

UPDATE SHEET 1

MINERALS/WASTE SP/2012/01132

DISTRICT(S) SPELTHORNE BOROUGH COUNCIL

Land at Manor Farm, Ashford Road and Worple Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey

Extraction of sand and gravel and restoration to landscaped lakes for nature conservation afteruse 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.

Please note the Officer report should be amended/corrected as follows:

Summary report and recommendation (page 115)

As planning applications SP13/1236, SP13/1238 and SP13/1239 at Queen Mary Quarry were issued 6 January 2015 the recommendation needs to be updated to refer to the new planning permissions as well as the planning permissions (refs SP07/1273 and SP07/1275) granted in 2009.

Replace recommendation in the summary report and on page 115 with:

The recommendation is that, subject to the prior completion of a section 106 legal agreement to secure the 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, SP13/01238, SP07/1275 and SP13/01239 to no more than 300 HGV movements (150 two way HGV movements) on any working day for which draft Heads of Terms are set out in the Annex, to PERMIT subject to conditions and informatives.

ILLUSTRATIVE MATERIAL

Plans 2 to 7 are included in the report as Figures 12 to 17. References in the report to Plans 2 to 7 should be read as Figures 12 to 17 respectively.

(Full size versions of Figures 12 to 17 will be on display at the meeting.)

Site description and planning history

Paragraph 16 refers to planning applications SP13/1236, SP13/1238 and SP13/1239 at Queen Mary Quarry which were reported to committee on 11 June 2014 and the resolution to grant planning permission subject to the prior completion of a legal agreement, which had yet to be completed. The legal agreement was completed in December 2014 and the decision notices on the three planning applications were issued on 6 January 2015.

Subsequent references in the report to these planning applications should be read as referring to planning permissions dated 6 January 2015.

CONSULTATIONS AND PUBLICITY

Parish/Town Council and Amenity Groups

Paragraph 66 CLAG2: Remain opposed to the application. The action group find it incredible the County Council has only just realised that two aspects of the proposal are inappropriate development in the Green Belt and the publicity is considered just a procedural issue. It would appear fundamental to the planning process and they drew attention to inappropriate development on Green Belt land being contrary to National policy at least 12 months ago and is sufficient reason in itself to reject the application.

Officer comment: Officers have viewed these items of plant to be inappropriate development in the Green Belt from the outset, and prior to validation of the application in July 2012 the applicant was required to provide additional information in the application documents on very special circumstances. The Officer report has assessed the mineral extraction and proposed concrete batching plant and aggregate bagging plant aspects of the application against Green Belt policy. Only the two items of plant are considered inappropriate development in the Green Belt.

The recent publicity was not undertaken to inform people about a change to the application proposal, but to comply with the regulations for publicising planning applications, as the earlier publicity had not referred to these items of plant being a departure from the development plan.

Paragraph 73 Spelthorne Natural History Society: Views have now been received. These will be covered in Update Sheet 2.

Summary of publicity undertaken and key issues raised by the public

Update to paragraph 78 - Since the agenda was published further comments on the application have been received from 11 residents who had already made representations. Four new representations have been received. Written representations have now been received from 300 members of the public, organisations and groups.

Additional key issues raised by the public

i) Need Further comment has been made about there being no need for permission to be granted for extraction from Manor Farm and how alternative supplies such as marine dredged mineral are available to meet future rises in demand. Reference is made to the fall in sales of land won sand and gravel in Surrey and production of sand and gravel since 2003 and how demand for mineral is far less than Government apportionment figures which are based on historical sales figures.

The objectors consider the remaining amount of mineral that would be produced from preferred area sites in Spelthorne in the SMP2011 could be met from elsewhere in Surrey and marine dredged mineral and that there is no need for the land at Manor Farm to be worked.

Officer comment:

Paragraphs 94 to 107 and 117 to 132 of the report deal with minerals issues including landbanks for sand and gravel, and assessment of planning applications for mineral extraction. The purpose of landbanks is to give certainty over a longer period based on agreed levels of supply. Surrey does not operate in isolation but part of a wider area, and the landbank and apportionment for Surrey needs to be seen in the context of this.

following the latest assessment reported in the November 2014 Local Aggregate Assessment (LAA) no changes are proposed to the minerals provision rate contained in the SMP 2011 for Surrey.

As is referred to in the report minerals can only be worked where they are found. This has resulted in a concentration of sand and gravel working in north west Surrey and Spelthorne. The mineral supply regime is founded on the use of land won sand and gravel in combination with other sources such as marine dredge mineral and recycled and secondary aggregate.

The further comments on need and mineral supply issues do not affect the assessment by Officers of the proposal and conclusions set out in the report.

ii) Procedural

- The concrete batching plant and aggregate bagging plant are departures from the development plan and concern has been raised that this is being considered to be just procedural. Residents have also expressed concerns about the late amendment to the application; feel the applicant Brett is trying to ride roughshod over the planning system; and are not happy with the timing of the consultation in early December 2014 and deadline for receipt of comments over the busy Christmas and New Year period; and query whether there is sufficient time to consider comments before the 7 January 2015.

- Majority of the committee don't live in the area and will be making a decision affecting local residents, have they visited the site?

Officer comment: The Planning and Regulatory Committee is a strategic committee made up of members representing different areas in Surrey, including wards in Spelthorne and elsewhere in north-west Surrey. Where members of the committee live in relation to planning applications considered by the committee is not a material planning consideration.

Members of the committee visited the site and surrounding area on 8 November 2013 as reported in paragraph 88. A further visit was undertaken on 4 December 2014.

Some residents have misunderstood the purpose of the recent publicity. It was not to inform people about a change to the application proposal, but undertaken to comply with the regulations for publicising planning applications, as the earlier publicity had not referred to these items of plant being a departure from the development plan. There is no requirement to consult statutory consultees about this issue.

The inclusion of the concrete batching plant and aggregate bagging plant are referred to in the description of development and have been part of the application proposal from the outset, and assessed in the Environmental Statement and planning application.

Officers have viewed these items of plant to be inappropriate development in the Green Belt from the outset, and prior to validation of the application in July 2012 the applicant was required to provide additional information in the application documents on very special circumstances. This has been available for public inspection as part of the application since the application was first publicised in 2012.

The recent publicity was a procedural matter and Officers have assessed any representations received since the report was published and where new issues have arisen or additional clarification considered appropriate covered these in this update sheet.

- Staines Town Society has not been consulted. If the society has not been consulted consideration should be adjourned until the County complies with its own Code of Best Practice.

Officer comment: Staines Town Society has not been notified about the planning application. Officers do not consider it necessary to defer consideration to allow the society to be notified.

The planning application has been widely consulted on and publicised since 2012 including by placing of site notices and newspaper advertisements so there has been ample opportunity for the society to make comments. The impact of the planning application on residents in Staines and the local environment and landscape has been assessed and considered in the Officer report.

iii) Application contrary to Spelthorne Borough Council Core Strategy – proposal does not fit within the Spelthorne Borough Core Strategy vision statement and in particular in relation to flood risk, protection of the Green Belt, traffic, reduction in the generation of CO₂, and protection of the natural and historic environment. Nor with core objectives and key policies in particular in relation to flooding (policy LO1), air quality, noise, vibration, light and dirt (Policies EN3, EN11, EN13 Light Pollution and EN14 Hazardous development); traffic implications; maintaining the local environment (policies EN6 Conservation Areas, Historic Landscapes, Parks and Gardens and EN7 Tree Protection) and Green Belt land, (Policy MC3).

Officer comment: Apart from policies EN6 and EN7 and EN13 and EN14 the other policies have been referred to in the report and used in the assessment of the application proposal.

In relation to Policy EN6 the potential impact on the Laleham Conservation Area (CA) has been assessed. The policy deals with development affecting a Conservation Areas and sets out matters to be addressed in planning applications for proposals within Conservation Areas and those outside which have the potential to affect the CA.

Having regard to Policy EN6 Officers consider the assessment and conclusion on the impact on the CA in paragraphs 353 to 368 is unchanged.

Policy EN7 relates to tree preservation orders (TPOs). There are no TPOs on vegetation within the planning application site so this policy is no relevant. Assessment of the impact on vegetation within and around the proposed development has been assessed in the landscape and visual impact section of the report.

Policy EN13 seeks to minimise the adverse impact from light pollution on the development. The impact of lighting is assessed in paragraphs 408 to 409 of the report and Officers consider the proposal is in compliance with Policy EN13.

Policy EN14 seeks to ensure public safety is maintained and deals with development involving hazardous substances or development in the vicinity of hazardous installations. This proposal does not involve hazardous substances requiring hazardous substances consent under the Planning (Hazardous Substances) Regulations 1992, nor is it within the vicinity of a hazardous installation. An Esso fuel pipeline and National Grid gas pipelines and electricity infrastructure run through the QMQ site. No objection has been received from the Health and Safety Executive, National Grid and the operators of the Esso Pipeline see paragraphs 47, 61 and 62 of the report. The impact on these was assessed in paragraphs 402 to 407 of the report and Officers consider the proposal is in compliance with Policy EN14.

iv) Unacceptable environmental and amenity impact of working the land at Manor Farm (position not changed from earlier refusal and plan designation) - Surrey Minerals Plan 1993 designation of the site as a Category 2 site - Position has not changed the site should still viewed as it was in the 1993 Surrey Minerals Local Plan where it was a Category 2 site and deemed there was no method of working or safeguards which could overcome the environmental disturbance that would result. This is more so given the flooding in the local area in 2013/2014.

Officer comment: As referred to in the report at paragraphs 108 to 111 circumstances are different to those when the site was identified in the 1993 plan, and the time an earlier planning application (which was a different scheme to that currently proposed, see paragraph 109) was refused by the Secretary of State in 1978.

As referred to in paragraph 112 the inclusion of land at Manor Farm as preferred area J in the Surrey Minerals Plan 2011 was subject to detailed assessment and consultation, and subject of examination at the Examination in Public in front of a Government appointed Inspector.

The policy context and designation in the current plan is for a presumption in favour of planning permission, which was not the case in the 1993 plan. Under current national policy there is a presumption in favour of the development plan and for planning permission to be granted for development proposals which accord with the development plan.

The planning application has been assessed against the key development requirements for the Manor Farm preferred area J, relevant development plan policy and national policy and guidance in the NPPF and NPPG and issues raised by objectors as set out in the report. The current proposal accords with the key development requirements in that no permanent HGV access is involved and processing is off site. A restoration based open space and open water restoration is proposed in the absence of a suitable access for use by HGVs or other acceptable means of importing material to backfill the site.

While a material consideration the 1978 refusal is of little significance in view of the up to date SMP2011 designation. There is strong evidence of need and no other demonstrable adverse impacts and Officers consider the proposed development accords with the relevant development plan policies and subject to imposition of planning conditions and a legal agreement as set out in the recommendation and this update sheet, together with controls through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and the development is consistent with the NPPF and the current adopted development plan.

v) impact of the concrete batching plant and aggregate bagging plant, which are large, has not been assessed.

Officer comment: The impact of these two items of plant have been assessed in terms of noise, dust, landscape and visual impact, the water environment and Green Belt policy – see relevant sections of the report on these matters.

vi) Air quality There is lack of reference to nitrogen dioxide and intention of the Spelthorne Borough Council Air Quality Management Area (AQMA) to reduce nitrogen dioxide in the report. The report mentions that without the concrete batching and aggregate bagging plant there would be a reduction in number of vehicles attending the site. This would accord with the Surrey Future Congestion programme 2014. To increase vehicle movements would be against the County's commitment to improve air quality within Spelthorne.

Officer comment: Paragraph 294 of the report refers to nitrogen dioxide and the Spelthorne AQMA, no assessment was required in relation to nitrogen dioxide. In relation to traffic the proposed development would not generate traffic above the levels set for the current minerals and waste developments at QMQ and on this basis, as set out in paragraph 148 of the report a Transport Assessment was not required.

Whilst the proposal would generate fewer than the current permitted 300 daily HGV movements from the QMQ site during extraction at Manor Farm, the existing permissions can operate up to the end of 2033. It is not considered necessary, or reasonable, to seek to limit the HGV movements below the current permitted level of 300 daily HGV movements.

vii) Restoration proposals An objector has referred to 2006 and 2009 Surrey Minerals Plan draft documents and reference to restoration options for the Manor Farm site and how the application proposal does not follow the draft documents in relation to area considered (which is now bigger), and possible alternative restoration options (which as well as nature reserve included woodland planting, sporting or playing field extensions, community farm).

The preparation of the Surrey Minerals Plan documents (core strategy and primary aggregates DPDS) and restoration (SPD) involved publication and consultation on a number of versions,

which resulted in the final documents adopted as the SMP2011 and restoration SPD in 2011. The application has been assessed in the Officer report against the adopted documents.

viii) Green Belt The application should be refused as the concrete batching plant and aggregate bagging plant are inappropriate development in the Green Belt. The report on the County Council's Minerals and Waste Development Scheme, Annex 3, to Cabinet in December 2014 clearly views them as inappropriate, a month later a different view can't be taken. It is wrong to try and get planning permission for these items though an application for mineral extraction. The application should be withdrawn and resubmitted.

Officer comment: The concrete batching and aggregate bagging plant are inappropriate development in the Green Belt and have been assessed as such in the Officer report. For planning permission to be granted for very special circumstances need to be demonstrated. See paragraphs 438 to 463 of the report and comments above under Paragraph 66 CLAG 2 and Procedural.

RECOMMENDATION

Amend wording of condition 4 so it reads as follows (to refer to the planning permissions issued on 6 January 2015):

- 4 Extraction of mineral from Manor Farm shall not commence until the mineral extraction from Queen Mary Quarry 'baffle' permission (refs. SP07/1269 dated 15 January 2009 and SP13/01236 dated 6 January 2015) has finished. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of extraction.

Any further changes required to planning conditions will be covered in Update Sheet 2.