

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 7 January 2015
BY: PLANNING DEVELOPMENT CONTROL TEAM
 MANAGER
DISTRICT(S) SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**
 Laleham & Shepperton
 Mr Walsh
PURPOSE: FOR DECISION **GRID REF:** 505948 169817

TITLE: MINERALS AND WASTE APPLICATION SP13/01003/SCC

SUMMARY REPORT

Land at Queen Mary Quarry, Ashford Road, Laleham, Surrey TW8 1QF

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

The proposal is interdependent with the planning application for mineral extraction from Manor Farm as such this report needs to be read in conjunction with planning application ref. SP12/01132, which is reported elsewhere on this committee agenda. The application for mineral extraction at Manor Farm included a conveyor route enabling the transfer of mineral for processing at the adjoining site of Queen Mary Quarry (QMQ), however due to ecological constraints (habitat protection) an alternative route for part of the conveyor is now being proposed.

This application is for the siting and use of part of a conveyor belt within the QMQ site, which avoids some features of ecological habitat within the SNCI, making use of unvegetated land alongside an existing access track within the quarry site. The application is supported by the Environmental Statement submitted in respect of the Manor Farm application, together with an addendum addressing the partial realignment of the conveyor. The ES addresses the proposed measures for mitigating any environmental and amenity impacts of the development. The County Planning Authority need to be satisfied that there would be no significant adverse impacts arising from the proposed partial realignment of the conveyor belt and use of the land associated with this development.

Local residents have raised concerns regarding the conveyor in respect of: noise, dust and pollution impacting on local amenity and the health of residents; interference with the restoration of QMQ; impact on biodiversity; and Green Belt impact. There have no objections from consultees subject to adequate mitigation and control in respect of flood risk, noise and biodiversity, which can be achieved by appropriately worded conditions. The application would not delay the overall restoration of the QMQ site, as completion of restoration by 2038 is enabled through approved schemes and by way of a S106 legal agreement.

In conclusion, Officers consider that the proposed conveyor is ancillary to and dependent on the mineral working being permitted at Manor Farm, it is not inappropriate development in the Green Belt and the proposal would not give rise to unacceptable environmental and amenity impacts.

The recommendation is subject to planning permission being granted to planning application ref. SP12/01132 for the extraction of mineral from Manor Farm to PERMIT subject to conditions and informatives.

APPLICATION DETAILS

Applicant

Brett Aggregates Ltd

Date application valid

13 June 2013

Period for Determination

3 October 2013

Amending Documents

Letter dated 1 November 2013 from Richard Kevan, Wardell Armstrong with accompanying annotated copy of Drawing No EIA9.8 Conveyor Route Details date March 2012 and sketch drawing ref SK12377/SK1 Floodplain Compensation and Causeway Drainage Proposal date 04/11/13, email dated 22 November 2013 from Richard Kevan, Wardell Armstrong and Overhead Power Cables above Proposed Conveyor drawing ref QMQ 016 (Dwg file) and Overhead Power Cables above Proposed Conveyor drawing ref. QMQ 016 date 19/11/2013.

SUMMARY OF PLANNING ISSUES

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

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Flood Risk	Yes	58-61
Hydrology and Hydrogeology	Yes	62-63
Noise	Yes	64-66
Air Quality and Dust	Yes	67-69
Landscape and Visual Impact	Yes	70-72
Biodiversity	Yes	73-75
Green Belt	Yes	76-83

ILLUSTRATIVE MATERIAL

Site Plan

Plan 1 - Location Plan

Plan 2 - Application Area (Applicant Drawing No.ST13443-PA2)

Aerial Photographs

Aerial 1

Aerial 2

Site Photographs

Figure 1 View of land and vegetation at Queen Mary Quarry within the application site adjacent to the B377 Ashford Road.

Figure 2 View looking east towards the Ashford Road of land in the southern part of Queen Mary Quarry showing proposed conveyor route and existing vegetation and habitat

Figure 3 View looking in the direction of the processing plant site of part of the application site showing the existing access road within Queen Mary Quarry.

BACKGROUND

Site Description and planning history

- 1 The application site lies within the Queen Mary Quarry (QMQ) and comprises land to the west of the Queen Mary Reservoir, which was formerly worked for sand and gravel. The application site is in two parts to the west and east of the waterbody/lake formed by mineral working. The part of the application site west of the lake is in the south west part of the QMQ site adjacent to the Ashford Road (opposite the field between numbers 133 and 151 Ashford Road). The larger area of the application site runs from the south along the eastern part of the site northwards to the processing plant site.
- 2 The QMQ existing operational mineral site is operated by Brett Aggregates Ltd (the site was formerly known as the land west of Queen Mary Reservoir quarry and operated by Reservoir Aggregates). QMQ lies between the Queen Mary Reservoir and the Ashford Road. Mineral extraction from the land to the west of the reservoir and from within the reservoir and processing of minerals in the processing plant commenced in the late 1960s and has continued since under a number of planning permissions including planning permissions for various buildings associated with the mineral extraction and processing.
- 3 The land within QMQ comprises former areas of land worked for sand and gravel, and silt lagoons, the mineral processing plant site and stockpiling area associated with the extraction of minerals from Queen Mary Reservoir. Mineral and waste activity currently taking place at the QMQ site is extraction of sand and gravel from within the reservoir involving removal of part of the breakwater baffle (permission ref. SP07/1269); a facility for recycling of construction and demolition waste and production of recycled and alternative aggregates (permission ref. SP07/1273); and the importation and processing of 'as raised' gravel for processing (permission ref. SP07/1275). Under these permissions the existing mineral processing plant was due to be replaced by 31 December 2013, with the ongoing mineral processing and recycling operations permitted under refs. SP07/1273 and SP07/1275 using mobile processing plant for the remaining period of operations, which is to 31 December 2033, with the land restored by 31 December 2038 (see below).
- 4 As mineral extraction from the baffle and processing permitted under SP07/1269 was not going to be completed by 31 December 2013 as envisaged at the time the permissions were granted, Brett Aggregates made a planning application in 2013 to extend the time period for completion of extraction of mineral from the baffle and retention and use of the access, haul route and processing plant to 31 December 2016 (ref. SP13/01236). If permitted this would need modifications to the current recycling facility, and import and processing of 'as raised' mineral developments (refs. SP07/1273 and SP07/1275) relating to location and use of processing plant for which planning applications were also made under refs. SP13/01238 and SP13/01239. These applications were reported to the 11 June 2014 Planning and Regulatory Committee which resolved to grant planning

- permission subject to the prior completion of a variation to the S106 agreement so it applied to the new permissions and secured the long-term aftercare management of the land at QMQ following restoration and landscaping. The decision notices will be issued once the S106 legal agreement has been completed, expected in December 2014.
- 5 The land west of the reservoir is to be restored to an afteruse of nature conservation with no public access under revised working, restoration and landscaping schemes approved under reference SP07/1276. The approved schemes cover the former mineral workings, existing silt lagoons and land areas, including the processing plant site on the land west of Queen Mary and provide for phased restoration of the land. A Section 106 legal agreement was entered into in connection with this decision and the three planning permissions referred to in the previous paragraph. The legal agreement secured the long-term aftercare management of the land following restoration and landscaping.
 - 6 The River Ash runs between the application site and the reservoir. To the south runs the Queen Mary Reservoir water intake channel and farmland, with the Shepperton Aggregates Home Farm Quarry beyond. To the west is the Ashford Road and residential housing with land at Manor Farm beyond. To the north lies the QMQ processing plant site with the Staines Reservoirs Aqueduct beyond over which the quarry haul road leading to the A308 passes over, and beyond that the A308 and residential housing and the Ashford Manor golf course. To the north east is an electricity sub-station and electricity pylons traverse the site. Fordbridge Park lies to the northwest.
 - 7 The application site is situated in the Metropolitan Green Belt, the Spelthorne Borough Council Air Quality Management Area and the Heathrow Airport bird strike safeguarding zone. The application site is within a major aquifer and mostly within a groundwater source protection zone 3 for public water supply (Chertsey). The lakes at QMQ and parts of the land adjacent to the River Ash are within a Floodzone 3. The majority of the processing plant site at QMQ, and land between the River Ash and the lake, and the northern parts of the Manor Farm site are within a Floodzone 2.
 - 8 The majority of the land at Queen Mary Quarry is designated as the West of Queen Mary Reservoir Site of Nature Conservation Importance (SNCI) and there are a number of other SNCIs within 1 km of the site: the Queen Mary Reservoir SNCI, River Thames SNCI (Spelthorne and Runnymede) and Penton Hook SNCI and within 2km of the site the Laleham Burway Golf Course SNCI, Abbey Lake SNCI, Littleton Lake SNCI, Shepperton Quarry SNCI and Chertsey Waterworks SNCI.
 - 9 Land at Manor Farm and other land and development in the QMQ site (including the processing plant site and access) are currently subject of an application (ref. SP12/01132) for, amongst other matters, the extraction of sand and gravel from land at Manor Farm and transport of the mineral by conveyor to the QMQ processing plant for processing. The Manor Farm mineral application, which is accompanied by an Environmental Statement (ES) is reported elsewhere on this agenda.

- 10 Following comments from the Surrey Wildlife Trust on the Manor Farm mineral application about the impact of the proposal on the SNCI, and discussions between Surrey County Council and the applicant, Brett Aggregate Limited, in connection with the planning application and the restoration and management of the land west of QMQ (provided for by ref. SP07/1276 and the S106 legal agreement) a partial realignment of the proposed conveyor belt to transport mineral extracted at Manor Farm to the QMQ processing plant was identified which would avoid areas of vegetation and ecological habitat.
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THE PROPOSAL

- 11 This application is for a partial realignment of the route and siting of the conveyor belt within the QMQ site proposed to transport mineral extracted at Manor Farm to the QMQ processing plant, and an additional area of land adjacent to the Ashford Road for use in connection with the construction of the proposed tunnel under the Ashford Road for siting of the conveyor. The small area of land adjacent to the Ashford Road has been applied for to ensure that sufficient land would be available for the construction of the proposed conveyor tunnel under the Ashford Road. The different route for the conveyor proposed under this planning application avoids some areas of habitat and features of ecological habitat within the SNCI making use instead of largely unvegetated land within the QMQ site adjacent to the existing access track.
 - 12 The application is accompanied by an assessment of the ecological impact of the proposal on the SNCI of the original route proposed under the Manor Farm mineral application, and the realigned route proposed in this application.
 - 13 The proposed development is related to the undetermined Manor Farm mineral application proposal (ref. SP12/01132), which is accompanied by an Environmental Statement (ES). Although when considered in isolation the proposed development would not constitute Environmental Impact Assessment (EIA) development, as the construction and use of a conveyor would be fundamental to the deliverability of the proposed Manor Farm development, the two applications need to be considered in combination and therefore the proposal is EIA development. The ES submitted in connection with the Manor Farm mineral application has been updated by an addendum and is now an overarching ES relating to both application proposals.
 - 14 The overarching ES contains an assessment of the impact of the two proposals in terms of: ecology and nature conservation; drainage and flood risk; hydrology and hydrogeology; noise; air quality and dust; landscape and visual assessment; archaeology and cultural heritage; and traffic. Of these topics the first six are relevant to the conveyor subject of this application. For each topic the ES identifies mitigation measures to avoid, reduce and offset major adverse effects of the developments proposed under the two planning applications.
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CONSULTATIONS AND PUBLICITY

District Council

15 Spelthorne Borough Council: No objection.

Consultees (Statutory and Non-Statutory)

16 Environment Agency: No objection.

17 Health and Safety Executive: No objection.

18 Heathrow Airport Safeguarding: No objection.

19 Natural England: No objection.

20 Surrey Wildlife Trust: Advise that the CPA consults the Surrey Bird Club and County Ecologist.

21 Highway Authority (Transportation Development Planning Group): No objection.

22 Rights of Way: No objection.

23 County Air Quality Consultant: No objection.

24 County Noise Consultant: No objection.

25 County Heritage Conservation Team – Archaeological Officer: No objection.

26 County Ecologist and Biodiversity Manager: No objection.

27 County Landscape Consultant: No objection.

28 County Geotechnical Consultant: No objection.

29 Thames Water: No objection.

30 Affinity Water (formerly Veolia Water Partnership): No objection.

31 National Grid (National Transmission System): No objection.

32 Esso Petroleum Co Ltd (Fisher German): No objection.

33 Open Spaces Society: No comments received.

34 Ramblers' Association (Staines Group): No comments received.

35 Royal Society for the Protection of Birds (RSPB): No comments received.

Parish/Town Council and Amenity Groups

- 36 Clag2 (Campaign Laleham Against Gravel2): No comments received.
- 37 Charlton Village Residents' Association: No comments received.
- 38 Laleham Residents' Association: No comments received.
- 39 Manor Farm Eastern Boundary Residents Association: No comments received.
- 40 Manor Farm Residents' Association: No comments received.
- 41 Shepperton Residents' Association: No comments received.
- 42 Spelthorne Natural History Society: No comments received.
- 43 Surbiton & District Bird Watching Society: No objection.
- 44 Queen Mary Sailing Club: No comments received.

Summary of publicity undertaken and key issues raised by public

- 45 The application was initially publicised in July 2013 by the placing of an advert in the local newspaper, posting of three site notices and sending some 1043 neighbour notification letters to the owner/occupiers of neighbouring properties and properties notified about and the people who had made representations on the Manor Farm planning application (ref. SP12/01132) for the extraction of mineral.
- 46 Amplifying information relating to the planning application and other environmental information provided relating to the ES was publicised in January 2014 by newspaper advert, posting of three site notices and notifying all those people/addresses originally notified in July 2013 and anyone who had made written representations on the planning application.
- 47 To date 44 written representations objecting to the planning application have been received. All of the representations set out reasons for objecting to the Manor Farm planning application ref SP12/01132. The reasons for objecting to the Manor Farm application are wide ranging but are not relevant to the consideration of this application. They are addressed instead in the report on the SP12/01132 application reported elsewhere on this agenda.
- 48 The reasons cited for objecting to the application for the alternative conveyor route, the subject of this report are:
- Need for the development - Object to the Manor Farm application and therefore if that application is refused this application won't be necessary;
 - Highways, traffic and access - Impact from traffic during construction of the conveyor. Will result in increased volume of industrial and heavy goods vehicles during the construction process relying on local road infrastructure which will not be able to cope and result in increased congestion, increased danger and inconvenience to

other road users and pedestrians and impact on access to Buckland and Laleham schools, pollution, damage to road surfaces;

- Conveyor will be lead to noise, vibration, dust and pollution in a residential area impacting on local amenity and the health of residents;
- Site not suitable due to proximity to other land uses/proximity to other development;
- Restoration and afteruse - This with the Manor Farm development is likely to interfere with the proposed restoration of the Queen Mary Quarry to a nature conservation reserve. The reserve will be of great benefit locally and make it a competitor for Virginia Waters and reduce traffic for people travelling to that site for recreational purposes;
- Biodiversity - Loss of trees on the Ashford Road. Impact on wildlife such as bats, birds and habitat, Impact on ecology, best way to limit the environmental impact is not to develop the area at Manor Farm and so not create a conveyor which would have a grave ecological effect;
- Safety/infrastructure, subsidence/security - The danger from pylons and overhead lines is already documented;
- Adverse impact on property prices and the economy of local area, blight, future use of the land;
- Green Belt - Conveyor is entirely against the purpose of making land Green Belt.

PLANNING CONSIDERATIONS

- 49 The County Council as Mineral Planning Authority (MPA) has a duty under Sections 38 (6) and 70 (2) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. At present in relation to this application the adopted Development Plan consists of the Surrey Minerals Plan 2011 (Core Strategy Development Plan Document (DPD) and Primary Aggregates DPD, adopted in July 2011) (SMP 2011), Spelthorne Borough Local Plan 2001'Saved' Policies And Proposals as at 28 September 2007, March 2008 document (SBLP 2001), and Spelthorne Borough Council Core Strategy and Polices Development Plan Document February 2009 (SB Core Strategy and Policies DPD 2009).
- 50 Material considerations can include: relevant European policy; the March 2012 National Planning Policy Framework (NPPF); the March 2014 National Planning Practice Guidance (NPPG); emerging local development documents in the Spelthorne Borough Local Development Framework which, when adopted, will replace the 2001 local plan listed above; and adopted supplementary planning documents (Surrey Minerals Plan Minerals Site Restoration Supplementary Planning Document (SPD), adopted July 2011, and the Spelthorne Borough Council Flooding SPD, adopted 19 July 2012).
- 51 This proposal is related to the Manor Farm mineral application proposal (ref. SP12/01132) which is reported elsewhere on this agenda. This application proposes a partial realignment of the route of the proposed conveyor belt within the QMQ site and an additional area of land adjacent to the Ashford Road for use in connection with the construction of the proposed tunnel under the Ashford Road for siting of the conveyor. It will be necessary to determine whether the proposed measures for mitigating any environmental and amenity impacts of the development are satisfactory, and for the county council to be satisfied that there would be no significant adverse impacts arising

from the proposed partial realignment of the conveyor belt and use of the land adjacent to the Ashford Road in association with the construction of the tunnel. The proposal will be assessed against Green Belt policy.

ENVIRONMENT AND AMENITY

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

Policy MC14 – Reducing the adverse impacts of mineral development

Policy MC17 – Restoring mineral workings

Policy MC18 – Restoration and enhancement

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

Strategic Policy SP6 Maintaining and Improving the Environment

Policy EN3 Air Quality

Policy EN4 Provision of Open Space and Sport and Recreation Facilities

Policy EN8 Protecting and Improving Landscape and Biodiversity

Policy EN11 Development and Noise

Policy LO1 Flooding

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

Policy RU11 – Sites of Nature Conservation Importance

Policy RU14 – Sites of Nature Conservation Importance

Introduction

- 52 The NPPF and NPPG expect mineral planning authorities to ensure that mineral proposals do not have an unacceptable adverse effect on the natural or historic environment or human health. Guidance in relation to implementation of policy in the NPPF on development in areas at risk of flooding and in relation to mineral extraction (including in relation to proximity of mineral workings to communities, dust emissions, noise and restoration and aftercare of mineral sites) is provided in the NPPG. Some of the development plan policies listed above relate to one or more of the issues.
- 53 The Surrey Minerals Plan 2011 (SMP2011) recognises the difficulties in balancing meeting the need for mineral development and ensuring the impact from mineral working does not result in unacceptable impacts on local communities and the environment. Policy MC14 states that proposals for mineral working will only be permitted where a need has been demonstrated and sufficient information has been submitted to enable the authority to be satisfied that there would be no significant adverse impacts arising from the development and sets out matters to be addressed in planning applications.
- 54 Policy MC17 requires mineral working proposals to provide for restoration and post restoration management to a high standard. Sites should be progressively restored or restored at the earliest opportunity with the restoration sympathetic to the character and setting of the wider area and capable of sustaining an appropriate afteruse. For mineral working in the Green Belt afteruses should be appropriate to that designation, these include agriculture, forestry, recreation and nature

conservation. For nature conservation afteruses longer term management beyond the standard five year aftercare advised in national policy would be necessary, which the authority would look to secure through legal agreements. A key objective is for enhancement as well as restoration and through Policy MC18 the county council will work with operators and landowners to deliver benefits including enhancement of biodiversity interests at the site and where appropriate as part of a wider area enhancement approach.

- 55 Objectives of the SB Core Strategy and Policies DPD 2009 include “*to protect and improve the quality of the environment, including improving the landscape, promoting biodiversity and safeguarding the Borough’s cultural heritage*” through policies including Strategic Policy SP6 and Policy EN8. Strategic Policy SP6 Maintaining and Improving the Environment and Policy EN8 Protecting and Improving the Landscape and Biodiversity seek to protect and improve the landscape and biodiversity and cultural heritage of the borough through safeguarding sites of international and national importance; working with others to develop and secure the implementation of projects to enhance the landscape and create or improve habitats of nature conservation value; wherever possible ensure that new development contributes to an improvement in landscape and biodiversity and also avoids harm to features of conservation interest; and states planning permission will be refused where development would have a significant harmful impact on the landscape or features of nature conservation value. Policy EN4 seeks to retain ‘*existing open space in the urban area used, or capable of use, for sport and recreation or having amenity value where:iii) the site is of particular nature conservation value, of at least SNCI or equivalent quality*’.
- 56 SB Core Strategy and Policies DPD 2009 Policy EN11 Development and Noise seek to minimise the impacts of noise and sets out a series of criteria by which to achieve this including measures to reduce noise to acceptable levels and ensuring provision of appropriate noise attenuation measures. SB Core Strategy and Policies DPD 2009 Policy EN3 Air Quality states the borough council aim to improve air quality and minimise harm from poor air quality by refusing development where adverse effects on air quality are of a significant scale, and are not outweighed by other important considerations or effects, and cannot be appropriately or effectively mitigated.
- 57 SB Core Strategy and Policies DPD 2009 LO1 Flooding seeks to reduce flood risk and its adverse effects on people and property in Spelthorne through a range of measures including maintaining flood storage capacity within Flood Zone 3; maintaining the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain to both store water and allow the movement of fast flowing water. Spelthorne Borough Local Plan 2001 saved policies RU11 and RU14 give protection to SNCIs. Policy RU11 states that proposals will only be permitted within SNCIs where there will be no adverse effect, either direct or indirectly on the ecological interest of the site or where the requirements of Policy RU14 are met. Policy RU14 provides for mitigation and compensation to be provided where exceptional circumstances justify a development which will adversely impact on an SNCI, and requires a demonstration that the harm is kept to a minimum.

Flood Risk

- 58 The alignment of alternative conveyor route falls within Floodzones 2 and 3, as shown on the Environment Agency's flood maps, SB Core Strategy and Policies DPD 2009 Proposals Map and Spelthorne Borough Council's Strategic Flood Risk Assessment (SFRA). As well as flooding from rivers extensive areas around the reservoir lie within an area at risk from reservoir flooding. Thames Water Reservoir Safety Team has confirmed that they have no objections to the conveyor route.
- 59 Chapter 9 of the overarching ES in support of the application contains the results of a Flood Risk assessment (FRA), which the applicant stated has been prepared in accordance with the guidance set out in the NPPF. The FRA concluded that there would be no significant increased offsite flooding risks as a result of the development (which involves the siting and operation of a conveyor within the QMQ site).
- 60 Although the construction of the proposed causeway across the QMQ lake, and siting of the conveyor along it does not form part of this application, the Environment Agency raised an objection because the conveyor causeway crossed the gravel pit lake at right angles to the direction of flood water flow across the floodplain, with the conveyor sitting 1m above the normal water level. As a consequence, any floodwater crossing the lake would be inhibited, causing an obstruction to flood flows and loss of floodplain storage. The applicant had proposed the installation of pipes through the causeway in order to allow floodwater flows across the site, however no detail had been provided on the size and number of pipes. The applicant subsequently supplied details of the pipes (600mm in diameter and at 10m intervals along causeway) provided in their letter dated 1 November 2013, which included a sketch drawing ref.ST12377/SK1 dated 4/11/13 and Conveyor Route Details Drawing No. EIA9.8 dated March 2012. These were provided in connection with this planning application as well as the SP12/01132 planning application as the information related to the flood risk assessment in the overarching ES.
- 61 The EA withdrew their objection subject to conditions in respect of the above plans and require a scheme to be submitted to and approved in writing by the CPA to ensure that the conveyor causeway does not form a barrier across the floodplain. The scheme would be required in connection with the SP12/01132 Manor Farm proposal and secured by planning condition. The County Geotechnical Consultants agree with the EA, in that the details are satisfactory and address the issue of flood risk. In conclusion Officers consider the proposal remains acceptable on flood risk grounds and accords with national policy and development plan policy.

Hydrology and Hydrogeology

- 62 The applicant has stated that the potential hydrological and hydrogeological impacts in relation to the proposed conveyor were as a result of the infilling of silt for the construction of the causeway across the long lake at QMQ. As the revision to the conveyor route does not impact upon the location or construction of the causeway, the applicant concludes that it is not anticipated that the revised conveyor route will have any additional impact in relation to hydrology or hydrogeology.

- 63 The County Geotechnical Consultants are satisfied with the proposal in that they consider that the conveyor route does not significantly affect the hydrology or hydrogeology of the area. In conclusion Officers consider the proposal remains acceptable in respect of hydrology and hydrogeology grounds and accords with national policy and development plan policy.

Noise

- 64 The ES addendum identified that the potential impact from the proposed new routing within the QMQ site would be from moving the operational conveyor closer to receptors on the Ashford Road and any additional conveyor change points (with conveyor drive and gearbox). The original routing involved two conveyor change points, one within the Manor Farm site and the second within the QMQ site. Neither of these two original change over points would change. Conveyor change point one within the Manor Farm site would be located approximately 90m from the nearest receptor point on Ashford Road, and the ES concluded that, with localised acoustic screening (hay bales around the change point), the predicted noise level at the nearest noise sensitive property would comply with the noise criterion (LAeq = LA90+0). (The second change over point in the QMQ site would be some 200 metres from properties.) The changed routing within the QMQ site proposed in this application would involve two new change points, both of which would be some 300 metres away from the closest residential properties on the Ashford Road. Although the distance of both new change over points (points three and four) would be further away from residential properties than change over point one, and noise not assessed as being a problem mitigation in the form local screening using hay bales as proposed for change over point one is proposed. The ES concluded that the existing vegetation planting along Ashford Road will also provide an element of acoustic screening.
- 65 Apart from a section of the conveyor in the vicinity of the processing plant site (approximately 130 metres out of some 650 metres) the revised routing of the conveyor would result in the operational conveyor being further away from residential properties on the Ashford Road. The applicant has stated that based on the average of the typical LA90 background levels measured on site, the noise limit level for the nearest receptors to the proposed plant installations would be 55 dB LAeq. This is the level already set for site operations and therefore the proposed noise condition for this application would be 55 dB LAeq (30 min).
- 66 Local residents have raised the issue of noise as a concern in respect of the conveyor. The County Noise Consultant (CNC) is very satisfied with the above robust noise criterion adopted for the operations. With regard to the hay bales as proposed local noise barriers, the CNC commented that these would need to be kept in good condition to ensure their effectiveness. The applicant has proposed the monitoring of the barriers be included within an integrated management system, the details of which would need to be submitted to and approved in writing by the CPA prior to operations commencing on site (to be added to Manor Farm permission). Ongoing monitoring of the proposed barriers would be carried out as part of the integrated management system. The CNC considers that these mitigation measures are acceptable. In addition to the proposed mitigation around the change over points mitigation would be provided by the bund which runs along the Ashford Road boundary within the QMQ site. In conclusion

Officers consider the proposal remains acceptable in respect of noise grounds and accords with national policy and development plan policy.

Air Quality and Dust

- 67 The proposed revision to the conveyor route is all within the QMQ site from a point in the southern part of the site after the conveyor route has crossed the lake on the proposed causeway adjacent to the boundary with the reservoir intake channel and the QMQ processing plant site, see Plan 2. The applicant has stated that the 'as raised' mineral transported along the conveyor will be damp and therefore will create very little dust. The loading and off-loading of the conveyor (outside the remit of this application) will have the highest potential for generating dust however mitigation measures are in place.
- 68 Residents have raised concerns in respect of dust pollution and the adverse impacts on air quality and health. The County Air Quality Consultant (CAQC) reviewed the Manor Farm mineral extraction application (including original conveyor route), stating that the risk of suspended and deposited dust effects was minor to slight adverse without mitigation. However, the applicant is proposing good practice control measures in respect of dust, which the CAQC has stated that it will result in an impact that is not deemed significant. The alternative conveyor route will increase the separation distances between the receptors and the conveyor, as such the relocation of the conveyor is likely to be more beneficial than the original route from a dust perspective.
- 69 In conclusion Officers consider the proposal remains acceptable in respect of dust and air quality grounds and accords with national policy and development plan policy.

Landscape and Visual Impact

- 70 The revised conveyor route is still to be located within the land in the southern half of the QMQ site, as shown on Plan 2. The ES states that views into the existing quarry site are screened by vegetation and earth bunds along Ashford Road to the west of the QMQ site. Views of both the processing plant and the proposed conveyor route are further restricted by established vegetation to either side of the quarry site access at the north end of the site and the reservoir embankment to the east. There is no public access to the open land to the south of the QMQ site. The construction of the proposed conveyor tunnel under the Ashford Road and installation of the conveyor would involve removal of existing vegetation within the QMQ site, and may involve the area of land included in this application. This would impact in local views from the Ashford Road and residential properties.
- 71 On completion of the extraction at Manor Farm and use of the conveyor, the tunnel and conveyor would be removed. The section of bund removed would be replaced and planting undertaken to replace that removed. The remainder of the application site along the route of the conveyor would be restored as part of the restoration of the QMQ site in accordance with the approved restoration and landscaping details approved under ref SP07/1276. The phasing of the restoration would need to be amended if planning permission is granted for the Manor Farm extraction.

- 72 The County Landscape Consultant raised no objection on landscape grounds to the proposed alternative conveyor route, agreeing that it would be more sensible to utilise an existing track for the course of the conveyor rather than disturbing established habitat. Officers therefore conclude that the proposal is acceptable in respect of landscape and visual impact grounds and accords with national policy and development plan policy.

Biodiversity

- 73 The proposed route of the conveyor has been altered due to ecological concerns and the presence of a nature conservation interest on land along the proposed original conveyor route in West of Queen Mary Quarry SNCI (Site of Nature Conservation Interest). A full ecological impact assessment was undertaken for the revised conveyor route, and was provided as an appendix to the ES addendum. The route of the proposed conveyor will also impact upon the phasing of the restoration of QMQ, and as such the applicant is in discussion with the CPA to agree changes to the phasing of the restoration.
- 74 Residents have expressed concerns in respect of the impact of working the Manor Farm mineral and its associated infrastructure (conveyor) and how it is likely to interfere with the proposed restoration of QMQ to a nature conservation reserve. Natural England did not consider that the application posed any likely or significant risk to the features of the natural environment, however recommended that Surrey Wildlife Trust (SWT) be consulted. SWT commented that the SCC Ecologist should be consulted in respect of the proposed mitigation strategy due to being involved in discussions. With regard to the impact on the SNCI (Site of County Importance for Birds), SWT commented that the local bird club should be consulted, as they have the most up to date bird information on the site due to regular bird ringing activity and other survey work. The Surbiton & District Bird Watching Society commented in respect of the Little Ringed Plovers, raising no objection to the proposal, however recommended measures to encourage the species, with their breeding area remaining undisturbed during the normal breeding season (Mid March to end of July).
- 75 The County Ecologist and Biodiversity Manager noted the SWT comments and considered that the amended route of the conveyor is preferable as it would reduce the potential impact on the birds using the site and their habitats. In conclusion Officers consider the proposal remains acceptable in respect of biodiversity grounds and accords with national policy and development plan policy.

GREEN BELT

Surrey Minerals Plan 2011 (Core Strategy DPD)

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

Policy MC17 – Restoring mineral workings

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

Policy GB1 Development proposals in the Green Belt

- 76 The QMQ site lies within the Metropolitan Green Belt where policies of restraint apply. Government policy on Green Belts is set out in part 9 'Protecting Green Belt land' (paragraphs 79 to 92) of the NPPF. Government policy and guidance in relation to minerals planning is set out part 13 'Facilitating the sustainable use of minerals' (paragraphs 142 to 149) and the minerals section of the NPPG.

- 77 Protecting Green Belts around main urban areas is included in the core planning principles of the NPPF. The NPPF states at paragraph 87 that *“inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Mineral extraction is included in the forms of development listed in paragraph 90 that are not inappropriate in Green Belt *“provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt”*. When determining planning applications paragraph 144 of the NPPF states local planning authorities should *“provide for restoration and aftercare of mineral workings at the earliest opportunity to be carried out to high environmental standards, though the application of appropriate conditions, where necessary”*.
- 78 Surrey Minerals Plan 2011 Policy MC3 states that *‘Mineral extraction in the Green Belt will only be permitted where the highest environmental standards of operation are maintained and the land restored to beneficial after-uses consistent with Green Belt objectives within agreed time limits’*. Spelthorne Borough Local Plan 2001 Saved Policy GB1 Green Belt advises that development located within the Green Belt will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness.
- 79 The need for mineral extraction application in respect of the Manor Farm is addressed under planning application ref. SP12/01132 and reported elsewhere on this committee agenda. The above mineral application included a conveyor route enabling the transfer of mineral from Manor Farm to the processing site at QMQ, however due to ecological constraints an alternative section for the conveyor is now being proposed. As such, this report must be read in conjunction with the Manor Farm application as they are linked.
- 80 The erection and installation of plant and machinery on ancillary mining land, which would include the conveyor is permitted development under the provisions of Class B of Part 19 of Schedule 2 to the GPDO 1995, however this would be subject to the prior approval of the mineral planning authority. The conveyor is ancillary to the mineral development and would be dependent on planning permission being granted at Manor Farm. Notwithstanding this, infrastructure including ancillary development has the potential to impact on the openness of the Green Belt. However, even if in place for prolonged periods such as at QMQ and elsewhere in Surrey, when associated with mineral extraction provided there is adequate provision for removal on cessation of extraction and restoration, they are a temporary use of the land, and therefore preserve the openness of the Green Belt.
- 81 Restoration of the mineral processing plant site and this application area is provided for through the phased scheme of restoration and landscaping for the wider QMQ site approved under SP07/1276 with post restoration aftercare and management secured through the S106 legal agreement entered into in connection with the approval. The scheme provides for restoration to a nature conservation afteruse, which is consistent with Green Belt objectives. Restoration of the land occupied by the existing mineral processing plant would be undertaken in the final phase of restoration (phase 6) and is due to take place between 2033 and 2038. A restoration condition was imposed on the SP07/1269 planning permission requiring the site to be restored no later than 31 December 2038.

- 82 As set out above under the environment and amenity section of the report Officers consider the proposal complies with development plan policy relating to flood risk, hydrology and hydrogeology, noise, dust, visual impact and biodiversity would not cause harm to these interests. Officers are satisfied that, with the mitigation measures proposed and secured by planning conditions under the Manor Farm permission, the proposal is acceptable.
- 83 In conclusion on Green Belt, Officers are satisfied that the proposed alternative conveyor route to enable the transport of minerals from Manor Farm, is ancillary to that development, as such is not inappropriate development in the Green Belt and complies with national policy in the NPPF and the relevant development plan policies.

HUMAN RIGHTS IMPLICATIONS

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

CONCLUSION

- 86 This application seeks to planning permission for the siting and use of an alternative route (in part) for the conveyor as proposed under planning application ref.SP12/01132 for the extraction of mineral from the adjacent Manor Farm, in order to avoid ecological constraints of the current naturally regenerated landscape at QMQ. The implications of the alternative route have been assessed against Green Belt policy and in terms of the impacts on the local environment and amenity. Issues assessed include flood risk, the water environment, noise, dust, visual and landscape impact and biodiversity.
- 87 The application needs to be read in conjunction with the planning application for the mineral working at Manor Farm, as planning permission for the conveyor would be dependent on permission being granted for the mineral extraction.
- 88 The application would not delay the overall restoration of the QMQ site, as the mineral extraction from Manor Farm is proposed over a six year working period and completion of restoration at QMQ is not due until the end of 2038. Progressive restoration to a nature conservation afteruse, landscaping and long term management of the QMQ site is enabled through schemes approved on 16 January 2009 under reference SP07/1276 and the S106 agreement dated 12 January 2009.
- 89 In conclusion, the proposal is ancillary to and dependent on the mineral working being permitted at Manor Farm as such it is not inappropriate development in the Green Belt and Officers are satisfied that the proposal would not give rise to unacceptable environmental and amenity impacts. Officers recommend granting planning permission for the alternative conveyor route (in part) as it enables the transport of mineral to the

processing plant at QMQ, avoiding a habitat of ecological interest. In addition the use of a conveyor as opposed to transportation on the highway accords with the principles of sustainable development by making the best and most efficient use of existing resources and the existing mineral processing plant at QMQ.

RECOMMENDATION

The recommendation is subject to planning permission being granted to planning application ref. SP12/01132 for the extraction of mineral from Manor Farm **to PERMIT** subject to the following conditions and informatives:

Conditions:

1. From the date of this decision until the cessation of the development to which it refers, a copy of this decision including all documents hereby approved and any documents subsequently approved in accordance with this decision, shall be displayed at the offices on the site, and shall be made known to any person(s) given the responsibility for the management or control of operations.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:
Drawing No.ST13443-PA1 – Site Location – dated 09/04/13,
Drawing No.ST13443-PA2 – Application Area – dated 09/04/13,
Drawing No.QMQ/016 (DWG file) – Overhead Power Cables above Proposed Conveyor
Drawing No.QMQ/016 – Overhead Power Cables above Proposed Conveyor – dated 19/11/2013.
3. All plant and equipment hereby permitted shall only be used in connection with the planning permission (ref. SP/2012/01132) for the extraction of mineral from Manor Farm, and thereafter removed from the site on cessation of extraction from Manor Farm and the land restored in accordance with the details and timescales approved under SP07/1276 dated 15 January 2009, and any approved variations to the detail and timing.
4. No lights shall be illuminated nor shall any operations or activities authorised or required by this permission be carried out except between the following times:
0730 - 1800 Mondays to Fridays
There shall be no operations or activities authorised or required by this permission on Saturdays, Sundays, Bank Holiday or National Holidays.
Neither shall any servicing, maintenance or testing be carried out between 1800 - 0730 Monday to Fridays.
This condition shall not prevent the following activities:
 - a) emergency repairs to plant and machinery
 - b) lighting for security purposes

Reasons:

1. To ensure that the management and staff responsible for the day-to-day operation of the site are fully acquainted with the approved schemes and conditions in the interests of proper planning and to assist the County Planning Authority exercise control over the development hereby permitted and minimise the impact of the development in accordance with all the relevant policies of the Development Plan.

2. For the avoidance of doubt and in the interests of proper planning.
3. To enable the County Planning Authority to exercise control over the development hereby permitted and comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the Policy MC14 of the Surrey Minerals Plan 2011 and enable restoration of the land in accordance with the approved restoration scheme to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and to minimise the impact on local amenity in accordance with Surrey Minerals Plan 2011 Core Strategy Policies MC3 and MC17.
4. To comply with the terms of the application and ensure minimum disturbance and avoid nuisance to the locality in accordance with Policy EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.

Informatives:

1. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
2. The applicant's attention is drawn to the comments and requirements of National Grid within their letters of 12 August 2013 and 13 January 2014 copies of which have been provided to the applicant or can be obtained from the County Planning Authority.

CONTACT

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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 (NPPF)

National Planning Practice Guide 2014 (NPPG)

The Development Plan

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

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

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

Other Documents

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