

**PLANNING AND REGULATORY COMMITTEE  
NOTICE OF MEETING**

**Date:** Wednesday, 9 November 2016  
**Time** 10.30 am  
**Place:** Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN

**Contact:** Angela Guest tel: 020 8541 9075, 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;
Mr S Cosser	Godalming North;
Carol Coleman	Ashford;
Jonathan Essex	Redhill East;
Margaret Hicks	Hersham;
Ernest Mallett MBE	West Molesey;
Michael Sydney	Lingfield;
Richard Wilson	The Byfleets;
Marisa Heath	Englefield Green;
Mary Angell	Woodham and New Haw;
Vacancy	

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

Sally Marks	Chairman of the County Council	Caterham Valley;
Nick Skellett CB	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;
John Orrick	Caterham Hill;
Adrian Page	Lightwater, West End and Bisley;
Chris Pitt	Frimley Green and Mytchett;
Fiona White	Guildford West;
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 - 18)

To confirm the minutes of the meeting held on (28 September 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**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

#### **NOTES:**

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

### **7 MINERALS/WASTE MO/2016/0981 - LAND AT BURY HILL WOOD, OFF COLDHARBOUR LANE, HOLMWOOD, SURREY RH5 6HN**

This application has been deferred to the December meeting to allow all parties to reach agreement.

- 8 MINERALS/WASTE SP12/01132/SCD3 - MANOR FARM, ASHFORD ROAD AND LAND WEST OF QUEEN MARY RESERVOIR, LALEHAM, SURREY** (Pages 19 - 38)

This application provides details of Dust Action Plan and dust monitoring programme submitted pursuant to Condition 24(a) of planning permission reference SP2012/01132 dated 23 October 2015 for approval.

- 9 APPLICATION FOR VILLAGE GREEN STATUS - LAND AT THE GREEN, SEVERN DRIVE AND RYDENS ROAD, WALTON ON THAMES** (Pages 39 - 54)

The committee is asked to consider whether or not to register the land the subject of this application as a Village Green.

Application for Village Green status by Mick Flannigan (the Applicant) dated 31 September 2014 relating to land at The Green, Severn Drive and Rydens Road, Walton on Thames.

**10 DATE OF NEXT MEETING**

The next meeting of the Planning & Regulatory Committee will be on 7 December 2016

**David McNulty**  
**Chief Executive**  
31 October 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.

## **TOWN AND COUNTRY PLANNING ACT 1990 – GUIDANCE ON THE DETERMINATION OF PLANNING APPLICATIONS**

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to “*have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations*”. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: “*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*”

### **Development plan**

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Plan 2008 (comprised of the Core Strategy, Waste Development and Waste Development Control Policies DPDs)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)

Set out in each report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

### **Material considerations**

Material considerations will vary from planning application to planning application and can include: relevant European policy; the March 2012 National Planning Policy Framework (NPPF) and updates; the March 2014 national Planning Practice Guidance (PPG) and updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2013; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council or the district/borough council in whose area the application site lies).

### **National Planning Policy Framework and Planning Practice Guidance**

The March 2012 [National Planning Policy Framework](#) (NPPF) and subsequent updates replaced 30 Planning Policy Statements, Planning Policy Guidance Notes, Minerals Policy Statements and Minerals Policy Guidance Notes and related Practice Guides, some Government Circulars and letters to Chief Planning Officers and provides consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) (PPG) provides related guidance. The NPPF should be read alongside other national planning policies on [Waste](#), [Travellers](#), [Planning for Schools Development](#), [Sustainable Drainage Systems](#), [Parking](#), and [Starter Homes](#).

At the heart of the NPPF is a presumption in favour of sustainable development which the document states "*should be seen as a golden thread running through both plan-making and decision-taking*" (paragraph 14). The NPPF makes clear the purpose of the planning system is to contribute to the achievement of sustainable development which has three dimensions: economic, social and environmental. These give rise to the need for the planning system to perform a number of mutually dependent roles: an economic role, a social role and an environmental role. The NPPF sets out 12 core land-use planning principles that should underpin both decision-taking and plan making.

The NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 14) states that development proposals that accord with the development plan should be approved without delay; and where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or specific policies in the NPPF indicate development should be restricted.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 215 states that in determining planning applications local planning authorities should give due weight 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). For emerging plans the NPPF (paragraph 216) states that, unless material considerations indicate otherwise, weight may also be given to relevant policies in emerging plans according to:

- *"The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

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

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

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

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



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

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

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

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

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

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

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**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 28 September 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 Steve Cosser  
Mr Jonathan Essex  
Mr Michael Sydney  
Mr Richard Wilson  
Mrs Mary Angell

**Apologies:**

Mrs Carol Coleman  
Mrs Margaret Hicks  
Miss Marisa Heath

**127/16 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies for absence were received from Carol Coleman, Margaret Hicks and Marisa Heath.

**128/16 MINUTES OF THE LAST MEETING [Item 2]**

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

**129/16 PETITIONS [Item 3]**

There were none.

**130/16 PUBLIC QUESTION TIME [Item 4]**

There were none.

**131/16 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**132/16 DECLARATIONS OF INTERESTS [Item 6]**

There were none.

**133/16 APPLICATION DEFERRED - APPLICATION NOS WA/2015/1612, WA/2015/1613 AND WA/2015/1614 - WEYDON COUNTY SECONDARY SCHOOL, WEYDON LANE, FARNHAM, SURREY GU9 8UG [Item 7]**

The Chairman informed the Committee that the Applicant had asked for the Application to be deferred to a future meeting so this item would not be considered.

**Resolved:**

To note that this Application had been deferred by the Applicant and would return at a later date.

**134/16 SCC REF 2016/0019 - RE16/00337/CON LAND AT AND ADJOINING REIGATE PARISH SCHOOL, BLACKBOROUGH ROAD, REIGATE, SURREY [Item 8]**

**Officers:**

Alan Stones, Planning Development Control Team Manager

Nancy El-Shatoury, Principal Solicitor

Caroline Smith, Transport Development Team Manager

Chris Northwood, Planning Regulation Team Leader

**Speakers:**

Dr Grant-Duff, the local Member, made the following points:

1. The local Member informed the Committee that she wanted to convey the anxiety of her local residents with the potential school expansion and the parking problems that it may cause. Members noted the local Members comments that the school was in a good transport zone with a bus route and was within walking distance from the local town.
2. The local Member showed appreciation to the Officers for working with her to review the conditions to include new proposals for parking restrictions in the area..

**Key points raised during the discussion:**

1. The Planning Regulation Team Leader introduced the report and the update sheet tabled at the meeting. The Committee were informed of the details of the report and the significant redesign during the process which resolved some issues that had been faced. It was noted that during the construction two trees would need to be removed. Parking restrictions on the road and road opposite would be implemented to prevent all day parking as parents would find it hard to find space to pick up and drop of children. The Officer concluded by informing the Committee that overall they were assured that all the main issues were resolved and that Officers recommended approval the report.
2. A Member of the Committee showed concern that two trees would need to be removed but after visiting the site understood that there was no other alternative. Another Member agreed with this but noted that the trees that would be lost were not visible from the public domain as they were covered by other trees.
3. Members stressed the importance and necessity of working with the Local Committee when making plans for parking with school expansions as they were better placed to understand the repercussions at a local level.

4. Members confirmed the need for school places in the local area and agreed that the land was right for development. In reference to parking, a Member highlighted that they were impressed that the school had many walking to school incentives which included a large scooter rack and different walking challenges.
5. A Member raised concern over the loss of play space and queried whether Sport England had been consulted. The Planning Regulation Team Leader responded to this by informing the Committee that the application did not fall into the criteria to consult Sport England. The Officer went on to notify the Committee that an artificial pitch had been built to address the extra pressures on play space.
6. Members questioned the Conditions which referred to indicative parking restrictions, The Transport Development Team Manager confirmed that this allowed flexibility when fixing the issues with local parking.

The resolution of the Committee was unanimous.

**Resolved:**

That application RE16/00337/CON Land at and adjoining Reigate Parish School, Blackborough Road, Reigate, Surrey was permitted subject to conditions and reasons set out in the report.

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

None.

**135/16 MINERALS/WASTE SP12/01132/SCD1 - MANOR FARM, ASHFORD ROAD AND LAND WEST OF QUEEN MARY RESERVOIR, LALEHAM, SURREY [Item 9]**

**Officers:**

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

**Speakers:**

Denise Turner Stewart, the local Member, made the following points:

1. The Committee were asked to allow a monthly monitoring report to be brought to the Liaison Committee to ensure there were no noise exceedances and requested that details of this report be made freely available to residents. The local member explained that this would give residents the assurances they required and give them the opportunity to ensure the noise levels were managed properly.

**Key points raised during the discussion:**

1. The Principal Planning Officer introduced the report and provided Members with the details of the conditions regarding noise barriers and how birds would be monitored on the site. It was noted that if bird numbers on site were to exceed in numbers then measures would be

put in place for them to be reduced. The site would be monitored by the County Enforcement Monitoring Team which did not involve undertaking noise monitoring on a regular basis but in the event of a complaint then monitoring could be undertaken and information would be made available on the County Council website.

2. A Member of the Committee questioned if it was normal practice to decide how often monitoring takes place on mineral sites, in which the Planning Development Control Team Manager suggested an informative which would make any monitoring data collected from the site available to the liaison Committee as and when it arises.
3. A Member of the Committee highlighted that the design of the new nature reserve would attract birds and suggested if monitoring showed that the design was defective then action should be taken to change the design if needed. The Principal Planning Officer informed the Committee that the management plan included regular monitoring to see how affective the nature reserve is and would be adapted if necessary.

The resolution was unanimous

**Resolved:**

That application SP12/01132/SCD1 - Manor Farm, Ashford Road and land west of Queen Mary Reservoir, Laleham, Surrey was permitted subject to conditions and reasons set out in the report.

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

None.

**136/16 MINERALS/WASTE SP12/01132/SDC7 - MANOR FARM, ASHFORD ROAD, AND LAND WEST OF QUEEN MARY RESERVOIR, LALEHAM, SURREY [Item 10]**

**Officers:**

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

**Speakers:**

Denise Turner Stewart, the local Member, made the following points:

1. The local Member informed Members that the local residents were concerned with monitoring and asked that the data from the Annual Data review be made available to the Liaison Committee and residents, to allow confidence and assurance of the management process.

**Key points raised during the discussion:**

1. The Principal Planning Officer introduced the report and the update sheet tabled at the meeting. The Committee were informed that the application scheme primarily dealt with the ground water level

monitoring and ground water quality impacts. Annual monitoring reports to the County Council would also be made available to the Liaison Committee and the County Council website.

2. Members of the Committee queried why the monitoring report would be submitted annually and not more frequently and were informed that the site was seen as low risk due to its activity and it was seen as sufficient to submit the report annually, although there would be regularly monitoring throughout the year.
3. Members asked if the Environment Agency were happy with the proposed recommendation in which the Officer confirmed that they were satisfied with the proposal.

The resolution was unanimous

**Resolved:**

That application SP12/01132/SDC7 - Manor Farm, Ashford Road, and land west of Queen Mary Reservoir, Laleham, Surrey was permitted subject to conditions and reasons set out in the report.

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

None.

**137/16 MINERALS/WASTE SP12/01132/SCD5, SP12/01132/SCD8 AND SP12/01132/SCD6 - MANOR FARM, ASHFORD ROAD AND LAND WEST OF QUEEN MARY RESERVOIR, LALEHAM, SURREY [Item 11]**

[Michael Sydney left the meeting at 11:42am]

**Officers:**

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

**Speakers:**

Denise Turner Stewart, the local Member, made the following points:

1. The local Member requested that the Committee to defer the item pending the final view of Spelthorne Borough Council, who had not yet responded to the consultation on Condition 15 and that it was still premature. It was highlighted that this would be in the interest of safeguarding the local environment and to make sure that development did not prejudice highway safety or cause inconvenience to other highway users.

**Key points raised during the discussion:**

1. The Principal Planning Officer introduced the report and the update sheet tabled at the meeting. In response to the local Members comments the Officer explained that Spelthorne Borough Council were happy with the conditions for 12a and 38, and that Condition 15 was the only outstanding issue. The reason for this was because

Environmental Health Officer had raised concerns with the potential modification aspects of the Construction Management Plan in connection with the separate work streams in the construction works.

2. A Member raised a question referring to the addition of hibernation boxes on site in which the Officer confirmed that once suitable trees were identified then the mitigation strategy would be modified to include the hibernation boxes.
3. The Chairman stated that he believed that deferring the item would be counterintuitive as it was a implementation issue rather than a condition issue. It was suggested that a conversation was had with the Enforcement Team to ensure implementation.

The resolution was unanimous.

**Resolved:**

That application SP12/01132/SDC7, SP12/01132/SCD8 AND SP12/01132/SCD6 - Manor Farm, Ashford Road, and land west of Queen Mary Reservoir, Laleham, Surrey was permitted subject to conditions and reasons set out in the report.

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

None.

**138/16 DATE OF NEXT MEETING [Item 12]**

The date of the next meeting was noted.

Meeting closed at 12.20 pm

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**Chairman**



**UPDATE SHEET****SURREY COUNTY COUNCIL PROPOSAL RE16/00337/CON****DISTRICT(S)** REIGATE & BANSTEAD BOROUGH COUNCIL**Land at and adjoining Reigate Parish School, Blackborough Road, Reigate, Surrey****Erection of 2 storey building comprising 8 classrooms, hall, staff and group rooms, preparations area, WCs and library, associated circulation, play areas and landscaping; alterations to footpath access and car parking layout to facilitate expansion of school from a 2FE infant to a 2FE primary.***Amending Documents (Since report published)***Delete;**

Drawing 215195 GA101, rev. P4, Foul and surface water drainage dated 23/08/16, received 02/09/16.

**Add;**

Drawing 215195 GA101, rev. T4, Foul and surface water drainage layout dated 12/09/16, received 12/09/16.

Surface water drainage design calculations, v2 dated September 2016, received 12/09/16  
 SUDS run off report, 'Greenfield runoff estimation for sites', dated 07/09/16, received 12/09/16.  
 Revised ecological appraisal, received 20/09/16.  
 Bat assessment survey / Tree Climbing Survey/ Bat emergence surveys, received 20/09/16  
 Emails from ecological consultant date 19/09/16 and 20/09/16.

**CONSULTATIONS AND PUBLICITY*****Consultees (Statutory and Non-Statutory)*****para 13**

Local Lead Flood Authority; recommends conditions

**Para 16**

County Ecologist:                      Considers appropriate mitigation has been proposed to address potential harm to bats. Recommends conditions to secure proposed mitigation

**PLANNING CONSIDERATIONS****Para 29**

Of the other schools in the school planning area, Sandcross and Reigate Priory are both in the Green Belt, and therefore less suitable in principle since development on the scale needed at either of these sites would constitute inappropriate development in the Green Belt. There are

also multiple heritage constraints which apply to Reigate Priory. The additional places proposed at Reigate Parish are part of a package at sites in the Reigate school planning area – other expansions have already taken place at Holmesdale and Dovers Green

## Ecological Impacts

### Para 56 – add

The additional bat surveys carried out have examined in more detail the potential of the two trees T36 and T37 to be used as roosts by bats; a climbing survey carried out in August in which both trees were closely inspected for features which made them suitable as roosts and signs of actual occupation; and an emergence survey carried out on two dates in August and September 2016.

#### Climbing Survey

This found multiple features on both trees which could potentially support roosting sites, such as woodpecker holes, natural holes and cavities, loose bark or cracks and splits in limbs. It placed T36 in the highest category (of 4) in having multiple suitable features. T37 was placed in the second highest category. No physical signs of actual use of any of the identified features were detected, but evidence of use in the winter would not necessarily still be present in the following August.

#### Emergence surveys

These detected a low level of foraging activity in the area by up to 2 pipistrelles, but no emergence behaviour around either of the two trees.

The recommendation of the ecological appraisal in relation to bats is that six summer roost bat boxes and two hibernation boxes be provided as mitigation for the loss of a potential roost site and that their use be monitored as part of the school's curriculum. The possibility of re locating the trunk of T36 as a standing monolith retaining many of the features which contribute to its high roost potential has been discussed between the lead ecological consultant and the County Ecologist. However, given the lack of a location suitably remote from actively used parts of the site and the limited lifespan of such a mitigation before it decays and becomes potentially unsafe, it has been concluded this is not feasible. Log piles from the felled trees can however be retained in the part of the site which would remain with retained tree cover. A replacement oak and other native tree and shrub planting should also be carried out as part of the landscaping scheme for the site should be provided, and maintenance be carried out on these elements.

Officers have considered the potential impact on a European protected species in terms of a hierarchy of avoidance, mitigation and compensation.

Avoidance has been fully investigated and officers are satisfied that it is not achievable. The initial presumption in the design process was that T36 and T37 be retained because of their identified amenity value. That was reflected in the original design submitted for the new building. Consideration was only given to a design which required their removal when it became apparent that their retention could result in an unacceptable impact on daylight to the adjoining building.. The footprint of the building required has been minimised by making it two storey ( the existing school is mainly single storey), but even so the position of the two trees are relatively centrally located. As a result, their retention would push the building so close too to the site boundaries. The result would have unacceptable impacts on the grammar school building to the rear or the other equally large trees on the frontage which define the character and visual amenity of the site to a greater extent than T36 and T37.

A range of options for mitigation have been considered, including whether any further surveys need to be carried out to further reduce the possibility that the trees in question are actually used as roosts. Officers, in consultation with the County Ecologist, consider that the

recommended provisions set out above represent an appropriate set of mitigation measures which are proportionate to the identified harm caused by loss of a potential roost site. Sufficient steps have been taken to establish that actual use of the trees to be felled by bats does not take place, provided they are felled before the winter.

As appropriate mitigation has been identified, there is no need to consider compensation.

Officers consider that significant harm to biodiversity has therefore been avoided. The measures set out will ensure that the development complies with legislation relating to European protected species.

**RECOMMENDATION**

Amend wording of **condition 3**;

Delete 'along with additional single yellow line restrictions necessary to prevent all day parking on the eastern side of Crakell Road'  
Replace with ' but retaining the School Keep Clear Markings'

Amend wording of **condition 7**;

Delete 'condition 15 below'  
Replace with 'condition 8 below'

Amend wording of **condition 11**;

Delete: 'the development hereby permitted shall not be commenced.....'  
Replace with: 'no part of the drainage system for the site shall be constructed unless....'

**Add new conditions**

20 The development hereby permitted shall not be commenced unless the applicant has provided the County Planning Authority with written evidence that consent has been granted by Thames Water for the development's connection into and discharge rate to the surface water sewer system

21 No part of the drainage system for the site shall be constructed unless the following additional details have been submitted to and approved by the County Planning Authority;

- i.) A detailed development layout at an identified scale.
- ii.) A drainage layout detailing the exact location of SUDs elements, including finished floor levels
- iii.) details of all SuDS elements and other drainage features, including long and cross sections of attenuation tanks, pipe diameters including the details of the methods of flow control and respective levels and how these relate to submitted calculations

and the development shall thereafter be carried in full accordance with the details approved.

22 No part of the drainage system for the site shall be constructed unless details of how the Sustainable Drainage System will be protected and maintained during the construction of the development have been submitted to and approved by the County Planning Authority. The development shall thereafter be carried out in strict accordance with those approved details.

- 23 In carrying out the development hereby permitted, trees T36/37 identified in the Arboricultural Impact Statement submitted with the application shall be soft felled and the timber removed to log piles in an area of the site from which construction activities have been excluded in accordance with condition 15 above, under the supervision of a qualified ecologist. The landscape details submitted pursuant to condition 17 shall include provision for the retention of these log piles.
- 24 No later than three months from the date of this permission, a total of 6x summer roosting bat boxes ( type Schwegler 1FF) and 2 x hibernation bat boxes (type Schwegler 1FW) shall be mounted on retained trees within the site under the supervision of a qualified ecologist. The boxes , or similar replacements shall be maintained on the site for a minimum of 5 years.
- 25 The oak trees T36 and T 37 as identified on the tree survey plan shall not be felled during the period between 31 October in any one year and 30 April in the following year.

#### Add new reasons

- 20 To ensure that a satisfactory design is secured that adequately addresses the risk of flooding from surface water and does not pose a flood risk elsewhere pursuant to Policy CS10 of the Reigate and Banstead Core Strategy 2014. The SUDs drainage strategy for the site depends upon being able to discharge to the surface water sewer and it is therefore necessary for the strategy to be secured before the development commences.
- 21 To ensure that a satisfactory design is secured that meets national SuDs technical standards, adequately addresses the risk of flooding from surface water and does not pose a flood risk elsewhere pursuant to Policy CS10 of the Reigate and Banstead Core Strategy 2014.
- 22 To ensure that the construction works do not compromise the functioning of the approved Sustainable Drainage System pursuant to Policy CS10 of the Reigate and Banstead Core Strategy 2014.
- 23 To minimise harm to the biodiversity of the site pursuant to Policy CS2 of the Reigate and Banstead Core Strategy 2014 and Policy Pc2G of the Reigate and Banstead Borough Local Plan 2005.
- 24 To mitigate the loss of potential roost sites for bats in trees to be removed, pursuant to Policy CS2 of the Reigate and Banstead Core Strategy 2014 and Policy Pc2G of the Reigate and Banstead Borough Local Plan 2005.
- 25 To safeguard against the possibility of harm to bats pursuant to Policy CS2 of the Reigate and Banstead Core Strategy 2014 and Policy Pc2G of the Reigate and Banstead Borough Local Plan 2005.

#### Add informative

'The applicant is reminded that the indicative parking restrictions on Blackborough Road and Crakell Road to be provided before condition 3 can be satisfied must be subject to detailed design and the separate consultation and approval processes of the County Council under the arrangements for dealing with new parking restrictions under the statutory Traffic Regulation Order (TRO) process.'

**UPDATE SHEET****MINERALS/WASTE SP12/01132/SCD7****DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL**Manor Farm, Ashford Road, and land west of Queen Mary Reservoir, Laleham, Surrey****Details of a Groundwater Monitoring Plan submitted pursuant to Condition 32 of planning permission ref: SP/2012/01132 dated 23 October 2015.****Electoral Division**

Delete Ashford, Mrs Coleman  
Reason - this is an adjoining area.

**ILLUSTRATIVE MATERIAL**

Additional plan:

Plan 3 Site and Monitoring Locations (applicant plan Dwg No. 1 Manor Farm Groundwater Monitoring Plan Site and Monitoring Locations)

**CONSULTATIONS AND PUBLICITY**

One further representation has been received, making 10 in total.

***Additional key issues raised by public***

The resident expresses concerns about flooding and the development adding to it; that the monitoring would be undertaken by the applicant rather than an independent firm/person; and what happens if the applicant, Brett sell the business, close down or move away.

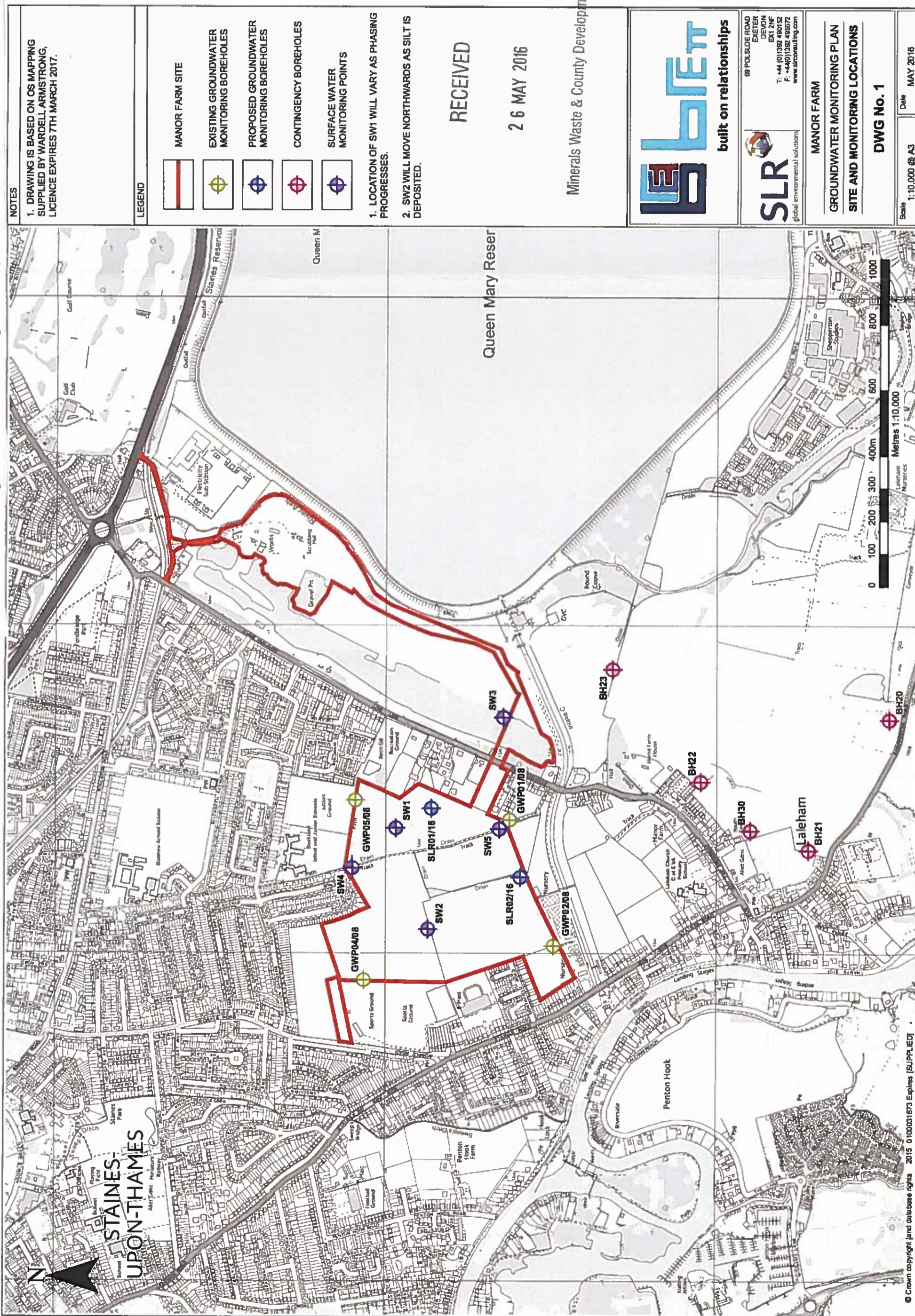
***Officer comment:***

Flooding – this addressed in paragraphs 23 and 24 of the report.

Monitoring and future responsibility – monitoring and what is covered in the submission is addressed in paragraphs 22 to 24 of the report. It is the responsibility of the operator (whether the applicant, Brett Aggregates or another company) to ensure that the development proceeds in accordance with the approved details and in compliance with the conditions imposed on the planning permission. Planning permissions run with the land so if the operator is not Brett Aggregates, in the event of failure to comply with the conditions the landowner (if different to the operator) would also be liable.

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NOTES

1. DRAWING IS BASED ON OS MAPPING SUPPLIED BY WARDELL ARMSTRONG. LICENCE EXPIRES 7TH MARCH 2017.

LEGEND

-  MANOR FARM SITE
-  EXISTING GROUNDWATER MONITORING BOREHOLES
-  PROPOSED GROUNDWATER MONITORING BOREHOLES
-  CONTINGENCY BOREHOLES
-  SURFACE WATER MONITORING POINTS

1. LOCATION OF SW1 WILL VARY AS PHASING PROGRESSES.  
 2. SW2 WILL MOVE NORTHWARDS AS SILT IS DEPOSITED.

RECEIVED

26 MAY 2016

Minerals Waste & County Development



**SLR**  
 built on relationships

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MANOR FARM  
 GROUNDWATER MONITORING PLAN  
 SITE AND MONITORING LOCATIONS  
 DWG No. 1

Scale: 1:10,000 @ A3  
 Date: MAY 2016

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**UPDATE SHEET****Application 1 - MINERALS/WASTE SP12/01132/SCD5****DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL**Land at Manor Farm, Ashford Road and land west of Queen Mary Reservoir, Laleham, Surrey****Details of measures to be taken and facilities to be provided to keep the public highway clean and prevent creation of a dangerous surface submitted pursuant to Condition 12(a), a Construction Management Plan submitted pursuant to Condition 15 and an updated bat survey and biodiversity mitigation strategy submitted pursuant to Condition 38 of planning permission ref: SP2012/01132 dated 23 October 2015.**

No updates on this application.

**Application 2 - MINERALS/WASTE SP12/01132/SCD8****DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL**Land at Manor Farm and Land west of Queen Mary Quarry, Ashford Road, Laleham, Surrey****Details of the design of the temporary Ashford Road access submitted pursuant to Condition 8 (a) and vegetation survey and tree and hedgerow protection plan submitted pursuant to Condition 47 of planning permission ref: SP2012/01132 dated 23 October 2015.****Application 3 - MINERALS/WASTE SP12/01132/SCD6****DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL**Land at Manor Farm, Ashford Road and Worple Road and land west of Queen Mary Reservoir, Laleham, Surrey****Details of the current and proposed design of the Worple Road access; tree and hedgerow removal, protection measures and replanting submitted pursuant to Condition 8(b)(i) of planning permission reference SP/2012/01132 dated 23 October 2015.****SUMMARY OF PLANNING ISSUES (pages 115 and 116)****Application 3**

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Highways, traffic and access	Yes	45 - 47, 73 – 76
Environment and amenity	Yes	45-47, 73 – 76

**Application (2) SP12/01132/SCD8 (Details for Conditions 8a and 47)****The proposal – Paragraph 17**

## Planning considerations - Paragraphs 66 and 67

The applicant has provided the following further clarification on the use of the application in connection with the construction works (access and tunnel under the Ashford Road) and use of the access during the extraction of minerals.

*“The access construction is likely to take up to 8 weeks and on days when lorry movements occur they are unlikely to exceed 10 per day except when the turning area is being constructed when they could be double that for 2 or 3 days.*

*The construction of the tunnel beneath the Ashford Road could take about 6 months and when excavation for the tunnel segments is being carried out up to 24 movements per day could occur. Vehicles would mainly be on the public highway rather than using the access. On other days when lorries are used about 10 movements might occur but, again, these would mainly be on the highway.*

*Once the entrance and tunnel are constructed the only use of the access would be in connection with soil stripping and replacement in Phase 1, the maintenance of the field conveyor and the supplies of fuel.*

*Soil stripping in Phase 1 is planned to occur twice. Four items of plant will be delivered, probably on one day and would leave 2/3 weeks later. Fuel tankers can be expected to visit twice during this time and visit fortnightly during the time when Phase 1 is being worked, scheduled to be less than a year.*

*Maintenance of the conveyor will only involve occasional lorry movements.”*

This clarification provides more information on the estimated duration for the different works and numbers of vehicles involved. The applicant would liaise with the residents either side of the access when the work is to commence.

## CONSULTATIONS AND PUBLICITY

### *District Council*

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

Paragraph 33 County Landscape Officer: Application 2 – No objection.  
Application 3 - No objection. Has no further landscape concerns as the revisions provide all the necessary amendments and additions to detail requested.

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

*Application (2) SP12/01132/SCD5 (Details for Conditions 8(a) and 47*

Paragraph 42 One additional representation has been received making the total 12.

The further representation raises issues relating to the traffic generated by the development and suitability of the road network to accommodate such traffic and the access off the Ashford Road which were matters assessed when the planning application was determined. They raise concern about the impact of the use of the access, duration of use and danger to other road users.

Officer comment: The purpose of the condition was to ensure the design of the revised access is suitable for use in connection with the development. The details have been assessed by the

County Highway Authority and no objection has been raised (see paragraphs 31 (2) and 58 to 67).

*Application (3) SP12/01132/SCD6 Details for Condition 8(b)(i)*

Paragraph 43 One additional representation has been received making the total 12. The further representation raises issues relating to the traffic generated by the development and suitability of the road network to accommodate such traffic and the access off Worple Road which were matters assessed when the planning application was determined. They raise concern about the impact of the use of the access and danger to other road users.

Officer comment: The purpose of the condition was to ensure the design of the revised access is suitable for use in connection with the development. The details have been assessed by the County Highway Authority and no objection has been raised (see paragraphs 31(3) and 73 to 75).

**RECOMMENDATION**

**2) APPLICATION SP12/01132/SCD8 (Details for Conditions 8a and 47)**

The recommendation is that the details submitted pursuant to Conditions 8 a and 47 of planning permission ref: SP/2012/01132 dated 23 October 2015 contained in application ref SP12/01132/SCD8 be **APPROVED**.

**3) APPLICATION SP12/01132/SCD6 Details for Condition 8(b)(i)**

The recommendation is that the details submitted pursuant to Condition 8(b)(i) of planning permission ref: SP/2012/01132 dated 23 October 2015 contained in application ref SP12/01132/SCD6 be **APPROVED**.

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**TO:** PLANNING & REGULATORY COMMITTEE

**DATE:** 9 November 2016

**BY:** PLANNING DEVELOPMENT TEAM MANAGER

**DISTRICT(S)** Spelthorne Borough Council

**ELECTORAL DIVISION(S):**

Laleham & Shepperton

Mr Walsh

Staines South & Ashford West

Ms Turner-Stewart

**PURPOSE:** FOR DECISION

**GRID REF:** 505413 169922

**TITLE:** Minerals/Waste SP12/01132/SCD3

### APPLICATION DETAILS

**Manor Farm, Ashford Road and land west of Queen Mary Reservoir, Laleham, Surrey  
Details of Dust Action Plan and dust monitoring programme submitted pursuant to  
Condition 24(a) of planning permission reference SP2012/01132 dated 23 October 2015.**

### SUMMARY REPORT

#### **Manor Farm, Ashford Road and land west of Queen Mary Reservoir, Laleham, Surrey**

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

The Manor Farm part of the land with planning permission is situated between Staines upon Thames to the north and Laleham to the south. The land uses immediately around the site include residential to the north, east and west, Buckland School to the north, sport and recreation (north, east and west) and public footpaths running to the north and through the centre of the site.

Planning permission ref SP2012/01132 was granted subject to planning conditions in October 2015 for the extraction of sand and gravel from land at Manor Farm, construction of a tunnel under the Ashford Road and a causeway across the lake at QMQ for the conveyor belt system, transport of the extracted mineral by conveyor to QMQ for processing in the existing processing plant, erection of a concrete batching plant and an aggregate bagging plant within the QMQ aggregate processing and stockpiling areas, restoration of the land at Manor Farm to landscaped lakes and a nature conservation afteruse. Some conditions require the submission and approval of more details on a range of matters; to date eight submissions have been made.

This report deals with details of a dust action plan (DAP) and dust monitoring programme submitted to comply with the requirements of condition 24(a) of the permission. The DAP sets out mitigation measures for minimising, controlling and monitoring potential dust emissions for the different activities which have the potential to generate dust; the arrangements for site management, monitoring and inspection of the dust management measures including dust complaint recording and handling; and quantitative dust monitoring involving installation of ten passive dust monitoring stations.

Objections have been received and concerns raised by local residents relating to various matters relevant to the application. These are set out and considered in the report. The final views of Spelthorne Borough Council and the County Air Quality Consultant are awaited on the latest revisions to the submission which address outstanding issues raised by officers and the County Air Quality Consultant.

Having assessed the submissions and considered the views from residents and statutory consultees, subject to the consideration of the views of Spelthorne Borough Council and the County Air Quality Consultant on the latest version of the submission Officers consider the DAP and monitoring scheme submitted by the applicant pursuant to condition 24(a) meets the requirements of the condition and is acceptable and complies with the relevant development policies as listed in the report such that the details submitted pursuant this condition can be approved.

The recommendation is to **APPROVE** the submitted details.

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## APPLICATION DETAILS

### Applicant

Brett Aggregates Ltd

### Date application valid

5 April 2016

### Period for Determination

31 May 2016

### Amending Documents

Dust Action Plan (004) October 2016, Annex 1 DAP and Drawing No. DAP1 RevB Dated March 2012 (revised 10/10/16) Dust Sensitive Receptors and Proposed Dust Monitoring Locations and Wind Sock Locations.

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## SUMMARY OF PLANNING ISSUES

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

	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	36 – 48

---

## ILLUSTRATIVE MATERIAL

### Site Plan

Plan 1 Location Plan

Plan 2 Extraction phases, site compound, conveyor tunnel and causeway (annotated applicant SP2012/01132 drawing no. EIA9.8 Rev B March 2012)

Plan 3 – Dust Sensitive Receptors and Proposed Dust Monitoring Locations and Wind Sock Locations (applicant drawing DAP1 Rev B)

## Aerial Photographs

Aerial 1  
Aerial 2

## Site Photographs

None

## BACKGROUND

### Site Description

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

### Planning History

- 4 Planning permission ref SP2012/01132 was granted subject to 48 planning conditions on 23 October 2015 for the:  
*“Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after-use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.”*
- 5 The permission is subject to s106 legal agreement (dated 14 October 2015) relating to long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273 and SP07/1275 at the QMQ site to no more than 300 HGV movements (150 two way HGV movements) on any working day.
- 6 The land at Manor Farm is to be worked and restored in four phases, see Plan 2. Phase 1 lies to the east of public right of way (footpath 30) which runs approximately north to south through the site. Phases 2 to 4 lie to the west of the footpath. All mineral extracted



from the site will be transported by conveyor belt to the Queen Mary Quarry (QMQ) processing plant. Processed mineral will leave QMQ via the quarry access onto the A308 (Kingston Road).

- 7 The route of the conveyor to be used to transport sand and gravel extracted at Manor Farm to the existing Queen Mary Quarry (QMQ) processing plant runs across the land at Manor Farm to the Ashford Road and in a tunnel under the Ashford Road. Within the QMQ site the conveyor route would cross the existing lake on a causeway and then run northwards towards the processing plant site following the existing access track. In the southern part of the QMQ site this follows the route permitted under SP13/01003 (which granted planning permission for a partial realignment of the conveyor route from that originally applied for in the SP2012/01132 application). Vehicle access to the land at Manor Farm will be via two accesses, one off Worple Road and one off the Ashford Road. There will be no HGV traffic transporting mineral extracted at Manor Farm using the Worple Road or Ashford Road access.
- 8 Some of the planning conditions require details to be submitted to and approved in writing by Surrey County Council as the County Planning Authority prior to the development commencing. The applicant, Brett Aggregates Limited, is now in the process of seeking approval of the details required by planning conditions imposed on the SP2012/01132 planning permission.
- 9 As well as this application seven other applications, listed below, have been made seeking approval of details pursuant to conditions on a range of matters (some applications deal with more than one planning condition).

Application reference	Proposal
SP12/01132/SCD1 Approved 11 October 2016	Details of noise barriers for the conveyor switch points submitted pursuant to Conditions 22 and a Bird Hazard Management Plan submitted pursuant to Condition 36 of planning permission ref: SP2012/01132 dated 23 October 2015.
SP12/01132/SCD5 Approved 7 October 2016	Details of measures to be taken and facilities to be provided to keep the public highway clean and prevent creation of a dangerous surface submitted pursuant to Condition 12(a), a Construction Management Plan submitted pursuant to Condition 15 and an updated bat survey and biodiversity mitigation strategy submitted pursuant to Condition 38 of planning permission reference SP2012/01132 dated 23 October 2015.
SP12/01132/SCD6 Approved 7 October 2016	Details of the current and proposed design of the Worple Road access; tree and hedgerow removal, protection measures and replanting submitted pursuant to Condition 8(b)(i) of planning permission reference SP/2012/01132 dated 23 October 2015.
SP12/01132/SCD7 Approved 11 October 2016	Details of a Groundwater Monitoring Plan submitted pursuant to Condition 32 of planning permission ref: SP2012/01132 dated 23/10/2015.
SP12/01132/SCD8 Approved 7 October 2016	Details of the design of the temporary Ashford Road access submitted pursuant to Condition 8 (a) and vegetation survey and tree and hedgerow protection plan submitted pursuant to Condition 47 of planning permission ref: SP2012/01132 dated 23 October 2015.
SP12/01132/SCD2 Approved 10 August 2016	Details of archaeology submitted pursuant to Condition 35 of planning permission ref: SP/2012/01132 dated 23 October 2015.
SP12/01132/SCD4	Details of a scheme to ensure that the causeway does not



Application reference	Proposal
Approved 10 August 2016	form a barrier on the flood plain submitted pursuant to Condition 28 of planning permission reference SP2012/01132 dated 23 October 2015.

- 10 The whole of Spelthorne Borough is designated as an Air Quality Management Area (AQMA) due to levels of nitrogen dioxide, mainly attributable to road traffic and Heathrow Airport. The AQMA does not apply to PM<sub>10</sub> particulate matter. Air quality from existing mineral workings and landfill sites in the borough are not identified as a source of emissions and concern in terms of air quality.
- 11 Dust impacts from mineral workings are a source of concern to surrounding communities and SMP2011 Core Strategy DPD Policy MC14 requires sufficient information to be submitted in planning applications to enable the authority to be satisfied that there would be no significant adverse dust impacts.
- 12 Dust is a generic term used to describe particulate matter of different sizes, shapes and compositions in the size range 1–75 µm (micrometres) in diameter. Small particles that are less than or equal to (≤) 10 µm in diameter are commonly referred as PM<sub>10</sub>. There are two issues concerning airborne dust from surface mineral workings: the impact upon residential amenity by causing a nuisance; and the impact upon health. Small particles (PM<sub>10</sub>) are associated with effects on human health and only make up a small proportion of the dust emitted from most mineral workings. These are deposited slowly and may travel 1000m or more from the source but their concentration will decrease rapidly on moving away from the source due to dispersion and dilution. Larger particles (greater than 30µm (µ = microgram)) make up the greatest proportion of dust emitted from mineral workings, including sand and gravel sites, and will largely deposit within 100m of sources, with intermediate particles (10 - 30µm) being likely to travel up to 200-500m. Large and intermediate particles are often referred to as *nuisance dust*.
- 13 The air quality implications of the development proposed at Manor Farm and Queen Mary Quarry in application SP/2012/01132 were assessed in the planning application and accompanying Environmental Statement. In consultation with the County Air Quality Consultant consideration of air quality impacts arising from traffic was scoped out of the matters to be assessed in connection with the proposal as mineral would be taken to the QMQ for processing and the HGV traffic generated by the export of mineral extracted at Manor Farm (in bulk, as concrete or bagged aggregates) would be replacing HGV traffic exporting mineral excavated from within the reservoir and all HGV movements would remain within the limit set by the extant planning permissions at the QMQ site. Therefore there was no need for an air quality assessment of particulates from traffic from the proposal and the assessment concentrated on potential impact from dust.
- 14 The ES submitted with the SP2012/01132 planning application assessed the health and nuisance dust implications of the proposal on air quality standards and dust sensitive receptors (residential properties and Buckland and Laleham Schools) within 1000 metres/1 km of the site. The assessment followed guidance in Technical Guidance to the National Planning Policy Framework (NPPF) which was current at the time<sup>1</sup>.
- 15 The ES concluded that although there were large numbers of dust sensitive receptors within 1km of the site, based on the prevailing PM<sub>10</sub> Air Quality in Spelthorne borough, there was no real likelihood of the current PM<sub>10</sub> Air Quality Objective being exceeded in which case further assessment work was not required in relation to PM<sub>10</sub>. The assessment concluded there would be no adverse health impacts on health from any increases in PM<sub>10</sub> arising from the development. The ES identified the main potential

<sup>1</sup> [2012 Technical Guidance to the NPPF](#) (see paragraphs 23 to 27) which was withdrawn in March 2014 and replaced by the national [Planning Practice Guidance](#) (see paragraphs 13 and 23 to 29)

sources of airborne dust associated with the different elements of the proposed development (site preparation, mineral extraction and transport to the processing plant, mineral processing and restoration).

- 16 A 100 metre stand-off would be maintained between the limit of extraction and residential properties and the Buckland School, though there would be activity associated with construction and removal of soil bunds and restoration works within the 100 metres standoff. The risk of dust impacts at the identified dust sensitive receptors was considered and the assessment concluded that with the implementation of dust control and mitigation measures appropriate for the potential sources of airborne dust there would be insignificant dust impacts on properties and local schools. The application proposed adoption and implementation of the mitigation measures.
- 17 The County Air Quality Consultant reviewed the applicant's dust assessment study and considered it had covered all of the areas recommended in the NPPF Technical Guidance and the consultant was in broad agreement with the findings of the assessment. In line with the NPPF which states that any unavoidable dust and particle emissions should be controlled, mitigated or removed at source, the consultant advised that, if implemented, the proposed control and mitigation measures (by means of design/layout, management, equipment and other controls) were likely to give a good level of control and avoid significant adverse impacts and that the control and mitigation measures could be secured by planning condition.
- 18 The consultant recommended imposition of condition(s) requiring the implementation of a Dust Action Plan (DAP) (a documented site specific operational plan to prevent or minimise the release of dust from the site) and a Dust Monitoring Plan (DMP) providing for a programme of ongoing dust monitoring to validate the outcome of the dust assessment study and check on the continuing effectiveness of the proposed control and mitigation measures. Details of both the DAP and DMP would need to be submitted to the County Planning Authority for approval.
- 19 Officers were satisfied that an appropriate dust assessment study had been undertaken and sufficient information provided with the planning application to assess the dust implications of the proposed development. A phased programme of working and restoration was proposed with at least a 100m standoff/unworked margin between the extraction residential properties and Buckland School. This distance, together with the dust control and mitigation measures proposed was considered appropriate to ensure there would be no significant adverse impact from nuisance dust on nearby sensitive receptors, or health from suspended dust. As such Officers considered the proposed mineral extraction at Manor Farm was consistent with the aims and objective of national policy and guidance and relevant development plan policy relating to dust and recommended imposition of conditions as recommended by the Air Quality Consultant.

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## THE PROPOSAL

- 20 Condition 24 and the reason for the condition read as follows:

*a) Prior to the commencement of development a Dust Action Plan (documented site specific operational plan to prevent or minimise the release of dust from the site) (DAP); and a programme of ongoing dust monitoring to validate the outcome of the assessment and to check on the continuing effectiveness of control/mitigation measures, shall be submitted to and approved in writing by the County Planning Authority.*

*b) The dust control and mitigation measures set out in the planning application (including paragraphs 7.23, 7.149 and Table 7.12 of the Planning Supporting Statement and Chapter 12 of the Environmental Statement) shall be implemented and the Dust Action Plan and monitoring scheme approved pursuant to Condition 24*

(a) shall be implemented as approved throughout the duration of the development.

*Reason*

*To enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with: Strategic Policy SP6 and Policy EN3 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009 and Policy MC14 of the Surrey Minerals Plan 2011.*

21 Details of a Dust Action Plan (DAP) and dust monitoring programme have been submitted pursuant to Condition 24(a). The DAP and monitoring programme identifies the closest dust sensitive receptors to the Manor Farm development (residential properties on Northfield Road, Worple Road, Pavilion Gardens, Brightside Avenue, Abbot Close, Greenway Drive and Ashford Road and Buckland County Infant and Primary School and Laleham Church of England School) and potential dust sources from the different activities which would be undertaken at the site:

- Soil stripping, soil storage bund construction, removal and restoration;
- Mineral extraction and loading of the field hopper (for loading sand and gravel onto the conveyor belt);
- Conveyance of mineral to QMQ by conveyor belt;
- Vehicle/plant movements on unsurfaced roads;
- Vehicle/plant movements on surfaced roads;
- The handling of bulk cement at the batching plant at QMQ; and
- Vehicle/plant movements on the plant site at QMQ.

22 The application states that the measures for minimising, controlling and monitoring potential dust emissions are based on the principle of preventing dust generation through:

- Good site and process design. This includes use of standoff zones, extracting the mineral wet and transporting it on the conveyors when wet and construction of bunds to disrupt dust emission pathways.
- Good operating and management practices to avoid dust emissions. These include having staff with designated responsibilities (for the quarry manager, site supervisor and site operatives), operator training and competence, onsite traffic management (e.g. dampening down of road surfaces and speed limits of 10 miles per hour (mph) on unmade roads and surfaces at Manor Farm and 15mph at QMQ), site monitoring and inspection and the recording and investigation of complaints.
- Provision and use of appropriate dust abatement measures. These include use of water sprays and road sweepers.

The DAP sets out mitigation measures to be taken as baseline measures and additional measures to be taken where necessary for minimising, controlling and monitoring potential dust emissions for each activity; the arrangements for site management, monitoring and inspection of the dust management measures including dust complaint recording and handling; and quantitative dust monitoring involving installation of ten passive dust monitoring stations which would be positioned at the site boundary in locations between the extraction operations and the sensitive receptors, see Plan 3.

23 The monitoring would involve daily inspections and ongoing visual dust monitoring and use actual and forecast weather conditions such as wind direction and moisture levels. Two windsocks would be placed on site, see proposed locations on Plan 3. The passive dust monitoring stations (for quantitative dust monitoring) would have Frisbee type dust gauges (which measure the amount of dust deposited) and directional adhesive strips (which enable the direction of the source of dust to be identified). Monitoring using the Frisbee type dust gauges would be carried out in advance of operations commencing to

provide a baseline for comparison with the operational phase. The advance monitoring would be undertaken for six months, three months in winter and three months in summer preceding the commencement of operations in the relevant phase, see Plan 2 for the phases. Monitoring at the different locations would be phased according to where mineral is being extracted, see table below (source: Table 3 from the October 2016 Dust Action Plan).

<b>Monitoring Locations Operational During Each Phase of Operations</b>		
<b>Monitoring Location</b>	<b>Area 1 (i.e. Application Phase 1, as per the planning application)</b>	<b>Area 2 (i.e. Application Phases 2- 4, as per the planning application)</b>
D1	√	√
D2	√	√
D3	√	√
D4		√
D5	√	√
D6	√	
D7	√	
D8	√	
D9	√	
D10	√	√

- 24 The submission identifies trigger criteria from the weather conditions and ongoing visual dust monitoring to determine whether further dust suppression measures are required or operations suspended. The quantitative dust monitoring results would be assessed and assessment criteria used to determine dust action levels which would trigger increased dust mitigation measures being taken. The submission proposes using the following provisional criteria in accordance with the Environment Agency Technical Guidance Note (Monitoring) M17 Monitoring Particulate Matter in Ambient Air around Waste Facilities Version 2 July 2013:

- Deposited dust (Frisbee dust gauges) – 200mg/m<sup>2</sup>/day, averaged over a four week period; and
- Surface soiling (directional adhesive strips) – 0.5% Effective Area Coverage (EAC)/day, averaged over a four week period.

The provisional criteria would be reviewed and may be revised depending on the result of the baseline monitoring undertaken at the site to set site specific dust action levels.

- 25 The results of the monitoring and resulting actions would be held by the quarry manager and retained on site for inspection by the county council and other appropriate regulatory authorities (such as Spelthorne Environmental Health). Complaints received by the operator (either direct to the site or via regulators) about dust nuisance would be recorded on a Group Incident Reporting Form (GIRF) in line with the company Integrated Management System (IMS)<sup>2</sup> procedures, necessary actions taken and recorded and complainants informed of the outcome. The DAP would form part of the site management documentation and reviewed and updated during the life of the site if required following significant changes to the site design or operational practices; investigation of complaints or assessment of monitoring results leading to changes to dust control measures or the ongoing monitoring regime, or requests from the county council for the DAP to be updated.

<sup>2</sup> The applicant advises that the activities at Manor Farm and Queen Mary Quarry would be managed and operated in accordance with the Brett Aggregates Limited company IMS known as QHEST (Quality, Health, Environment, Safety together) which combines the requirements for quality, occupational health, environment and safety into one comprehensive set of procedures.

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## CONSULTATIONS AND PUBLICITY

### District Council

- 26 Spelthorne Borough Council - Planning: Views awaited. [Officer Note: The Planning Officer had forwarded the initial views from Environmental Health Officer (EHO) which led to the submission being amended in July. The EHO provided comments on the July submission and advised that it had taken account of their original concerns. The EHO comment that the concrete batching plant requires an Environmental Permit (EP) from the borough council and that the mitigation measures for handling of bulk cement would be controlled through the EP and subject to assessment of Best Available Techniques at the time an EP application is made. For the concrete batching plant limits and controls on emissions and dust through the EP would take precedence over the Condition 24(a) DAP and monitoring programme. The borough council have been consulted on the latest version of the submission (October 2016) and views are awaited, deadline for receipt 3 November.]

### Consultees (Statutory and Non-Statutory)

- 27 County Air Quality Consultant: Final views awaited. [Officer Note: The consultant provided advice and made a number of recommendations about the proposal. Most of their points had been addressed in the July 2016 submission and the remaining points are now addressed in the October 2016 version on which their further views are awaited, deadline for receipt 3 November.]

### Parish/Town Council and Amenity Groups

- 28 Clag2: No views received.
- 29 Laleham Residents' Association: No views received.
- 30 Manor Farm Residents Association: No views received.
- 31 Spelthorne Natural History Society: No views received.

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

- 32 The application was publicised by the posting of nine site notices and a total of 281 of people who had made comments on the SP2012/01132 planning application were directly notified by letter To date written representations have been received from 15 members of the public, with the many of the respondents stating their continued objection to the development permitted by SP2012/01132.
- 33 Issues raised relating to dust and the submission are concerns about the impact of the dust from the development and concerns that it will increase air pollution in the area and impact on health of residents, in particular children and the elderly; queries about how far dust will travel and impact by deposition at properties, the proposed monitoring (how can you do advance monitoring when no activity is taking place, will there be monitoring of background/baseline levels, will it assess against government limits (where they exist), how will the monitoring be done and who will do it? Should the monitoring be independent rather than be done by the site management/operator?); access to monitoring information , what are the enforcement powers if excessive dust is found to be occurring, and how often are enforcement notices used?
- 34 Officer comment: The other points raised include objection to the development permitted under ref SP2012/01132 and details submitted relating to the other seven applications for approval of details (see paragraph 9 and table above). These matters include traffic



and access (to the Ashford Road and Worple Road), use of the accesses, vehicle movements; impact of HGVs on road infrastructure; arrangements for inspections by Surrey Highways and reporting arrangements and repair of potholes and damaged road surfaces by Surrey Highways, hours of operation; noise; flood risk; archaeology; impact on trees and hedgerows; impact on wildlife and visual impact.

- 35 These matters were all assessed and considered in the officer report on the planning application see Item 7 of the [2 September 2015 Planning and Regulatory Committee Agenda](#) and those relevant to the details pursuant applications considered in the officer reports on the applications which were reported to the 3 August and 28 September 2016 meetings of the Planning and Regulatory Committee ([3 August 2016 Agenda](#), [28 September 2016 Agenda](#)). None of the other points raised are considered to be relevant to and impact on the County Planning Authority's determination of this application.

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## PLANNING CONSIDERATIONS

### Introduction

- 36 The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
- 37 In this case the statutory development plan for consideration of the application consists of the Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD) and Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SBCS&P DPD 2009).
- 38 The application has been submitted to comply with the requirements of Condition 24(a) (see paragraph 20 above) which was imposed to secure the proposed control and mitigation measures and implementation of a DAP and DMP (see paragraphs 15 to 19 above). In considering the application the acceptability of the proposal will be assessed against relevant development plan policies and material considerations. It will be necessary to determine whether the proposed action plan and monitoring programme for mitigating the impact of dust associated with the development are appropriate and satisfactory.

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

Policy MC14 Reducing the adverse impacts of mineral development

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

Strategic Policy SP6 Maintaining and Improving the Environment

Policy EN3 Air Quality

- 39 SMP 2011 Core Strategy DPD Policy MC14 states that proposals for mineral working will only be permitted where a need has been demonstrated and sufficient information has been submitted to enable the authority to be satisfied that there would be no significant adverse impacts arising from the development and sets out matters to be addressed in planning applications, including:
- adverse effects on neighbouring amenity including noise, dust and transport impacts.
- 40 SB Core Strategy and Policies DPD 2009 Strategic Policy SP6 Maintaining and Improving the Environment seeks to maintain and improve the quality of the environment (including air quality) of the borough. Policy EN3 of the plan states the borough council aims to improve air quality and minimise harm from poor air quality by refusing

development where adverse effects on air quality are of a significant scale, and are not outweighed by other important considerations or effects, and cannot be appropriately or effectively mitigated.

- 41 As set out in paragraph 26 above the Spelthorne Borough Council Environmental Health Officer (EHO) was satisfied with the July 2016 version of the scheme and their views are being sought on the latest version (October 2016). The latest changes clarify the dust monitoring regime (timing and duration of monitoring at the different points) and use of the baseline monitoring information for setting levels for action requested by officers and the County Air Quality Consultant. Officers are not anticipating a change in view of the borough council EHO.
- 42 The County Air Quality Consultant has reviewed the application and benchmarked the original (March 2016) and revised (July 2016) submission against the Institute of Air Quality Management (IAQM) 2016 "*Guidance on the Assessment of Mineral Dust Impacts for Planning*". The final views of the Air Quality Consultant on the October 2016 submission are awaited (see paragraph 27 above).
- 43 The submission provides for quantitative dust monitoring to be undertaken in advance of the commencement of operations on the different phases of the development. The purpose of this is to establish what the existing background levels of dust are in the environment at the site before the operations commence and during the development before the next phase commences. This information would provide a baseline for comparison with the operational phase and as referred to in paragraph 24 above may be used to establish a site specific dust assessment level rather than applying the 200mg/m<sup>2</sup>/day averaged over a 4 week period custom and practice guideline for deposited dust on Frisbee gauges to determine action trigger levels. Monitoring would continue during operations, see paragraph 23 and table above.
- 44 County Air Quality Consultant does not agree with the position of deposition gauges to measure dust fall at the site boundary of development site and recommended these should be used, where practicable, in a location closer to where dust impacts are likely to cause a concern, such as at or close to the receptors. They consider siting on the site boundary should be a last resort option and recommended the applicant explore off site locations and demonstrate best endeavours had been used to locate the deposition gauges at sensitive receptors. The applicant considers the use of off site locations is not ideal given the need to obtain the agreement of homeowners/landowners for the equipment to be sited on their premises, arranging regular access to the monitoring equipment and the potential for interference (intentional or otherwise) for example by pets or children.
- 45 Officers note the proposed locations for the deposition gauges for the development at Manor Farm are, in the main, close to the planning permission site boundary or boundary of applicant controlled land with sensitive receptors in downwind locations, see Plan 3. Given the proximity of the property boundaries of the sensitive receptors to the proposed locations for siting the monitoring equipment Officers consider the locations proposed by the applicant appropriate in this case, and it is not necessary for further investigation on the part of the applicant to site the equipment on third party land.
- 46 As set out in paragraph 33 above residents have raised concerns and queries about the impact of dust and the proposed monitoring. Paragraphs 11 to 19 above outline how the potential impact of the development in terms of air quality and dust was assessed as part of the consideration of the planning application and led to imposition of Condition 24 to secure the implementation of a DAP and DMP the subject of this application.
- 47 The responsibility for undertaking the quantitative dust monitoring and monitoring as part of the site management and implementation and review of the dust control and mitigation measures to comply with the planning condition lies with the applicant/site operator. The

monitoring data would be held by the applicant. As referred to in paragraph 25 above the applicant proposes making available monitoring information for inspection by the county council or other regulatory authorities. Officers consider it would be appropriate for six monthly monitoring reports to be submitted to the county council for information. Any monitoring reports provided to Surrey County Council would be available to view at the offices of the county planning authority (and on the SP12/01132/SDC3 application record on the Surrey County Council online planning register if made available to view online). In addition the submission refers to the applicant's intention to adopt proactive measures to raise awareness of activities being undertaken at the site. These may include the establishment of a liaison group, open days for visitors; and visits by schools or other groups.

- 48 The site would be monitored by Surrey County Council's Planning Enforcement Team as part of the ongoing regular monitoring of mineral sites to monitor progress and compliance with the terms of the planning permission, with additional visits where appropriate in response to complaints/queries received. Complaints about dust received by the Enforcement Team would be investigated. In the event of failure to comply with a planning condition and where no acceptable remedy is proposed and implemented by the operator of a mineral site formal action<sup>3</sup> may be taken. In most instances where a failure to comply with planning conditions in connection with mineral development occurs the breach is remedied without the need for formal action.

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## HUMAN RIGHTS IMPLICATIONS

- 49 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.
- 50 The proposal involves the approval of details of pursuant to Condition 24(a) of planning permission ref SP2012/0132 dated 23 October 2015. It is the Officer's view that the matter covered by the submission and implementation does not give rise to any potential impacts and therefore would not engage Article 8 of Article 1 of Protocol 1. As such these details are not considered to interfere with any Convention right.

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## CONCLUSION

- 51 Subject to the consideration of the views of Spelthorne Borough Council and the County Air Quality Consultant on the latest version of the DAP and DMP Officers consider the scheme submitted by the applicant pursuant to Condition 24(a) meets the requirements of the condition and is acceptable and complies with the relevant development policies as listed above such that the details submitted pursuant this condition can be approved subject to the imposition of planning conditions relating to setting of dust action levels and submission of monitoring reports.

## RECOMMENDATION

The recommendation is that the details of Dust Action Plan and dust monitoring programme submitted pursuant to Condition 24(a) contained in application ref SP12/01132/SCD3 be **APPROVED** subject to the following conditions and informative.

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<sup>3</sup> [Information on planning enforcement and dealing with complaints about mineral and waste sites in Surrey.](#)



## Conditions

- 1 Prior to the commencement of soil stripping in Phase 1 and subsequent phases 2 to 4, the results of the baseline monitoring information and confirmation of the dust action level assessment criteria to be used (derived from baseline monitoring or custom and practice levels as referred to in Section 6.2 paragraph 6.2.1 of the Dust Action Plan (October 2016) hereby approved), in connection with the monitoring during that operational phase shall be provided to the County Planning Authority.

### Submission of monitoring reports

2. Six monthly monitoring reports prepared in accordance Chapter 8 of the Environment Agency Technical Guidance Note (Monitoring) M17 as referred to in Section 6 (paragraph 6.2.3) of the Dust Action Plan (October 2016) hereby approved, shall be submitted to the County Planning Authority for the duration of the mineral extraction and restoration at Manor Farm.

### Reasons:

- 1 & 2 To enable the effectiveness of the dust control and mitigation measures and monitoring of the site as required by Condition 24 and any modifications to the approved Dust Action Plan and monitoring programme to be provided to the County Planning Authority in order to maintain planning control over the operations and minimise the impact of the development on the amenities of the local area in accordance with Policy EN3 of the Spelthorne Borough Council Core Strategy and Policies Development Plan Document February 2009 and Policy MC14 of the Surrey Minerals Plan 2011.

### Informative

1. The developer/site operator is requested to send to the secretary of the site liaison committee for the Manor Farm and Queen Mary Quarry site (when established and operational), for information purposes, any reports prepared and submitted to the county planning authority in accordance with the scheme approved pursuant to Condition 24(a) (and subsequent amendments to the schemes); and results of any additional monitoring undertaken to ensure/check compliance with the planning conditions.

---

### CONTACT

Susan Waters

#### TEL. NO.

020 8541 9227

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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](#)

[Planning Practice Guidance](#)

#### The Development Plan

[Surrey Minerals Plan Core Strategy Development Plan Document \(DPD\) 2011](#)

[Surrey Minerals Plan Primary Aggregates DPD 2011](#)

[Spelthorne Borough Council Core Strategy and Policies DPD February 2009](#)

#### Other Documents

-- The deposited application documents and plans and Environmental Statement including those amending or clarifying the proposal, responses to consultations and representations received on the application included in the application file for application ref SP2012/01132.

- The officer report and annexes to the 2 September 2015 Planning and Regulatory Committee (Item 7) for application ref SP2012/01132 ([2 September 2015 Planning and Regulatory Committee Agenda](#))
  - [Environment Agency Technical Guidance Note \(Monitoring\) M17 Monitoring Particulate Matter in Ambient Air around Waste Facilities Version 2 July 2013](#)
  - [IAQM \(2016\) Guidance on the Assessment of Mineral Dust Impacts for Planning](#). Institute of Air Quality Management, London.
-



## 2012-13 Aerial Photos

# Aerial 1 : Manor Farm and Queen Mary Quarry (QMQ)



Page 33





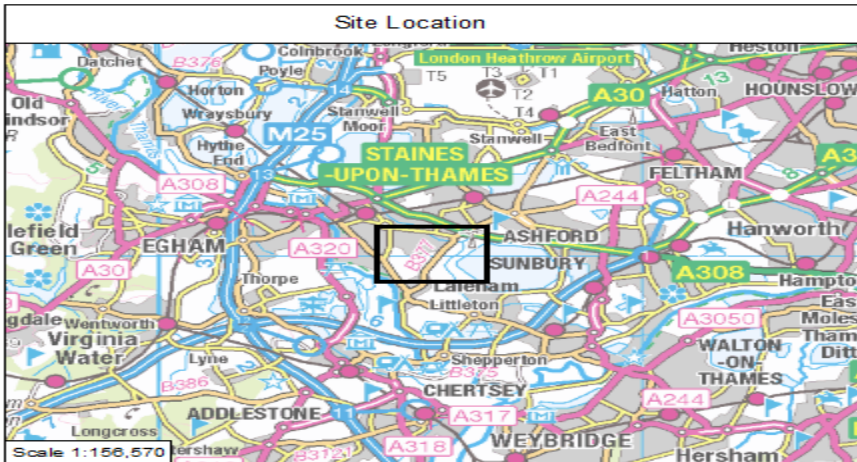
# 2012-13 Aerial Photos

## Aerial 2 : Manor Farm and Queen Mary Quarry (QMQ)



Page 34





**Manor Farm, Ashford Road and land west of Queen Mary Reservoir, Laleham, Surrey**

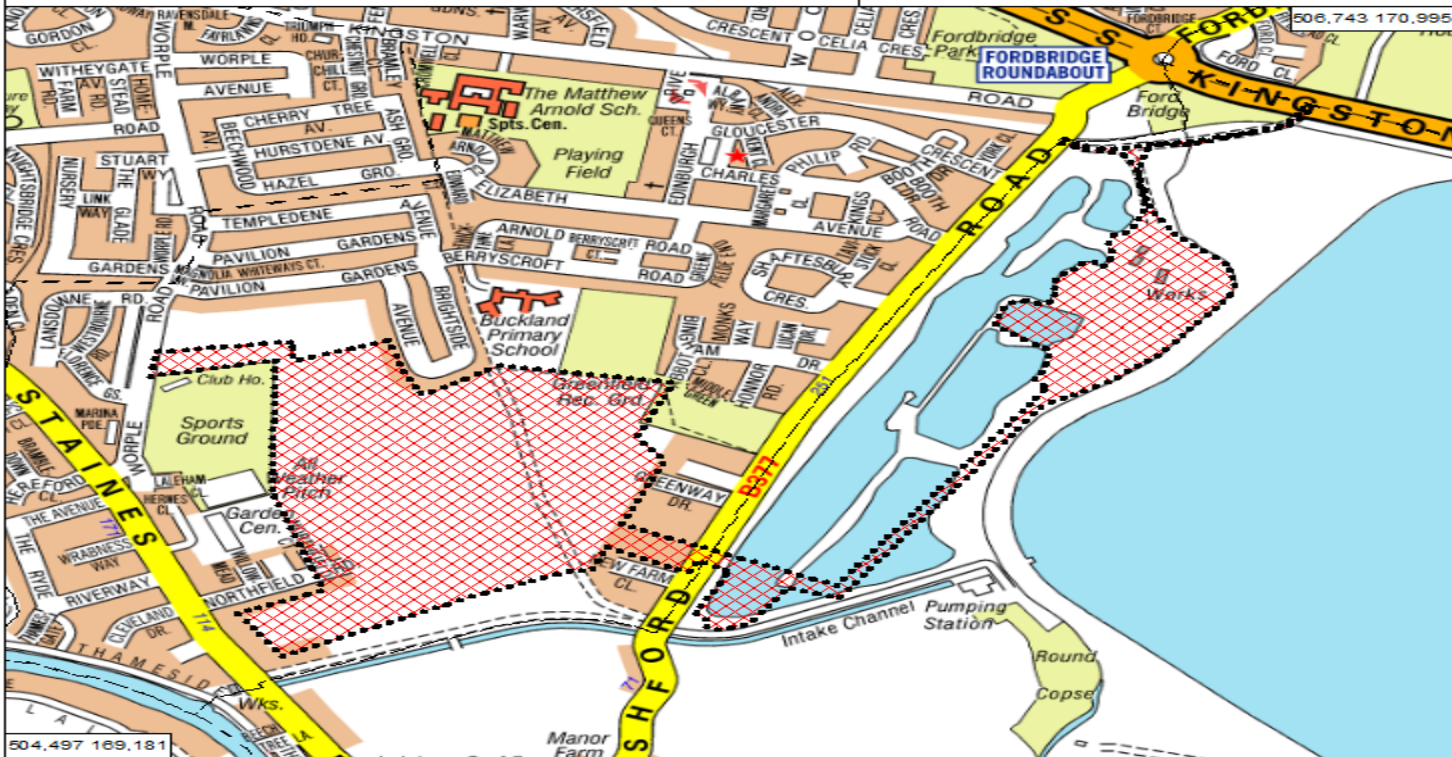
Details of Dust Action Plan and dust monitoring programme submitted pursuant to Condition 24(a) of planning permission reference SP2012/01132 dated 23rd October 2015

Application No: SP12/01132/SCD3

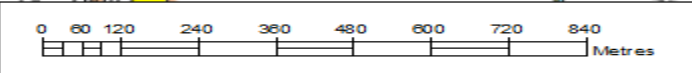
Electoral Division (s): Laleham & Shepperton, 42785

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This plan is for indicative purposes only



Ref No: SCC REF 2016/0059  
Date printed: 15/09/2016

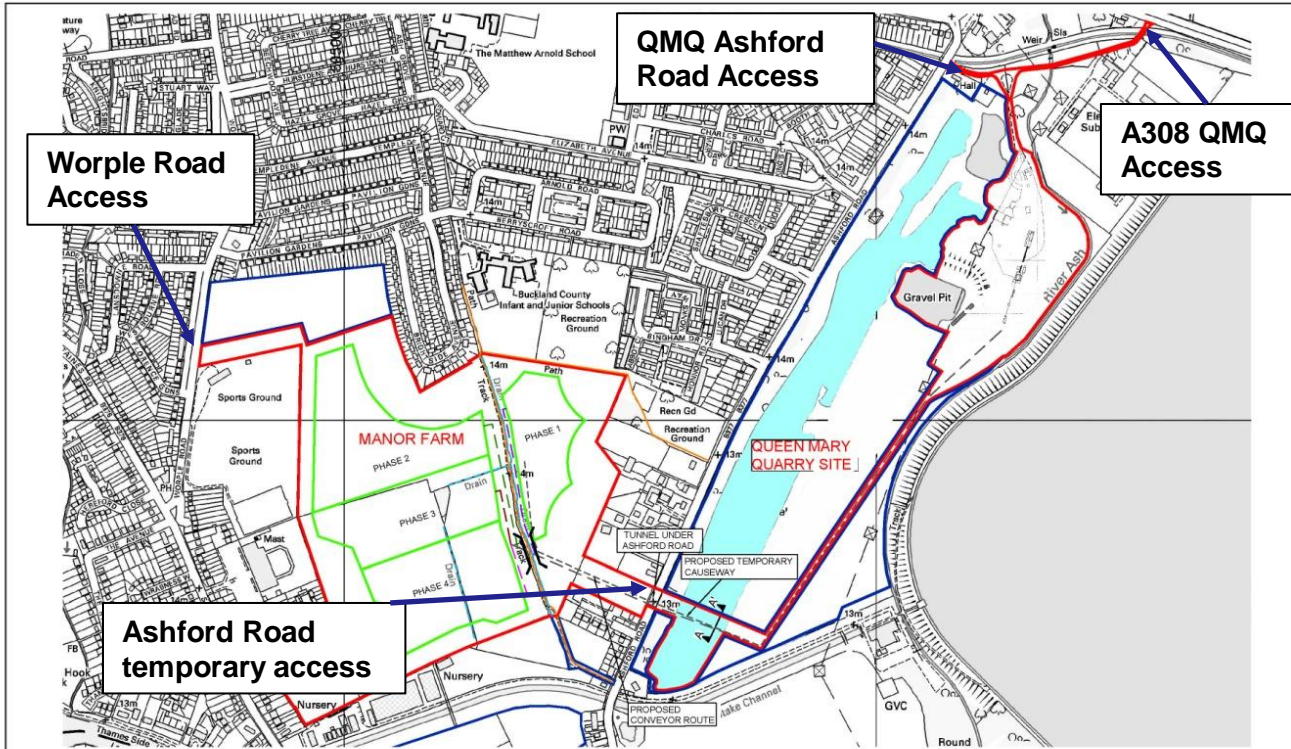


Scale  
1:11,700



# Plan 2 : Extraction phases, site compound, conveyor tunnel and causeway (annotated applicant SP2012/01132 drawing no. EIA9.8 Rev B March 2012)

Page 36



**DO NOT SCALE FROM THIS DRAWING**

**KEY**

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

REVISION	DETAILS	DATE	DRAWN	CHECKED	APPROVED
B	Conveyor Routes Added.	23/06/12	JR	CS	RK
A	Issued as Approved	16/03/12	JD	CS	RK

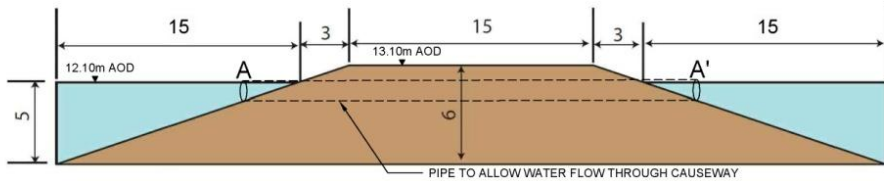
CLIENT: Brett Aggregates Limited

PROJECT: Proposed Mineral Extraction from Manor Farm, Laleham

DRAWING TITLE: Conveyor Route Details

DRG No. EIA9.8	SCALE NTS	DATE MARCH 2012
DRAWN BY JD	CHECKED BY CS	APPROVED BY RK

STONE-ON-TRENT (HEAD OFFICE) TEL 0945 111 7777  CARDIFF TEL 029 2073 8191  
 NEWCASTLE UPON TYNE TEL 0191 232 0943  SHEFFIELD TEL 01942 280101  
 WEST BROMMINGHAM TEL 0121 580 0809  EDINBURGH TEL 0131 555 3311  
 LONDON TEL 020 7287 2872  LIVERPOOL TEL 0151 484 8431



CAUSEWAY CROSS SECTION

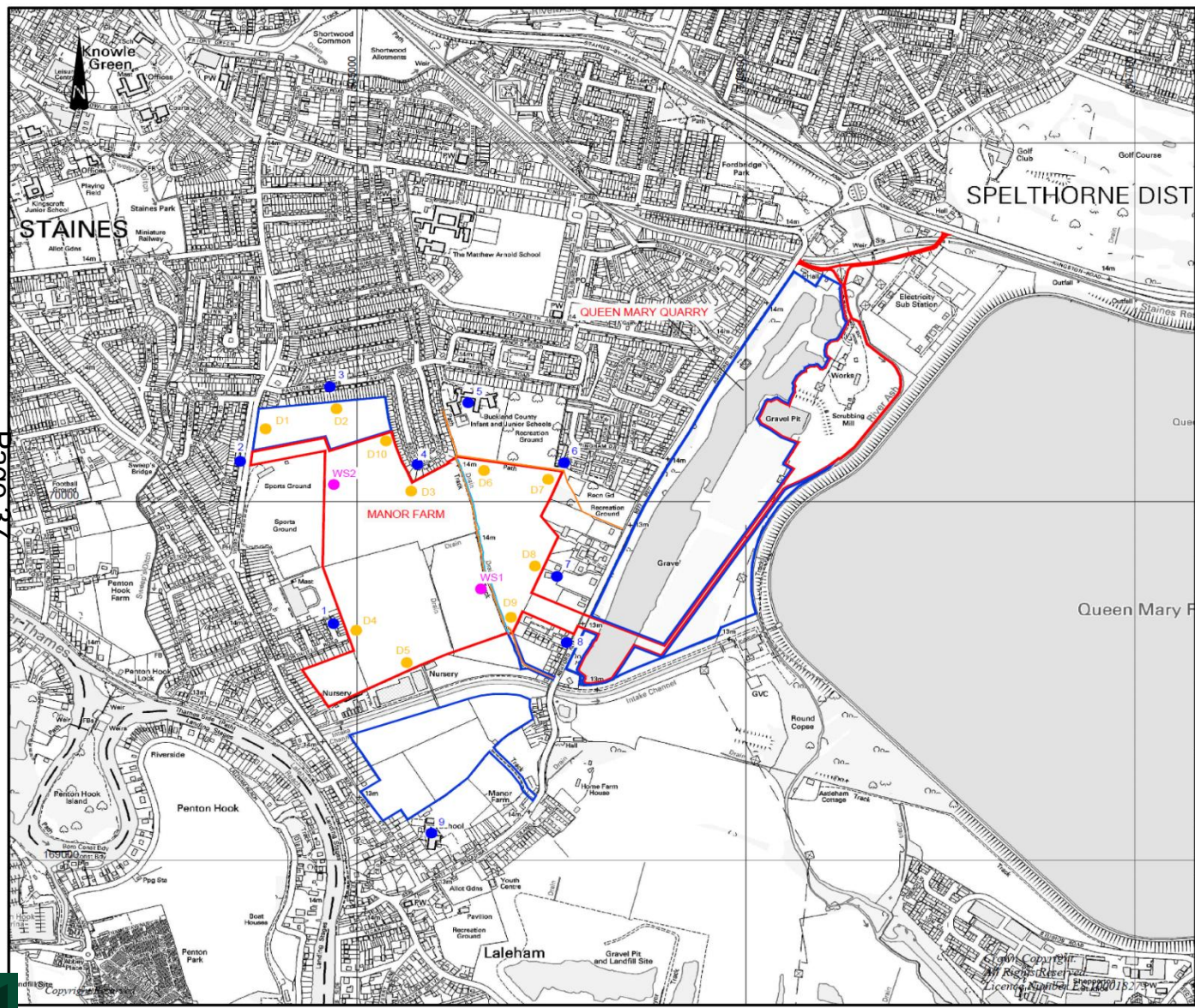




# Plan 3 : Dust Sensitive Receptors and Proposed Dust Monitoring Locations and Wind Sock Locations (applicant drawing DAP1 Rev B)



Page 37



DO NOT SCALE FROM THIS DRAWING

**KEY**

- APPLICATION SITE
- OTHER LAND UNDER APPLICANT'S CONTROL
- DUST SENSITIVE RECEPTOR
- DUST MONITORING LOCATION
- WIND SOCK LOCATION

1. NORTHFIELD ROAD
2. WORPLE ROAD
3. PAVILION GARDENS
4. BRIGHTSIDE AVENUE
5. BUCKLAND CNTY SCHOOL
6. ABBOT CLOSE
7. GREENWAY DRIVE
8. ASHFORD ROAD
9. LALEHAM CHURCH OF ENGLAND SCHOOL

REVISION	DETAILS	DATE	DRAWN	CHK'D	APPR'D
B	Wind Sock Locations Added	10/10/15	SS	RF	MD
A	Issued as Approved	16/03/12	DR	CS	MD

CLIENT: Brett Aggregates Limited

PROJECT: Proposed Mineral Extraction from Manor Farm, Laleham

DRAWING TITLE: Dust Sensitive Receptors Proposed Dust Monitoring Locations and Wind Sock Locations

DRG No. DAP 1	SCALE 1:10000 @ A3	DATE MARCH 2012
DRAWN BY JV	CHECKED BY CS	APPROVED BY MD

<input type="checkbox"/> STOKES-ON-TRENT (HEAD OFFICE) TEL 0845 111 7777	<input type="checkbox"/> CARDIFF TEL 029 2072 9191
<input type="checkbox"/> NEWCASTLE UPON TYNE TEL 0191 232 0943	<input type="checkbox"/> LEIGH TEL 01642 260101
<input type="checkbox"/> WEST BROMWICH TEL 0121 880 0968	<input type="checkbox"/> SHEFFIELD TEL 0114 243 0244
<input type="checkbox"/> LONDON TEL 020 7287 2872	<input type="checkbox"/> EDINBURGH TEL 0131 555 3111
	<input type="checkbox"/> LIVERPOOL TEL 0151 494 6431

wardell armstrong your earth our world

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### **Summary of publicity undertaken**

7. Documents placed on public deposit at local council offices and local library. No representations have been received in response to this publicity other than those listed above.
- 

### **FINANCIAL IMPLICATIONS**

8. The cost of advertising has already been incurred.
- 

### **ENVIRONMENTAL IMPLICATIONS**

9. If the land is registered as a village green it will be subject to the same statutory protection as other village greens and local people will have a guaranteed legal right to indulge in sports and pastimes over it on a permanent basis. Registration is irrevocable and so the land must be kept free from development or other encroachments.
- 

### **HUMAN RIGHTS IMPLICATIONS**

10. Public Authorities are required to act, as far as possible, compatibly with the European Convention on Human Rights, now enforceable in English Courts by way of the Human Rights Act 1998. The officer's view is that this proposal will have no adverse impact on public amenity and has no human rights implications.
- 

### **ANALYSIS AND COMMENTARY**

11. Surrey County Council is the Commons Registration Authority under the Commons Registration Act 1965 and the Commons Act 2006 which administers the Registers of Common Land and Town or Village Greens. Before the Commons Registration Authority is an application made by Mr Flannigan, under the Commons Act 2006 (No 1871), to have land at The Green, Severn Drive and Rydens Road, Walton on Thames (the land), registered as a town or village green (TVG). The land is identified on the plan appended to the application.
12. Walton on Thames Charity, as the freehold owner, opposes the application.
13. To succeed, the Applicant has to prove on the balance of probabilities (*i.e.*, more than a 50% probability) that a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes (LSP) on the land for a period of at least 20 years.
14. For the reasons set out in his advice dated 22 June 2016 (Annexe B), Mr Webster recommended that the application to register should be rejected as the use of the land had been 'by right' and not 'as of right'.

15. The Applicant made a further submission on 1 August 2016 (Annexe C) stating his differing view. The Objector was given an opportunity to comment and submitted a further response on 18 August 2016 (Annexe D) supporting the analysis made by Mr Webster.
16. The Applicant was given the opportunity to have the final say and responded on 24 August 2016 reiterating his view that the use of the land had been used 'as of right'. "I still believe that to any neutral observer, the land could not be said to have left the ownership of Walton Charity. The lease gave the council the *temporary* right to occupy it - subject to conditions laid down by the owner, Walton Charity. The Charity was the controlling party and it was the Charity which stipulated the intended use. The Charity was able to terminate the lease if the council impeded that intended use."
17. On 5<sup>th</sup> October 2016 the Principal Property Solicitor advised:

"Under s 15(2) of the Commons Act 2006, the sole issue now in dispute is whether the use of the land was *by right* or *as of right* as set out in the case of *Barkas*.

The Inspector found that the land was leased to Elmbridge Borough Council (EBC) for the whole of the qualifying period (less one day). Thus, EBC owned the land. Whilst the Charity held the freehold title to the land, EBC was the immediate landowner under various leases and had day to day control of the land in terms of management. Under the Law of Property, a leasehold interest is ownership. The status of the Charity is, therefore, irrelevant as it was not the direct landowner. It is also irrelevant as to what the users of the land knew or did not know about this.

EBC held the land for the specific use as a recreation ground in accordance with and the exercise of its statutory powers as landowner.

Thus, the use of the land is use *by right* and *not as of right* and the application fails as not all parts of section 15(2) have been proven."

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## CONCLUSIONS AND RECOMMENDATION

18. Village Green status is acquired over land where a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years. The evidence provided with this application, and the subsequent investigations, show that this criteria has not been met.
19. Therefore, Officers recommend that the application be rejected.

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### CONTACT

HELEN GILBERT, COMMONS REGISTRATION OFFICER.

### TEL. NO.

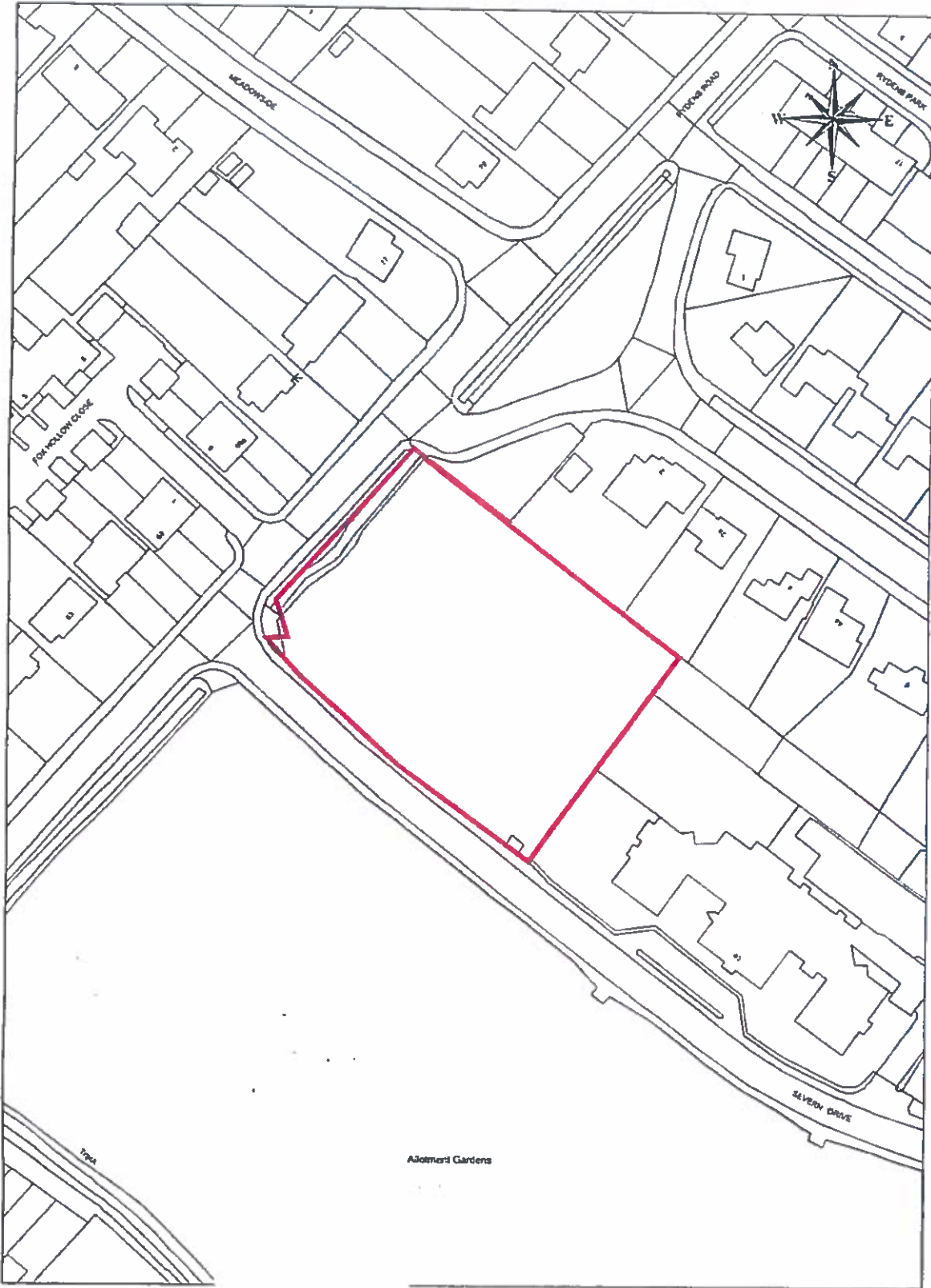
020 8541 8935


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### BACKGROUND PAPERS

All documents quoted in the report.

# Amenity Space - Severn Drive



<b>Site Address : Amenity Space - Junction of Rydens Road &amp; Severn Drive</b>		
<b>Scale: 1:1250</b>	 <p><b>Elmbridge</b> Borough Council <i>bridging the communities</i></p> <p>Civic Centre, High Street, Esher, Surrey, KT10 9SD</p>	<b>Copyright Notes :</b>
<b>Date: 01/10/14</b>		<p>Crown Copyright. All Rights Reserved Elmbridge Borough Council LA 100024882 2013</p> <p>© Aerial Photography - Cartographic Engineering 2013</p> <p>Historic Mapping © and database right Crown Copyright and Landmark Information Group Limited (all rights reserved) 2013</p> <p>Digital Map Data © Bartholomew (2013)</p>

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## ADVICE

### **Application to register land as a new town green in Walton-on-Thames under the reference number 1871**

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1. I am instructed by Surrey County Council in its capacity as commons registration authority (the registration authority) to advise on an application to register land in Walton-on-Thames (the application land) as a new town or village green (TVG) under the Commons Act 2006, s.15(2) (the 2006 Act).
2. The application land is located at the junction of Severn Drive and Rydens Road on the north-west side of the care home known as Sherwood House. Its freehold is vested in the Official Custodian for Charities which holds it on behalf of the trustees of The Walton-on-Thames Charity (the charity).
3. It is not, I think, in dispute that the application land had been used by the public for lawful sports and pastimes for more than 20 years before the date of the TVG application (which is dated 31/09/2014 and whose receipt was acknowledged by the registration authority on 3/10/2014) and that such use was continuing at that date. Evidently prohibitory signage was erected sometime in October 2014 but nothing turns on this.
4. The only contentious issue is whether the public's use of the application land was "as of right" which is one of a number of pre-conditions which has to exist if registration is to be justified. It is, I think, being contended that, following the decision of the Supreme Court in *R (Barkas) v North Yorkshire County Council* [2015] AC 195, as the application land had been made available by Elmbridge Borough Council (EBC) for public recreation in the exercise of its statutory powers user was "by right" and not "as of right" and so non-qualifying. As a matter of law, once the application land has been committed for public recreation under statutory powers (which have nothing to do with the acquisition of village green rights) EBC were not obliged to draw to the

public's attention that their use of the application land was permitted in order for it to be "by right" rather than "as of right".

5. The basic point is that where local inhabitants recreate on land which has been made available to them as recreational open space in the exercise of statutory powers, they enjoy a public right, or a publicly based licence, to do so (see *Barkas* at paras [20]-[30] – *Barkas* was applied in *R (Newhaven Port and Properties Ltd) v East Sussex CC [2015] AC 1547* – where it was found that byelaws (of whose existence the public were unaware) had conferred an implied revocable permission to go onto the land) such that the use will be permissive and will not justify registration as a TVG).
6. I have had a good look at the land on *Google earth* and can see that we are dealing with amenity open space enclosed by hedgerows and trees. The land is open and flat and is eminently suitable for informal recreation. There are two benches and (I believe) three bins for dog faeces. There is no evidence that the public's access was hindered or interrupted in any way and in view of its location in a populous area with an evident dearth of green space elsewhere, it seems unarguable that the land would have been used for qualifying purposes for the requisite period. I might perhaps add that the aerial photo shows a cross-field path the effect of which is to enable pedestrians to cut the corner at the road junction. At all events, until fairly recently the application land was actively managed by EBC and there is a large volume of written evidence (which I have read) which confirms its long-standing use for informal recreation by a significant number of the inhabitants of the relevant locality which is the electoral ward of Walton South. For the record, the application is supported by the written evidence of 124 witnesses (there are many joint statements) of whom (by my reckoning) more than 50 individuals have lived locally for more than 20 years.
7. There is only one objector and that is the charity who say that in 1966 the application land was included with land which was leased by the charity to Walton and Weybridge Urban District Council for a term expiring in 1973. I have not seen this deed but we are told that there was a user covenant limiting the use of the land as a children's play area.

8. We are then told that in 1977 the entire site (including the application land) was repossessed by the charity in order to facilitate the construction of the neighbouring care home. In 1988 the charity granted EBC (in return for a nominal consideration) a licence to use the application land as a public open space which was evidently renewed annually until 1992. I have not seen these documents.
9. In 1994 (being 20 years before the application to register was made) the charity leased the application land to EBC for a term of 5 years commencing on 1/01/1992 and expiring on 31/12/1997 at a rent of £350 pa. A copy of this lease is with my instructions. The lease included covenants which imposed a duty on EBC to keep the land tidy and in proper repair and condition and not to use it for any purposes other than as a recreation ground. We are also provided with copies of both the lease and counterpart dated 26.6.1997 showing that for a term of 5 years expiring on 31/12/2002 the application land was again leased by the charity trustees to EBC for a rent of £350 pa. The lease also included covenants which imposed a duty on EBC to keep the land tidy and in proper repair and condition and not to use it for any purposes other than as a recreation ground. The 1997 lease was renewed on virtually the same terms in 2002. We are provided with an unsigned lease but an executed counterpart in the same terms dated 4/12/2002. The renewed lease was for a term expiring on 31/12/2006 at a slightly increased rent of £400 pa. I also observe that there was a landlord-only break clause. The lease was again renewed in 2008 for a term expiring on 31/12/2012. Again, we have an unsigned lease but an executed counterpart lease dated 28/02/2008. This time there is an either party break clause. I should perhaps also mention that in the 2002 and 2008 leases the charity trustees expressly contracted on behalf of the Official Custodian for Charities who, as previously indicated, holds the application land on behalf of these trustees.
10. It follows that from 31/12/2012 the charity held over on a tenancy at will until its termination on 30/09/2014 by a solicitor's letter of the same date. This letter also mentions the fact that in July 2013 the charity took steps to remove travellers from the application land. The letter also flagged up the prospect of

imminent prohibitory signage which, of course, is what occurred. There were (as I have discovered myself from EBC's planning register) three withdrawn applications by the charity to obtain planning permission for office development and associated infrastructure on the land (under reference nos: 2014/3062; 2014/4008; 2014/4512) which appear to have come up against a wall of local opposition. It seems obvious that the application to register is aimed at preventing development of any kind on the application land.

11. As the application in this case followed the reforms contained in the Growth and Infrastructure Act 2013, I ought perhaps to mention trigger and terminating events under s.15C of the 2006 Act. The effect of s.15C (which came into force on 25<sup>th</sup> April 2013 – and the provision applies whether a trigger event occurs before or after this date) is that the right to apply to register land as a TVG ceases where a trigger event relating to the development of the land occurs, and becomes exercisable again only if a corresponding terminating event occurs. The trigger and terminating events are identified in the new Sch.1A to the 2006 Act. What we have here is a statutory pause in that the right to apply to register only revives on the occurrence of one of the terminating events specified in the Sch.1A.
12. Under s.15C, applications to register will not be possible in the case of land which has planning permission or where there has been a publicised planning application or is identified for potential development in a local or neighbourhood plan (including draft development plans). However, land would still be available for registration where no development is either proposed or else is the subject of on-going community consultation. The statutory pause would, however, be lifted in a case where an application for planning permission was withdrawn or refused and where the refusal was not challenged or where all means of challenging the refusal had been exhausted or in circumstances where, if permission had been granted, any period within which the development must be begun had expired without the development having been begun. If the trigger event has been ended by a terminating event any period of interruption under section 15C is to be disregarded (see s.15C(8)). As I say, there were three publicised planning applications all of

which ended up being withdrawn and in such circumstances the law presumes that qualifying user continued until the date of the application on 31/09/2014, from which it follows that this was an application made under s.15(2) of the 2006 Act.

13. In short, the application land was leased to EBC for the whole of the qualifying period (less one day) on the basis that it would be used and maintained by EBC and their lawful visitors as a recreation ground. In my view, these arrangements involved the exercise by EDC of their powers under the Public Health Act 1875, s.164, and the Open Spaces Act 1906, ss.9 and 10.
14. The 1875 Act enables a local authority to “purchase or take on lease lay out plant improve and maintain lands for the purpose of being used as public walks or pleasure grounds”. Sections 9/10 of the 1906 Act authorises the acquisition or lease of land and its management with a view to its enjoyment by the public as an open space. Under s.10 open space under the 1906 Act is to be held and administered in trust to allow such land to be enjoyed by the public as an open space and for no other purpose (this is the so-called recreation trust). Land held for the purposes of these Acts confers a right on members of the public to use the land for open air recreation and accordingly falls outside the ambit of the 2006 Act on the principle of *Barkas*.
15. It follows from the above that the application land is not registrable on the ground that use throughout the qualifying period was not “as of right” but was “by right”, namely pursuant to the statutory right of the public to be on the land and to use it for recreational purposes given that it was held and maintained by EBC pursuant to the Acts of 1875 (s.164) and 1906 (ss.9/10). Clearly the application land had been allocated for public use and for no other reason. The position is obviously different from that of a private owner, with no legal duty and no statutory power to allocate land for public use.
16. Because the applicant has failed to satisfy all the elements necessary to justify the registration of the land as a TVG my recommendation to the registration authority is that the application to register should be rejected.

17. Under reg.9(2) of the 2007 Regulations, the registration authority must give written notice of its reasons for rejecting the application. I recommend that the reasons are stated to be *“the reasons set out in the advice of counsel dated 22/06/2016”*.

**William Webster**

**3PB Bournemouth**

**22<sup>nd</sup> June 2016**



RE: Village Green application number 1871.

Fortunately, the hoped-for advice from the OSS has reached me in good time. I am therefore able to make the following submission, which should enable you to compile your report to Committee. I have copied this email to Erin, who might or might not wish to respond. I confirm that I'm happy for the application to be decided *without* the need for oral representations from me or from Walton Charity.

MY SUBMISSION:-

In most respects, your Counsel's opinion comes down in my favour. The land is precisely the sort of location which would suit the designation of Village Green. Indeed, in practice it has served as a village green *de facto* for decades. There is a substantial and convincing body of evidence confirming its uses - and its importance to the community.

Where I believe Counsel has erred is in stating that the land was "made available by *Elmbridge B C*"; and that consequently, it was used by the public by virtue of a "statutory" power conferred by the council. In paragraph 8 of the Opinion, it is stated that licence was granted *by Walton Charity* to use the land as a *public* open space. The Charity is not a statutory authority and does not exercise statutory power. Paragraph 9 confirms that it was *the Charity* which stipulated in the lease that the land was for use *only* as a recreation ground. Thus, the consequent use of the land for that very purpose was at the instigation (and indeed, insistence) of the Charity - not the council.

The Barkas judgment can certainly be distinguished from the present case. In Barkas, the land was *owned* by the local authority. By contrast, the land at Severn Drive is in private ownership. Lord Neuberger specifically stated that "the position is **very different** from that of a private owner".

As explained by many of my witnesses, the public has not been using the land by virtue of any statutory "permission". It never entered anybody's head that permission was required. To my knowledge, nobody has ever sought or been given permission. By stipulating that its land was for use only as a recreation ground, it was the Charity (not the council) which made the land available to the public. The Charity is not a "statutory" body exercising "statutory" power

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Our ref ERK/WAL/3190-1

Your ref IGT/HGG/App1871

18 August 2016

By email to [helen.gilbert@surreycc.gov.uk](mailto:helen.gilbert@surreycc.gov.uk)

Dear Sirs

**Our Client:** Walton on Thames Charity

**Re:** Town & Villiage Green application on Land at Severn Drive and Rydens Road (the "Site"), Walton on Thames (the "Application")

We refer to the above matter and more particularly to the advice given by Mr Webster to the Registration Authority dated 22 June 2016 and the subsequent response from Mr Flannigan dated 1 August 2016.

We kindly ask that this letter be put for the attention of the members ahead of the Planning and Regulatory Committee meeting (understood to be taking place on either 28 September or 12 October).

In his aforementioned response Mr Flannigan is missing the point. What Mr Webster is saying is that;

- Elmbridge Borough Council had powers under both the Public Health Act 1875 and the Open Spaces Act 1906 to take a lease of land so that it could make that land available for use by the public as public open space;
- the use of land made so available is use *by right* and not *as of right*;
- for the whole of the qualifying period (less one day) the land was leased by the Charity to Elmbridge Borough Council as public open space.

Thus (contrary to what Mr Flannigan contends), *Barkas* is not distinguishable from the present case because in the present case the land **was** throughout the relevant period owned by a local authority: it is just that their ownership by way of a lease and not a freehold. There **was** a statutory permission given by Elmbridge Borough Council.

Mr Flannigan says that the use of the land was at the instigation/insistence of the Charity and that (in these circumstances) it was the Charity that made the land available to the public. Whether it was the Charity which instigated the arrangement (and its subsequent continuation) or Elmbridge Borough Council is not a matter which is before the registration authority, nor is it material.

Mr Flannigan ought to be able to understand that there is a very clear distinction between the Charity directly making the land available to the public, which did **not** happen here, and the Charity leasing the land to Borough Council so that, in accordance with the terms of the lease, it was made available for use by the public by the Borough Council (which is what **did** happen here).

The Charity is far from saying that if the land **had** been made available for use by local people without Elmbridge Borough Council being involved, that use would have been *as of right*. However the facts are that Elmbridge Borough Council **was** involved and it is not necessary to speculate about what would have been the position had the facts been other than they were. This being so, the correct analysis is that made by Mr Webster.

We understand that Mr Flannigan is allowed to make final submissions ahead of the preparation of the Registration Authority's report and we await a copy of these submissions (if indeed made).

We await confirmation of the agreed date for the Planning and Regulatory Committee meeting and look forward to hearing from you in this respect shortly.

Yours faithfully



**Walker Morris LLP**

cc Mick Flannigan - [flan53@btinternet.com](mailto:flan53@btinternet.com)