the notice further to make the allegation absolutely clear. I will also refer to the ‘plan attached to this decision’ in paragraph 2 as an amended plan showing these details will be attached to this decision. As well as marking things by letters on the corrected plan, photographs of the alleged unauthorised developments were included for clarity of what was meant in the wording; they will be filed as an Inquiry document for future reference (Document 1). The Council also proposed varying the requirements as a consequence of correcting the allegation so that paragraphs 5(i) and 5(ii) would read as follows:

5(i) ‘With the exception of the pre-existing green breeze block building, remove all fencing (including gates) (F), storage bays (A & B), and concrete bays (C) from the land shown hatched black on the Plan’;

5(ii) ‘Remove all concrete surface (E) and concrete walling (D) from the land shown hatched black on the Plan.’
3. I shall, therefore, consider Appeal A, the appeal against the Enforcement Notice, on the basis of the allegation and requirements as now worded by the Council. For clarity I shall also make similar changes to the wording of the requirements to those set out in paragraph 2 above. The exact wording will depend upon the outcome of the appeal against the enforcement notice (Appeal A) and the various grounds of appeal made.

4. The Council queried the submission of an LDC for an 'existing use' (Appeal B) bearing in mind that the most recent occupant of the site had left and taken away the mortar mill he had brought to the site. One of the arguments pursued by the appellant was that the site has a lawful use for General Industrial (Class B2) use as a mortar mill. It had been operating on the site for at least 10 years continuously commencing sometime after the 1957 permission had been granted. On that basis a use can be subsisting even if no activity is taking place on the site on the date that the application is made but has obviously not been abandoned. That was settled by the courts in *Panton and Farmer v SSE and Vale of White Horse DC [1999] JPL 461*. I agree that the one of the two applications/appeals is superfluous as they do amount to the same thing but I will determine both appeals.

Background/history

5. Planning permission was granted in 1949 for the winning and working of sand in Pits A and B and the eastern part of Pit C by the then Godstone Rural District Council (GRDC) and in 1953 in the whole of Pit C by the Secretary of State on appeal. Other permissions were granted over the years for different extensions to Pit C. In 1998 following the passing of the Environment Act 1995 an application was submitted (a ROMP – Review of Old Minerals Permissions) for the total area and new modern planning conditions were applied, particularly in relation to restoration of the land when extraction had been completed and aftercare (that application was approved in January 2001). The permission was to run until the end 2030 with restoration to be completed by the end of 2032. A 2001 application extended that latter date to the end of 2033.
6. Both those permissions had a condition (16) which stated that notwithstanding the provisions of Part 19 of the GPDO, no plant, buildings or machinery whether fixed or moveable shall be erected on the site or the associated processing plant without the prior written approval of the County Planning Authority. The 1949 and 1998 applications both included the current appeal site within their application boundaries.
7. In 1957 GRDC granted permission for the re-siting of an existing ready mixed mortar mill from Pit A (at the eastern end of the overall site) to the appeal site (which lies between pits A and B). That mortar mill remained on site until it was replaced between August and October 2002 (the first operator having occupied and operated it until about 1995 after which it remained on site but unused). A new lease was granted in July 2002 to a company who occupied the site (and brought on a new mortar mill) for the same purpose until 2010 and then a third occupant moved on to continue to undertake the production of mortar again with a new mortar mill.
8. Following regular visits by the Council from about 2006 onward (to ensure compliance with the conditions attached to the 2001 permission) it was in November 2010 that officers noted that the mortar mill had been replaced again and an exchange of correspondence between the parties began. Having been issued with a Planning Contravention Notice in September 2013, the appellant submitted (in November 2013) two LDC applications, the subject of these appeals. The second one (for a proposed use) was made as the occupant had, in the meantime, vacated the site. The enforcement notice issued is aimed at structures and operational development that were left on the site.

The s195 appeals (Appeals B and C)

9. The starting point for both these appeals (and the s174 appeal) is to determine the lawful use of the triangular area of land identified as the area the subject of the LDC applications at the date of those applications (7 November 2013).
10. In the 1949 permission (para 5 above) the appeal site is not shown as an area from where sand was to be extracted; the main areas for that (shown as Pits A and B) were located to the east and west respectively. The appeal site is and was a small triangular area in between the two, bordered by the access to Pit B to the south west, an area of leased off land to the north, and by Pit A to the east although the vehicular access to that leased off land immediately adjoins the eastern appeal site boundary.
11. Like many other small parcels of land around the large area where extraction was to take place it was shown as an area for overburden (the surface material above that to be extracted which would be stored at various parts of the site during extraction works and then used during restoration). Condition 2 of the permission required the overburden to be used after excavation to restore the land to a condition that would allow it to be cultivated. The land was in my view an integral part of the permission granted.
12. The 1998 ROMP application and subsequent permission (in 2001) took in the area covered by the 1949 permission and other land further west (Pit C) that was also the subject of a number of applications during in the 1950s. By this time Pit A had been worked out and partially restored and Pit B had also been worked out and was now used as the main processing area of the extracted sand which was at that time (1998) only being worked in Pit C.
13. The 'General Method of Working' plan (SP/5) - which is an Ordnance Survey extract - forming part of that 1998 application shows two small buildings on the appeal site and an embankment between most of the site and the haul road that runs along the south west boundary. Other parts of the appeal site are marked by dotted lines on that plan but there is no indication of what they represent. The 'Final Position' plan (SP/6) is clear however and shows the appeal site with horizontal hatching (as it does for the rest of Pit A) and states that the whole area will be restored to agricultural use. The plan showed the principles of the restoration of the three pits in terms of their land use (either agriculture or forestry) and condition 27 of the permission set out detailed requirements for the submission of a progressive restoration scheme for the whole application site area.
14. The site of the current appeal is also, however, the subject of a separate planning permission granted in 1957 and agreed by both parties to have been implemented. It is described as 'Re-siting of existing Ready-mixed mortar mill'. Unfortunately neither the Council nor the appellant's agent company (which has been the agent for all applications on this estate since 1949) could find any copies of the plans that were submitted with the application. A copy of the application forms, decision notice and an extract from the then GRDC's planning register map were submitted with the LDC applications.
15. Looking at the application form first to try to understand the application and the permission, it was stated that the new site was needed for the existing mortar mill as the then current site was going to be restored, the extraction on Pit A having finished (question 4 on the 1957 application form). It stated that

- the development proposed was permanent (as opposed to permission for a limited period – question 9). It also stated in answer to question 5 that the current (then) use of the application site was derelict land (no mention of it being used to store overburden as shown in the 1949 application plan).
16. In answer to question 3 (address) it stated 'Moorhouse Sandpits (see enclosed plan)' so some plan was submitted with the application. The screenshot of the GRDC planning register shows what, in my experience, was commonplace in the 1950s and 1960s (and in some cases even later) in both urban and rural areas. Applications registered were plotted on to ordnance survey sheets and when simple to do so, the red line indicating the application site was copied on to the register sheet rather than just the application number and an arrow indicating the site more generally. That document shows a red line around the triangular site which is the same as that used in both LDC applications and also by the Council in the enforcement notice (Appeal A).
 17. The permission has two conditions attached to it, the first pre printed on to the decision notice, so clearly a 'standard' condition. It stated that no variations from the deposited plans (again a reference to plans) were permitted unless previously authorised by the Council. Condition 2 stated 'Tree planting to be carried out in accordance with the agreed scheme so far as the proposed development will permit'. In my view that implies that some tree planting was to have been carried out on the site, possibly in accordance with some restoration scheme, but could only be carried out in so far as anyone was able to do so due to the presence of the now permitted mortar mill.
 18. The mortar mill used sand from the site this but this was purely a commercial exercise (such uses are generally sited within, adjacent or very close to mineral working sites to make use of a raw material that is nearby). The site was operated by an independent company that was not connected to the sand extraction company; it was carrying on an industrial use (making mortar) on the site albeit a site that was surrounded by (and also included within) the land that had been granted the earlier permission for extracting the sand.
 19. The appellant submitted firstly, that the 1957 permission was clearly a permanent one and also one that carried with it planning permission for the use of the land (forming the application site) for the production of mortar (a Class B2 – General Industrial use). Secondly, it was submitted that the site, once the permission had been implemented, became a separate planning unit and also, the implementation of the permission on that separate planning unit extinguished the 1949 permission mining rights and any other obligations in so far as they related to this parcel of land.
 20. The Council disagreed with the view that a 'use' had been approved and submitted that on each of the occasions that a mortar mill was 'established' on the site (1957, 2002 and 2010) it constituted the erection of plant/equipment and was an operational development (an engineering operation). The 1957 permission allowed the operational development to be carried out and then, as with any structure or building erected, use it for its intended purpose.
 21. It argued that there was no permission for the 'use' of the land and, therefore, when that the mortar mill plant/equipment was first taken away (in 2002) it brought an end to that chapter of planning history governed by the 1957 permission. In 2002 and 2010 when a new mortar mill was put on the site a

- new chapter began and in those two cases without the necessary planning permission that should have been obtained.
22. The Council submitted that it therefore followed that the occupation of the site and use of the plant erected thereon did not engage s171B and render some underlying use lawful. Each occupier's 'use' was just of the plant/equipment put on the site by virtue of the operational development and once it was removed there was no 'use' of the site at all. The underlying lawful use of the site was simply that granted by the 1949 permission (to extract sand) and that was renewed in 2001 (in the 1998 ROMP application) with different conditions.
 23. In determining the lawful use of the land it is also relevant to remember that in this particular case the appeal site has been retained by the Titsey Estate Company which owns all of the land contained within the larger 1949 and 1998 applications. Whichever operator has occupied the appeal site to carry on the activity of mortar production has done so on a rental basis (either a tenancy or a lease). Whilst the 1957 permission has been implemented, the owner could decide at any time not to lease the site for that use in order to complete the restoration of the area in line with the 2001 ROMP permission.
 24. Looking at the submissions made by the appellant, and taking into account all the evidence presented at the Inquiry, there is no doubt that the 1957 permission was a full permanent permission but in my view it was for an operational development not a use of land. Nowhere in the application form or in the decision is there any mention of the words 'use of the land' be that for mortar production or anything else.
 25. Whilst plant and equipment, even if it is comprised in a building, is not a building (by virtue of the definition in s336 of the Planning Act) and not a building operation, it can be an engineering or other operation that results in a structure being erected on a site which can then be used for the purpose for which it was designed (subject to any planning conditions). As cited by the Council and set out in *Iddenden [1972] 3 All ER 883* by Buckley LJ, when a building is demolished any use rights are then lost. I agree with the Council that the same would apply to a structure and once the mortar mill had been removed in 2002 so did the use. There was no mortar mill there, so no mortar production activity could take place.
 26. Whether an operation or a use of land was involved in setting up the mortar mill on site is a matter of fact and degree and could only be determined if details of the structure(s) comprising the mortar mill were provided but there was no evidence that could be examined put forward from either side on this point. The only evidence was a black and white 1981 aerial photograph from which it was impossible to determine anything about the nature of that original mortar mill.
 27. The onus in a LDC appeal is firmly on the appellant to prove his case (albeit on the balance of probability) and in my view nothing was put forward to support the claim that in 1957 a use commenced on site rather than an operational development had taken place. The appellant referred to the most recent occupier of the site and argued that his mortar mill was a mobile piece of equipment that was brought to the site on a lorry and simply swung upright and used so no operational development was involved.

28. I will come back to this point later in considering the possibility that what took place in 1957 was a change of use rather than operational development but do not need to comment on that proposition at this point other than to say that what may have been put on the site in 2010 has no bearing in determining what might have transpired in 1957. There have been many and varied advances in technology since the 1950s and considerable changes in this type of apparatus/machinery.
29. Turning to the claim that the appeal site became a separate planning unit when the 1957 permission was implemented, I agree that a different activity took place to what was occurring on the remainder of the application site land in the ownership of the Titsey Estate Company. It was an industrial use and therefore functionally different but it was not physically separated from the rest of the land. It was only very recently that a fence and gates were erected and before that access into the site from the haul road was free and open. Vehicles transported sorted and washed sand directly to the site from elsewhere on the larger site although there was no connection between the companies involved.
30. Using the tests in *Burdle v SSE [1972] 3 All ER 240*, which were referred to by the appellant, it seems to me that there was a composite (mixed) use on the site rather than two separate planning units. Whilst there was functional separation there was no physical separation (the site being accessed directly off the track to Pits B and C) and neither activity (the mortar production and the sand extraction) was ancillary to the other.
31. Dealing with the other point made by the appellant concerning the planning unit, I do not agree that the implementation of the 1957 permission extinguished what was permitted in the 1949 permission; as set out above no separate planning unit was formed that would, in the appellant's submission, result in that. More importantly, using the appellant's own argument, a later permission has been granted (the 2001 permission on the 1998 ROMP application) that shows the land being restored to agricultural use once extraction has finished.
32. Here the ROMP permission is inconsistent with the 1957 permission but mineral operations continue on the basis of the 2001 permission and the owner has not yet had to decide between the two. Even if I am wrong regarding the planning unit and the appeal site is a separate planning unit, the owner can still carry out what is in that 2001 permission where it relates to the appeal site (it is to be restored and used for agricultural purposes) as he owns all the land.
33. In my view, there are, therefore, two planning permissions that co-exist on the appeal site; the 1957 permission to site plant and machinery there (to produce mortar) and the 2001 permission (on the 1998 application) to extract sand (even though the actual appeal site was not an area from which sand was likely to be extracted). As cited by the Council, Lord Scarman in *Pioneer Aggregates (UK) Ltd v SOS [1985] 1 AC 132* said 'It is of course trite law that any number of planning permissions can validly co-exist for the development of the same land, even though they be mutually inconsistent ...'. The landowner is not precluded from implementing the most recent permission when he chooses to do so.

Main Conclusions on Appeals B and C

34. In summary, from the evidence and submissions put forward, I conclude firstly, that the 1957 permission was for an operational development, not a material change of use of the land. Secondly, the only 'use' permitted was by virtue of the mortar mill being used for its intended purpose i.e., the equipment could be used for the production of mortar whilst it was on the appeal site. Thirdly, the appeal site did not become a separate planning unit but was part of a mixed or composite use of all of the land included in the 1949 permission (and later the 2001 permission); use for mineral extraction and use for mortar production. Fourthly, permission to site a mortar mill on the site ended in 2002 when what had been put there in 1957 was removed. Fifthly, the mortar mill put on the site in 2002 and the one put there in 2010 were unauthorised developments.
35. In these circumstances, whilst these five conclusions are matters of law, I consider that the decisions of the Council were well founded and both appeals will, therefore, be dismissed.

Other matters on Appeals B and C

36. Even if I am wrong in my conclusions set out above and, as the appellant claimed, (i) there was a permission for a General Industrial (Class B2) use of the site in 1957 (see para 28 above), and (ii) the site did become a separate planning unit at the time that permission was implemented, I still consider that the decisions were well founded. In my view the development would not have been lawful by virtue of being 'permitted development' not requiring planning permission, as submitted by the appellant.
37. The Council acknowledged that if the 1957 permission was for a use there had clearly been continuous use for the production of mortar (a Class B2 - General Industrial use) for in excess of ten years. It was also accepted that the use had not been abandoned even though the site was unused from 1995 to 2002.
38. The appellant submitted that in those circumstances the development would be lawful by virtue of Part 8, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO); that was the Statutory Instrument in force at the date of the LDC applications and issue of the enforcement notice. That 'Part' of the GPDO allows development carried out on industrial land for the purposes of an industrial process subject to a number of restrictions.
39. There are several restrictions that need to be satisfied in that respect. Firstly, the development permitted by Part 8, Class B does not apply to land 'in or adjacent to and occupied together with a mine'. Secondly, it is not permitted if it would materially affect the external appearance of the premises of the undertaking and thirdly, it is not permitted if it would exceed a height of 15 metres above ground level or the height of anything replaced whichever is the greater.
40. Regarding its location the appellant submitted that the appeal site was not located 'in or adjacent to a mine' as the only extraction taking place now was in Pit C some distance to the west of the appeal site. Further, it could not be 'in' a mine if it was a separate planning unit and it was not adjacent to one. The northern boundary adjoined the leased off site (that had been a tile works), the eastern side, that land's access, and the south west side boundary was formed

- by the access road to Pits B and C. That access road is not a mine; that lies further to the west.
41. In cross examination and in answer to my questions the appellant's witness suggested that 'in a mine' or 'adjacent to a mine' should be understood to refer to areas that have a functional relationship with extraction from a mine and are right beside the area where extraction is taking place. In my view that is unrealistic bearing in mind that many extraction sites are widespread and the actual area from where any mineral is being extracted changes over the course of time; as has happened here.
 42. As argued by the Council, if the appellant was right, it would require a detailed factual assessment of the internal workings of each mine or quarry on every single occasion that this question arose (which could be very often given that a B2 use without this limitation would otherwise include the getting, dressing or treatment of minerals) in order to determine whether a B2 use can be said to be capable of arising. It would render the red line around the application site of any minerals permission to be practically irrelevant. It also places the availability of B2 uses at the whim of operators and their decisions on the logistics and the operation of any given site rather than the supervision of the Council.
 43. The proper interpretation, in my view, is that 'within a mine' is within the site area covered by the red line on the application and this site is within the area contained within the 2001 ROMP permission (and was within the 1949 site). In this instance even if the appeal site was a separate planning unit it is also still adjacent to that red line area which virtually surrounds it. Adjacent (which is not defined in the GPDO) is something that should be given its everyday meaning. That does not necessarily mean touching. Something that is close to or near to something else can be adjacent to it. This has been settled by the courts in considering first abutting and then adjacent as it applies in Part 2, Class A of the GPDO (whether a fence, wall or other means of enclosure is adjacent to a highway used by vehicular traffic). It is a matter of fact and degree and the circumstances pertaining to the case to be determined.
 44. Looking at this site, only an access separates the eastern boundary of the appeal site from Pit A. The access track to Pit C adjoins the south western boundary and walking away from the appeal site going to the north west, one only has to go about 40 metres to be in Pit B which is still being used to process the sand extracted from Pit C. From what I saw at my visit I would describe the appeal site as adjacent to the mine both to the north west and to the east. The fact that a track is between the site and Pit A does not, from what I saw on site, mean it is not adjacent to Pit A and, therefore, the mine.
 45. Again, if I am wrong on that and the site is not in or adjacent to the mine, there are still two restrictions that need to be satisfied before the development is permitted by Part 8 of the GPDO. The appellant submitted that it was first necessary to decide that the plant was operational development that required permission in order to decide if any replacement plant is permitted by Part 8.
 46. In my view that is not correct. Class B2 refers to 'Development carried out on industrial land for the purposes of an industrial process consisting of - (a) the installation of additional or replacement plant and machinery ...'. In the GPDO 'development' can be either change of use or operational development as is evidenced in the various Parts in Schedule 2. In this particular Part the GPDO

refers simply to installed; that could therefore be operational development as the Council claims siting the mortar mill on the site to be, or it could be a change of use, as the appellant claims. In either instance, therefore, I consider the requirements set out in Part 8, Class B then have to apply.

47. There are two requirements (as set out in para 39 above). Looking at the photographs produced by the Council, which show the previous mortar mill put on site in 2002 (a photograph taken in 2010 shortly before its removal) and the most recent one (put there in 2010) which was removed shortly before the LDC applications were submitted, the appellant cannot satisfy those requirements.
48. From the information put forward in evidence, the recent mortar mill and its associated silos far exceeded the height of what was there before even if the silos did not exceed 15 metres above ground level) thereby complying with that subsection). Further, the bulk and overall appearance of the mortar mill and tall silos is, in my view, materially different to what was there before. The external appearance of the site is, therefore, materially affected wherever one views it from with the equipment on the site appearing much larger, much taller, and covering more of the site area. Appeal B (for an existing use) therefore does not, in my view, meet the restrictions in Part 8, Class B.
49. On Appeal C (proposed lawful use) there was no actual scheme before the Inquiry. The appellant argued that any mortar plant that met the restrictions in Class B would be lawful and the limitations of the Class could be spelt out in the Certificate but that would be the same as granting a certificate for an extension to a house and then listing all the various restrictions it would have to comply with. That will not suffice; the application must be specific enough for the decision maker to determine whether or not what is being applied for is lawful. In this instance that has not happened. If the intention was that the occupier who recently vacated the site would return then I have already concluded that his mortar mill would not be lawful.

Overall conclusions on the s195 appeals (Appeals B and C)

50. I have set out in paragraphs 34 and 35 my conclusions on what I consider is the position on these appeals. In paragraphs 36 to 49 above I have set out what I consider is the position if those earlier conclusions are incorrect in law and the appellant is correct (that permission was granted for a use or a use may have become lawful over time). For the reasons set out in paragraphs 36 to 49 I conclude that, in these alternative circumstances, the Council's decisions were well founded and I shall dismiss these appeals.

The s174 appeal (Appeal A)

The appeal on Ground (c)

51. The appeal on this ground is concerned with some concrete surfacing and several means of enclosure at the site (as set out A to F in the corrected Notice and plan). The appellant submitted several arguments on ground (c), some in the alternative to others. Firstly, if there was a lawful general industrial use (Class B2) of the site then the works carried out were permitted development as minor operations within Part 8.
52. Secondly, any Part 8 'building' would by definition include walls and bays and would be lawful if the use was. Thirdly, what had been carried out was just part and parcel, and therefore incidental to, the use (it was accepted that

they could, therefore, be required to be removed if the use was found to be unlawful). Fourthly, it was also submitted in closing that all the means of enclosure were permitted under Part 2, Class A of the GPDO. This part lists a number of minor developments that can be carried out on all sites.

53. The appeal is on this ground is against all the elements set out in the corrected Notice:- the concrete walling; the fencing/gates; the storage bays; the concrete bays; and the concrete surfacing (shown as A to F on the corrected Notice plan). I will deal with the concrete surfacing separately as there was a claim that it was simply 'repairs' and not 'development' at all.
54. Regarding the four reasons/submissions as to how and why these six matters were permitted development I have already concluded that there is not a lawful use of the site for a general industrial use in refusing the LDC appeals and there is no right, therefore, to any permitted development rights that might arise from Part 8 of the GPDO. There is no right in any event to minor operations set out anywhere in Part 8 that would include these items (A to F).
55. The second claim that all the structures (other than the concrete surfacing) were part of a building would fail for the same reason – it's not a separate planning unit with a general industrial use on it (and in addition what is on site, by definition, would not be a building) as would the claim that everything was part and parcel of the change of use.
56. I will deal with Part 2 rights separately for each element. They are all means of enclosure, some around the perimeter of the site (D and F) and others enclosing areas to store material (A, B and C). Those labelled A, B and C on the corrected plan were open at one end but I am satisfied that they should be considered as a means of enclosure.

Concrete surfacing (Item E on the Notice Plan)

57. The appellant, in support of his claim that what took place was simply works of repair to an existing surface rather than 'development', stated that the activity could not have taken place in the past unless there had been a good hard surface area to support the mortar mill itself and the heavy vehicles delivering sand and collecting mortar from the site. As with the LDC appeals, the onus is on the appellant on a ground (c) appeal to prove his case.
58. The evidence regarding repair was based upon an email to the appellant's witness dated 4 November 2014 from a Mr Pearson who worked for Marshalls Mono. He stated that the main concrete foundation on which the mortar mill stood was basically there and was about one metre thick. The areas around the rest of the site were in varying condition and quality and needed to be improved to enable the use to operate.
59. It was therefore improved as necessary with patches of fresh concrete where necessary and this took place from 6 September 2010 onwards with the work completed by 27 September 2010. However, no more detail than that was given and Mr Pearson was not produced as a witness to answer questions about what he said or the Council's contradictory evidence.
60. The Council's photographs (on which the dates could be shown) provided contradictory evidence. There were photographs from 2003, 2004, 2005, 2008, 2009 and 2010 and whilst there is sand and earth masking what could be underneath in some parts of the later photographs it is clear from those in

2003 and 2004 that there was very little in the way of a concreted surface at the site. It was also clear that what existed was made up of several small areas rather than the one large area that is there now.

61. The Council's dated photograph of 16 September 2010 also shows that the Marshalls Mono mill was not on site at the dates claimed by Mr Pearson and indeed the site had not even been cleared of much of what had been there previously. From the evidence presented I do not agree that the concrete surfacing was simply repairs; it was the formation of a new concrete surface over a large part of the site; it was development requiring permission.
62. The other five elements need to be considered against Part 2 of the GPDO as this was the fourth reason claimed by the appellant that the ground(c) appeal should succeed.

Storage bays (Items A and B)

63. Whilst it was submitted in closing that nothing was over two metres in height, the appellant's witness in his proof of evidence admitted that the bays consisting of upright steel joists and walls formed by sliding in railway sleepers (A and B) were over 2 metres in height and it was clear at the site inspection that they were over the height limit.

Concrete storage bays (Item C)

64. These bays were only about a metre in height and would satisfy the restrictions set out in Part 2, Class A of the GPDO.

Perimeter fencing/gates (Item D) and low wall (Item F)

65. The perimeter fence/gates and low wall just inside the fence on the east boundary by the entrance gates would also satisfy the restrictions set out in Part 2, Class A.
66. The Council argued for two reasons that the appeal on Ground (c) should be dismissed for items A – D and F even if it appeared that they satisfied the restrictions in Part 2, Class A of the GPDO. Firstly, they were part and parcel and an integral part of the unauthorised development that took place on the site towards the end of 2010 – the installation of the mixed mortar plant. As such they should be removed along with the mortar mill in order to remedy the breach of planning control.
67. Secondly, condition 16 of the ROMP permission (2001) states that whilst the GPDO sets out certain developments that are permitted within a mine or on ancillary mining land, that permitted development is removed by the condition and permission has to be obtained from the Council.
68. In my view none of these structures (A, B, C, D and F) were part and parcel of the development (i.e., the installation of the mortar plant). Clearly the storage bays kept the piles of sand and other loose material used in some form of order and the boundary fences/gates and walls kept the site secure. However I do not agree that they were essential (previous operators of the mortar mill had nothing around the site in the way of fences and gates) to the development.
69. Turning to condition 16, the Notice was issued within 10 years of the apparent breaches having occurred. However, the condition in my view is specific to

Part 19 of the GPDO and cannot, therefore, preclude anything that is permitted development under Part 2.

Conclusions on Ground (c)

70. In summary the storage bays (A and B) are over the two metre height limit and the appeal fails. The concrete surfacing (E) is not permitted under Part 8 or any other Part of the GPDO and the appeal fails. The concrete storage bays (C), the perimeter fencing/gates (D) and the low wall (F) are permitted under Part 2, Class A and to that limited extent the appeal succeeds and I shall vary the requirements accordingly.

The appeal on Ground (d)

71. This appeal relates only to the concrete surfacing. The onus of proof on ground (d) – as with ground (c) – is on the appellant. The case relied solely on the 4 November 2014 email from Mr Pearson of Marshalls Mono which stated that what he called the repair works were completed on 27 September 2010 (which is four years and three days before the Notice was issued).

72. The Council produced photographs from 16 September 2010 and 24 November 2010 which can only be interpreted as confirming that Mr Pearson must have been mistaken in his recollections of what happened on site at the end of 2010. These photograph dates were verified by the Council from entries on its records system.

73. In the September photographs no work has commenced on clearing the site at all of all the old bits of infrastructure that was there previously or the piles of pallets, sand and other rubbish. In the November photographs the boards at the edge of the concrete surface (including the upright sticks hold them in place), the levelling boards for smoothing the surface of the 'liquid' concrete and other equipment used to lay the concrete are all there as are men who appear to be working on the surfacing.

74. From the evidence put before me, I do not consider the appellant has shown on the balance of probability, that, the work was substantially completed more than four years prior to the issue of the Notice and the appeal on this ground therefore fails.

The appeal on Ground (f)

75. The appeal on this ground relates to all elements set out in the allegation and the storage bays (A and B) and concrete surfacing (E) remain to be considered after determining the appeal on ground (c).

76. The storage bays are constructed in such a way that reducing them to no more than two metres in height is a simple exercise; an angle grinder could reduce the height of the steel joists and then sleepers dropped in to make the walls should be reduced so that the structure does not exceed two metres in height. Whilst the Council has stated that the Notice was served to remedy the breach the appellant has a fall-back position under Part 2 of the GPDO and could re-erect the bays so that they were within the height limits. In those circumstances I agree that the requirement to remove them completely is excessive and to this limited extent the appeal on ground (f) succeeds and I will vary the Notice accordingly.

77. The concrete surfacing that was put there at the end of 2010 should be removed. I acknowledge that in these circumstances there is always a problem in knowing precisely what was there before the unauthorised works were undertaken but there is photographic help in this instance and there may be more photographs that were not put before the Inquiry to aid further in resolving how much of the concrete surfacing was already there.
78. This is not unusual in such cases and it will be a matter for the parties to agree. Clearly the Notice cannot require the appellant to remove any surfacing that was lawful. Whilst there was no appeal on ground (g) and it was not discussed at the Inquiry I consider that the extra time set out in the requirements (16 weeks rather than the 8 weeks set down for compliance with all other matters) regarding the removal of the concrete surfacing is adequate to enable that agreement to be reached.
79. As the Council stated in its evidence the purpose of the Notice is to remedy the breach and remove these structures from a site that lies within the Metropolitan Green Belt, the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV).
80. Whilst I agree that it is not open to me to reduce the requirements as if I was just remedying the injury to amenity and permitting lesser steps, the variations I have made regarding the storage bays (A and B) are simply reflective of the fall-back position that exists and the fact that under Part 2 the means of enclosure could be re-erected up to two metres in height. The appeal on this ground, therefore, succeeds to the limited extent set out in paragraph 76 above.

Formal Decisions

Appeal A: App/B3600/C/14/3000220

81. I direct that the enforcement notice be corrected as follows:

- (a) by deleting the words 'shown edged red on the attached plan' in paragraph 2 and substituting therefor the words 'edged red and annotated A to F on the plan attached to this decision';
- (b) by deleting the words in paragraph 3 and substituting therefor 'Without planning permission the construction of a concrete surface, hatched black and marked as (E); and the erection of fencing including gates (F), storage bays (A) and (B), concrete bays (C), and concrete walling (D) (formerly used in connection with a mortar plant since removed) in the approximate positions marked A to F on the Plan attached to this decision'.

I also direct that the enforcement notice be varied as follows:

- (a) by deleting the words in paragraph 5(i) and substituting therefor the words 'Reduce the height of the storage bays (A and B) so that they do not exceed two metres in height' and
- (b) by deleting the words in paragraph 5(ii) and substituting therefore the words 'remove the concrete surfacing to restore the land to its condition prior to the concreting works carried out at the end of 2010.'

Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

Appeal B: APP/B3600/X/14/3000386

82. The appeal is dismissed.

Appeal C: APP/B3600/X/14/3000387

83. The appeal is dismissed.

D E Morden

INSPECTOR



Annex to Appeal Decision - Corrected Plan

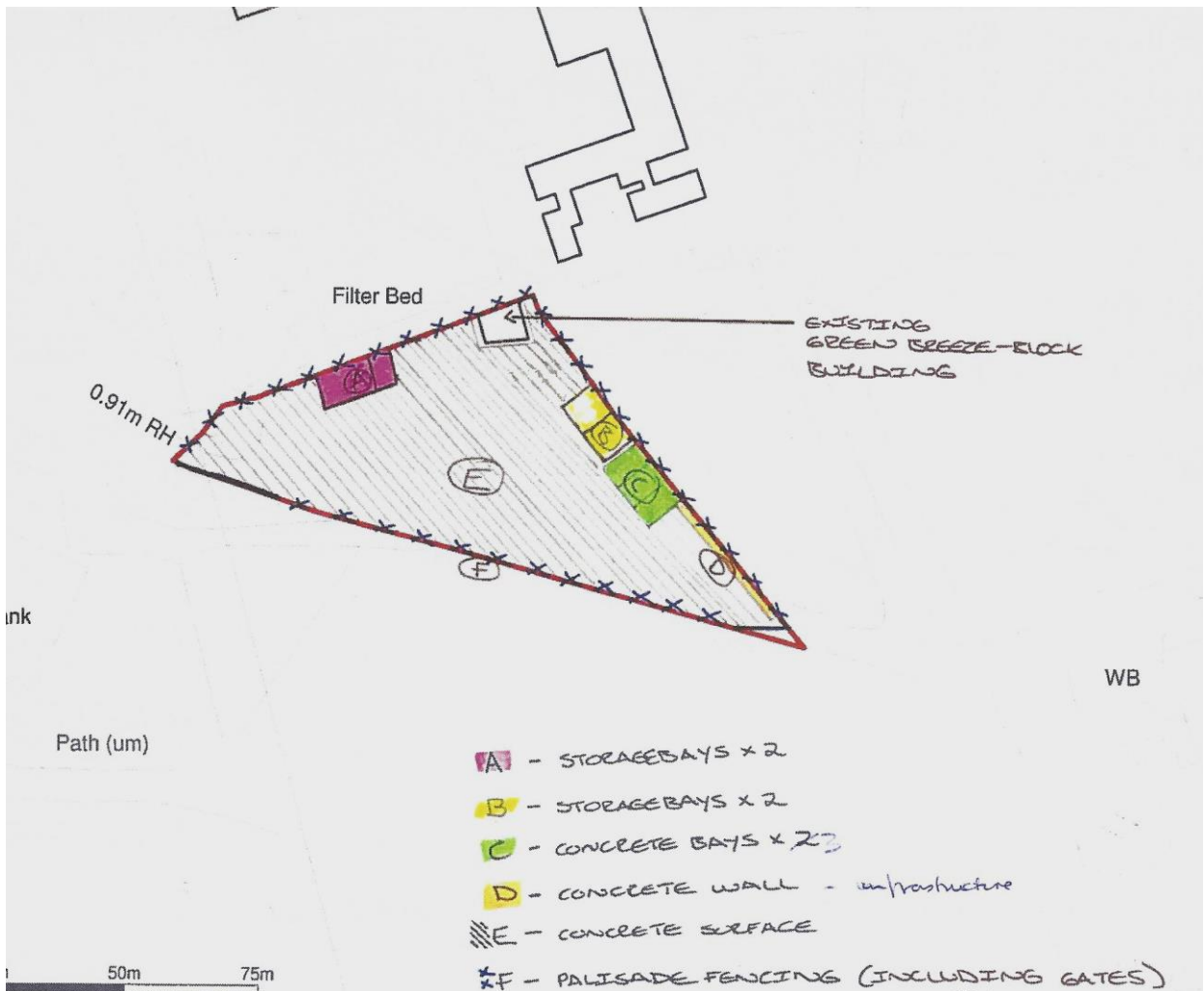
This is the plan referred to in my decision dated: 27 January 2016

by D E Morden MRTPI

Land at Moorhouse Sandpits, Westerham Road, Limpsfield, Surrey, TN16 2ET

Reference: APP/B3600/C/14/3000220

Scale: Not to scale



APPEARANCES

FOR THE APPELLANT:

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He called	
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FOR THE LOCAL PLANNING AUTHORITY:

Mr S Stemp	Counsel, instructed by Head of Legal Services, Surrey County Council
He called	
Mr D Lees	Senior Planning Officer, Surrey County Council
BA(Hons) MSc LMRTPI	

DOCUMENTS

- 1 Corrected Enforcement Notice Plan and photographs of the elements listed.
- 2 Court of Appeal judgement – Jennings Motors v SSE & another
- 3 High Court judgement – Panton & Farmer v SSE and Vale of White Horse DC
- 4 House of Lords judgement – Pioneer Aggregates v SSE & others

PLANS

- A A3 copy of corrected Enforcement Notice Plan
- B Appellant's composite site plan
- C Inspector's bundle of A3 size, 1:10,000 scale plans showing applications history
- D Appellant's larger scale site plan

PHOTOGRAPHS

- 1 Council's bundle of site photographs 2003 – 2010
- 2 Inspector's bundle of photographs from site inspection
- 3 Council's copy of photographs attached to corrected Enforcement Notice

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