

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 2 September 2015
BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER
DISTRICT(S) SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**
Laleham & Shepperton
Mr Walsh
Staines South & Ashford West
Daniel John Christopher Jenkins

PURPOSE: FOR DECISION **GRID REF:** 505420 169924

TITLE: MINERALS AND WASTE APPLICATION SP/2012/01132

SUMMARY REPORT

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 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.

This application was considered by the Planning and Regulatory Committee on 7 January 2015 (Item 7). The committee resolved that, subject to the prior completion of a s106 legal agreement to secure the long term aftercare management of the land at Manor Farm and to limit HGV movements, to grant planning permission subject to the planning conditions and informatives set out in the committee report and two update sheets. A related application, ref SP13/01003, which proposes a partial realignment of the route and siting of the conveyor belt within Queen Mary Quarry was considered at the same meeting (Item 8) when the committee resolved that, subject to planning permission being granted to application ref SP2012/01132, to grant planning permission subject to planning conditions and informatives as set out in the report.

The s106 legal agreement has been prepared and the draft agreement is nearing completion which would enable the decision notices to be issued. In line with the Kides protocol planning officers have assessed whether new factors have emerged between the 7 January 2015 resolution, and if they have, whether the factors could rationally be regarded as material to the consideration of the application such that the application should be referred back to the Planning and Regulatory Committee, for reconsideration in the light of the new factor.

After the 7 January 2015 committee meeting planning officers become aware of case law to do with Green Belt policy and the approach to applications for development involving development which is partly inappropriate development and partly appropriate in the Green Belt, which officers consider is a new factor. Having reviewed the approach taken in respect of the Manor Farm SP2012/01132 planning application as set out in the officer report to committee, and taken legal advice, planning officers in consultation with Legal Services decided the Green Belt case law is a

new matter which is material to the consideration of this planning application, and it should therefore be referred back to the Planning and Regulatory Committee.

This report has considered new issues relating to Green Belt and bird strike hazard which have emerged since 7 January 2015 which, after having undertaken a Kides assessment in line with the protocol adopted by the Planning and Regulatory Committee in 2003, officers concluded were material to the consideration of the planning application such that the application should be referred back to the Planning and Regulatory Committee.

In addition to any material issues or facts, the reports will update the committee on the other issues raised by CLAG2 (Campaign Laleham Against Gravel 2), Manor Farm Residents Association, Spelthorne Natural History Society and local residents since the Planning and Regulatory Committee resolution on 7 January 2015.

In summary the proposal to extract minerals is in accordance with a DPD allocation and otherwise satisfies a clear need with regard to a national policy requirement to maintain a landbank and so maintain a steady and adequate supply of aggregates. The development can be undertaken in a manner which does not give rise to unacceptable environmental or amenity impacts.

Having reassessed the development against Green Belt policy and airport safeguarding policy, as set out in this report and the amendments to the January officer report comprising a revised summary report, Green Belt section and overall conclusions in here Annex F, and issues raised since by objectors, Officers are satisfied that temporary planning permission can be granted as an exception to policy given the very special circumstances which exist, and lack of any other harm to the environment and residential amenity and lack of long term harm to openness and the purposes of the Green Belt.

Officers overall conclusion, that planning permission should be granted, remains unchanged and the application is referred back to the committee for reconsideration in the light of the new issues which have emerged. The proposed conditions, reasons and informatives set out in the recommendation below include some minor updates and combine and replace the conditions in the report at Annex A as amended by the Update Sheets at Annex B.

The recommendation is that, subject to the prior completion of a S106 legal agreement between the county council, the applicant and Thames Water Utilities Ltd 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 and SP07/1275 to no more than 300 HGV movements (150 two way HGV movements) on any working day attached as Appendix D to PERMIT subject to conditions and informatives as set out below.

APPLICATION DETAILS

Applicant

Brett Aggregates Ltd

Date application valid

31 July 2012

Period for Determination

20 November 2012

Amending Documents

Letter from Wardell Armstrong dated 13/11/2012 (not 2013 as on letter), W A Hines & Partners Report dated 2.11.12, Appendix 7.1 Restoration and maintenance plan, Drawing EIA 7.1 Dated March 2012 Phase 1 Habitat Map, Drawing PA19 Dated 31/10/12 Topsoils Classification and Distribution, Photoview 08 Appendix 6.2, letter from Wardell Armstrong dated 3 May 2013 (ref ST12377/RJK/011) (five page letter with enclosures), Drawing PA10 Rev B Conveyor Tunnel General Arrangement dated 12/02/13, Drawing PA16 Rev C Proposed Worple Road Access dated 12/02/13, Auger Borings of Manor Farm, Laleham, Bioscan Report No E1660/SEI/V1 April 2013 (Proposed Conveyor Linking Manor Farm To The Existing Processing Plant At Queen Mary Quarry dated April 2013 Assessment of the ecological impact on the West of Queen Mary Reservoir SNCI), letter from Wardell Armstrong dated 3 May 2013 (ref ST12377/RJK/011) (3 page re landbank), letter from Wardell Armstrong dated 11/06/13 (ref ST12377/LET013), Addendum to the Environmental Statement dated June 2013, letter dated 1 November 2013 from Richard Kevan, Wardell Armstrong, Annotated copy of Drawing No EIA9.8 Conveyor Route Details (with pipe details and spacings) dated 04/11/13, email dated 22 November 2013 from Richard Kevan, Wardell Armstrong, Overhead Power Cables above Proposed Conveyor drawing ref QMQ 016 (PDF document), letter dated 3 December 2013 from John Gibson, Wardell Armstrong (note the two drawings referred to are the same those received with the 22 November 2013 email), letter dated 16 January 2014 from John Gibson, Wardell Armstrong, Drawing No EIA9.3 Rev E Phase 1 Summary of proposed level for level flood compensation, letter dated 6 February 2014 from John Gibson, Wardell Armstrong, Drawing No EIA9.4 Rev B Phase 2 Summary of proposed level for level flood compensation, letter dated 20 February 2014 from John Gibson, Wardell Armstrong, letter dated 8 April 2014 from John Gibson, Wardell Armstrong, Drawing No PA6 Rev F Phase 1 with cross sections, letter dated 24 April 2014 from John Gibson, Wardell Armstrong, Drawing No PA7 Rev D Phase 2 with cross sections, Drawing No PA8 Rev C Phase 3 with cross sections, Drawing No PA9 Rev C Phase 4 with cross sections, Drawing No EIA9.4 Rev C Phase 2 Summary of proposed level for level flood compensation, Drawing No EIA9.5 Rev B Phase 3 Summary of proposed level for level flood compensation, Drawing No EIA9.6 Rev B Phase 4 Summary of proposed level for level flood compensation, email from Nicola Dibble Wardell Armstrong dated 30 April 2014, email dated 22 July 2015 from Mike Davies, Davies Planning with Sketch drawing ref SK12377/SK1 Floodplain compensation and Causeway Drainage Proposal dated 04/11/13 and Drawing PA17 Rev D Temporary Proposed Ashford Road Access dated March 2012 as revised on 22 July 2015.

SUMMARY OF PLANNING ISSUES

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

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in this report where this has been discussed-
Procedural matters (including points of clarification on issues raised during the debate at the 7 January 2015 meeting and after the meeting)	N/A	19 - 30
Flood risk, drainage, hydrology and hydrogeology	Yes	31 - 37
Air quality and dust	Yes	38 – 49
Restoration and afteruse	Yes	50 – 55
Airport safeguarding/safety/infrastructure	Yes	56 – 56
Green Belt	No	Annex F and 64 – 66

ILLUSTRATIVE MATERIAL

Site Plan

Plan1 Application area

Aerial Photographs

Aerial 1
Aerial 2
Aerial 3

Site Photographs

- Figure 1 View across land in proposed Phase 1 extraction area (taken from a point on Footpath 29 (FP29) at the boundary with the Greenfield Recreation Ground).
- Figure 2 View looking north across land in proposed Phase 1 (taken from a point just off to the east of FP30).
- Figure 3 Land west of the B377 Ashford Road (location of proposed new access and conveyor tunnel).
- Figure 4 Land at Queen Mary Quarry with the B377 Ashford Road in the foreground (proposed conveyor route).
- Figure 5 Existing agricultural access off Worple Road (proposed access point).
- Figure 6 View taken from within field to the rear of properties on Pavilion Gardens looking south across field west of FP30 (proposed access route off Worple Road, site compound and land within northern part of proposed Phase 2 extraction area).
- Figure 7 View taken from point adjacent to FP30 looking over land at Manor Farm west of FP 30 (proposed extraction Phases 2, 3 and 4).
- Figure 8 View across land at Manor Farm west of FP30 taken from a point on western boundary with Staines and Laleham Sports Ground (proposed extraction Phases 2, 3 and 4).
- Figure 9 View of lake at Queen Mary Quarry (route for proposed conveyor causeway).
- Figure 10 View over existing Queen Mary Quarry processing plant site taken from reservoir embankment (location for proposed concrete batching plant and mixer truck parking area).
- Figure 11 View over southern part of existing Queen Mary Quarry processing plant site taken from reservoir embankment (location for proposed aggregate bagging plant).
- Figure 12 Location plan (applicant drawing no. PA1 Rev A March 2012)
- Figure 13 Extraction phases and site compound (annotated applicant drawing no. EIA9.8 Rev B March 2012)
- Figure 14 Queen Mary Quarry Proposed Site Layout (applicant drawing no. PA18 Rev B March 2012)
- Figure 15 SP13/01003 planning application site showing proposed revised conveyor route within Queen Mary Quarry (applicant drawing no. ST13443-PA2)
- Figure 16 Manor Farm restoration detail plan (applicant drawing no. PA13 Rev B March 2012)
- Figure 17 Approved restoration plan for Queen Mary Quarry (applicant drawing no. PA15 Rev A March 2012)
- Figure 18 Queen Mary Quarry Batching Plant (applicant drawing no. PA11 March 2012)

(Figures 12 to 19 will be on display at the meeting.)

BACKGROUND

- 1 Reports on the above application (Manor Farm application) and a related application, ref SP13/01003, which proposes a partial realignment of the route and siting of the conveyor belt (QMQ conveyor application) were considered by the Planning and Regulatory Committee on 7 January 2015 (Items 7 and 8 respectively).
- 2 Subject to the prior completion of a s106 legal agreement to secure the long term aftercare management of the land at Manor Farm and to limit HGV movements, the committee resolved to grant planning permission to the Manor Farm application subject to the planning conditions and informatives set out in the committee report and the two update sheets (Annexes 1 and 2 to the minutes). The committee report (and draft Heads of Terms for the s106 legal agreement) are attached as Annex A with the Minutes of the meeting (including update sheets) attached as Annex B.
- 3 The committee resolved that, subject to planning permission being granted to application ref SP2012/01132, to grant planning permission to the QMQ conveyor application subject to planning conditions and informatives as set out in the report.
- 4 The s106 legal agreement has been prepared in connection with the Manor Farm application and the draft agreement attached as Annex C is now ready for completion which would enable the decision notices to be issued.

The Kides protocol

- 5 As time has elapsed since the committee considered the planning application the protocol (known as Kides protocol) adopted by the Planning and Regulatory Committee on 12 November 2003 applies. The protocol was adopted following the judicial review decision in November 2002 to quash the committee resolution to grant planning permission for the Capel Energy From Waste planning application (ref MO00/0913) which had referred to the October 2002 *Kides v South Cambridgeshire District Council and others* Court of Appeal judgement (*R (on the application of Kides) v South Cambs DC [2002] EWCA Civ 1370*). The Kides judgement makes clear the importance of the committee, and not just officers, having regard to all material considerations before any planning permission is granted pursuant to an earlier resolution taken by committee. In paragraphs 125 and 126 of the judgement the Court observed:

“On the other hand, where the delegated officer who is about to sign the decision notice becomes aware (or ought reasonably to have become aware) of a new material consideration, section 70(2) requires that the authority have regard to that consideration before finally determining the application. In such a situation, therefore the authority of the delegated officer must be such as to require him to refer the matter back to committee for reconsideration in the light of the new consideration. If he fails to do so, the authority will be in breach of its statutory duty.*

In practical terms, therefore, where since the passing of the resolution some new factor has arisen which the delegated officer is aware, and which might rationally be regarded as a ‘material consideration’ for the purposes of section 70(2), it must be counsel of prudence for the delegated officer to err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if*

he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority would reach (not might reach) the same decision.”

*of the Town Country Planning Act 1990, as amended.

- 6 A more recent judgement in October 2010 *Dry, R (on the application of) v West Oxfordshire District Council [2010] EWCA Civ 1143* refers to the Kides case and need to apply the guidance in Kides with “*common sense, and with regards to the facts of the particular case.*”
- 7 The Kides protocol requires planning officers to assess whether new factors have arisen in the time since a resolution to grant planning permission has been taken and the issuing of the decision notice, and if they have, apply the “Kides test, by following the process outlined on the flow chart at Annex D. The Kides test involves assessing whether any new factors which have emerged could rationally be regarded as material to the consideration of the application such that the application should be referred back to the decision maker, in this case the Planning and Regulatory Committee, for reconsideration in the light of the new factor.

Kides consultation process

- 8 In June once negotiations on the s106 legal agreement had progressed to the stage a final draft was nearing agreement, planning officers wrote to Spelthorne Borough Council, the Consultees (Statutory and Non-Statutory) and Parish/Town Council and Amenity Groups set out in paragraphs 46 to 74 of the committee report (Annex A), and the two Local Members, to ask if they were aware of any factors, changes/updates or issues which had emerged since 7 January 2015 which could reasonably be described as material to the consideration of the application.
- 9 Officers received responses from the following, none of whom were aware of any changes or new factors:
- Spelthorne Borough Council – Planning
 - Heathrow Airport Safeguarding
 - Natural England
 - Highway Authority (Transportation Development Planning Group)
 - County Noise Consultant (CNC)
 - County Landscape Consultant
 - County Geotechnical Consultant
 - County Air Quality Consultant
 - County Heritage Conservation Team – Archaeological Officer
 - Environment Agency
 - Health and Safety Executive
 - Rights of Way
 - Thames Water
 - Affinity Water
 - Royal Society for the Protection of Birds (RSPB)
 - Surbiton & District Bird Watching Society
- 10 The CLAG2 action group, Manor Farm Residents’ Association and the Spelthorne Natural History Society all considered there were changes and new factors. The changes and new factors raised are set out in the Kides Protocol Assessment at Annex E.
- 12 Issues raised in representations from local residents received since 7 January 2015 are set out in the part 5 of the Kides Protocol Assessment at Annex E and have been considered as part of the assessment.

Material considerations Kides test

- 13 Under the Kides protocol planning officers have to be satisfied that the Planning and Regulatory Committee is aware of any new factor(s) that have arisen since the application was considered which might rationally be regarded as a material consideration. If officers are either satisfied the committee were aware of the new factor and considered it with this application in mind, but not would reach the same decision; or satisfied the committee were not aware of the new factor, the application should be referred back to the committee to be reconsidered in view of the new factor.
- 14 The Kides Protocol Assessment at Annex E sets out the assessment and consideration by officers and in applying the Kides test of whether factors have emerged since 7 January 2015 which could rationally be regarded as a material consideration by a third party. The matters covered in the table are drawn from the planning considerations section of the report and discussion during the consideration of the application at the meeting and documents referred to in the committee report (and update sheets).
- 15 The assessment includes considering relevant case law officers have become aware of. In this case since 7 January 2015 planning officers have become aware of case law relating to Green Belt in *Kemnal Manor Memorial Gardens Ltd. v The First Secretary of State & Anor [2005] EWCA Civ 835 (14 June 2005)* and *Timmins & Anor, R (On the Application Of) v Gelding Borough Council [2015] EWCA Civ 10 (22 January 2015)*. The case law concerns the approach to applications for development involving development which involves elements which are inappropriate development and elements which are appropriate in the Green Belt and held that the correct approach is to consider and assess the whole of the development as inappropriate development.
- 16 Planning officers reviewed the approach taken in respect of the Manor Farm SP2012/01132 planning application as set out in the officer report to committee, and In consultation with Legal Services and advice from Counsel, concluded the Green Belt case law they were now aware of was a new matter which was material to the consideration of this planning application and in the circumstances the planning application should be referred back to the Planning and Regulatory Committee to be reconsidered in light of this new factor.
- 17 As well as addressing the new Green Belt issue this report considers the following new issues or factors material to the consideration of the application, or on which officers consider an update or clarification on the advice given previously would be appropriate. The issues have been identified by planning officers, raised by statutory and non statutory consultees, or raised in representations received from members of the public since 7 January 2015:
- Air quality and dust (dangers of crystalline silica associated with gravel extraction)
 - Potential increased risk of birdstrike from increased air traffic movements over Laleham and land at Manor Farm
- 18 In addition to the above, the Kides Protocol Assessment contains clarification on a number of issues raised at the meeting in January, in representations and responses to the Kides consultation in order to provide an update for the committee on the other issues raised by CLAG2 (Campaign Laleham Against Gravel 2), Manor Farm Residents Association, Spelthorne Natural History Society and local residents since the Planning and Regulatory Committee resolution on 7 January 2015.

PROCEDURAL MATTERS

Consultation with neighbour on amendment to the planning application

- 19 Referring to the discussions referred to in the officer note in paragraph 78 of the January officer report the current owners of 151 Ashford Road have referred to the lack of consultation with them about relocating the proposed access onto the Ashford Road so it is adjacent to their property (the access was moved from the opposite side of the field adjacent to number 133 Ashford Road). The discussions referred to in the report were between the owner of No 133 and the applicant, Brett Aggregate Limited and arose out of concerns the owner of 133 Ashford Road had about the visual impact from his property, and over looking as the boundary vegetation did not extend along the whole length of the boundary between his property and the application site and allow views onto his property from the application site, and direct views of the proposal.
- 20 Although aware discussions were taking place the county council was not party to the discussions which had arisen out of the resident making contact with the applicant direct. The discussions between the owner of No 133 and the applicant resulted in the application being amended by relocating the access, and erection of close board fencing in place of the post and wire fencing.
- 21 It is not normal practice to discuss proposed amendments to planning application proposals with adjoining neighbours prior to submission, so the county council did not make contact with the owner/occupier of either 133 or 151 Ashford Road, to seek views separate from the normal publicity we undertake on planning applications informing/consulting neighbours.
- 22 The application was publicised in accordance with the regulations for publicising planning applications and procedures adopted by Surrey County Council. Neighbour notification letters were sent to 151 Ashford Road at each round of publicity on the application, including in July 2013, to notify the occupants of amendments to the planning application, including the relocation of the proposed access off the Ashford Road. Initially these would have been addressed to the previous owner. After notification the property had changed hands letters were sent addressed to the owner/occupier.
- 23 In addition to sending neighbour notification letters the planning application and amendments were publicised by posting of site notices and placing a newspaper advert in line with the county council's adopted Statement of Community Involvement.
- 24 The potential visual impact and from noise and dust from the proposed development and amendment to the access bringing it closer to number 151 was assessed. No existing trees or vegetation along the property boundary would need to be removed (some cutting back of branches may be necessary), so the visual screening afforded by the existing vegetation would remain and views of the site from the property would not be opened up.
- 25 The potential impact on both 133 and 151 Ashford Road from the proposed access onto the Ashford Road and conveyor route was assessed by the case officer and the county council's Noise Consultant, Landscape Consultant and Air Quality Consultant. No concern was raised by the consultants about the impact on No 151 Ashford Road from the revision to the access, or operation of the conveyor through the field. Concern was raised by the Noise Consultant about potential noise impact from the conveyor change point. Mitigation has been proposed for this as discussed in the noise section of the January officer report (paragraphs 264 to 293) (Annex A).
- 26 Planning officers concluded that with the existing boundary vegetation between 151 Ashford Road and the site, and subject to the mitigation measures proposed by the applicant and imposition of planning conditions, including days and hours of working,

setting noise limits and dust control measures, noise and dust could be adequately controlled and would not give rise to significant adverse impact on the property. The existing boundary vegetation, which would be retained, would screen views of the proposed development.

RESTORE project

- 27 CLAG2, the Manor Farm Residents' Association and local residents have raised the lack of reference in the January officer report and consultation process to the RESTORE project. The issues raised and points made, and officer comments, concerning the RESTORE project and the Manor Farm application restoration proposals are set out in the consultee section (section 4) in the Kides Protocol Assessment at Annex E.
- 28 The RESTORE project was not referred to in connection with the Manor Farm planning application during the consultation process, or the officer report, as it is not material in the consideration and assessment of the application. This remains the case.

Points of clarification

Depth of working

- 29 The figures quoted in the public speaking at the committee meeting were incorrect. The correct information which is contained in the planning application is:
- maximum depth of working 7.1 metres (23 feet 7 inches)
 - average depth of working 6.4 metres (20 feet 11 inches).

These figures include are the combined depth of topsoil, subsoil and overburden overlying the sand and gravel and depth of mineral to be worked. The average depth of soils and overburden is 1 metre (30 cm topsoil and 70 cm subsoil and overburden).

Location and dimensions of the proposed concrete batching plant and aggregate bagging plant

- 30 The proposed location is shown on Figure 14 (referred to as Plan 4 in the January officer report). Two new figures, Figures 18 and 19 are provided which show the dimensions which are:

Concrete batching plant: cement silos 12.95 metres (m); enclosed plant 10m, aggregate storage bays 5m.

Aggregate bagging plant building: 18m by 18m, height 8 metres to roof apex (6m to eaves).

PLANNING CONSIDERATIONS

Flood risk, drainage, hydrology and hydrogeology

- 31 A number of issues have been raised by CLAG2, MRFA, Spelthorne Natural History Society and in representations relating to these matters which are material to the determination of the planning application. All the issues raised and comments are set out in the Kides Protocol Assessment, Annex E. Having assessed the issues and matters raised none are considered by officers to be new material issues or facts. However, in view of the issues raised during the public speaking and debate on the application at the January meeting it would be appropriate to update the committee by way of clarification on some of the issues.

Increased flood risk from waterbodies

- 32 Flood risk and the contribution of waterbodies was a matter addressed in the January officer report (paragraph 217) and discussed at the meeting. The "air gap"/"free board" theory issue raised by residents is not a new factor and was addressed in paragraphs 216 and 217 of the January officer report and during the debate on 7 January 2015.
- 33 The assessment of this issue and preparation of the January officer report and information provided by officers during the debate at the meeting was based on officer's technical knowledge about flood risk and the potential impact from gravel working, information contained in the planning application and flood risk assessment (FRA) submitted by the applicant as part of the ES, comments and advice from the Environment Agency and the Surrey County Council Geotechnical Consultants on the application and in response to queries raised by objectors about flood risk from waterbodies formed from mineral extraction. A response has been sent to a local resident explaining this, information from the EA and consultant provided/the resident informed where the information submitted by the applicant could be looked at.
- 34 As part of the Kides consultation further views of the Environment Agency (EA) and the County Geotechnical Consultant were sought on the "air gap" theory raised by residents and the MFRA. The EA didn't respond on this issue. The consultant reviewed the January officer report and confirmed the report assessed the technical issues on flood risk, hydrology and hydrogeology in an entirely correct manner. The consultant identified a slight misstatement in paragraph 180 of the report where it states Flood Zone 2 is affected by an extreme event with a probability of "1 in 1000 year". This should read between 1 in 100 and 1 in 1000 year. This does not affect any of the conclusions.
- 35 The consultant advises that the resident's comments primarily question the applicant's flood risk assessment which concluded that wet restoration will at worst give no rise to increase flood risk in the surrounding area and in fact would increase the available flood storage. This has become known as the "air gap" theory. The consultant advises they have nothing new to add to the discussion in the report and confirms that there would be flood storage created between the normal water level in the lake (which would reflect the groundwater level) and the previous surface of the ground. This "air gap" would fill either with rising groundwater; the "air gap" has a greater void capacity than the voids within the ground no longer present, or would fill with fluvial floodwater that is able to spill overland into the lake.
- 36 At the time of the floods in 2013/14 various comments were made about the flooding and causes and sources of floodwater, including those by the MP about the flood event. The comments made by Eric Pickles MP are not backed up by the comments and advice from the EA or the county council's advisors on the planning application.
- 37 As referred to above and in the Kides Protocol Assessment the matters raised since the January meeting are not new issues and do not change the assessment on flood risk and conclusions in the January officer report.

Air quality and dust

- 38 As outlined in section 4 of the Kides Protocol Assessment (Annex E) the MFRA have raised the issue of crystalline silica and the PM_{2.5} size dust particles which they refer to as being an established and widely recognised hazard connected with the excavation of gravel. The MFRA consider the potential health risks from this should have been properly investigated and that the lack of monitoring at the existing QMQ site, and "so called" best practice measures proposed are reasons for the application not to proceed.

County Air Quality Consultant's comments and advice on potential health impacts from dust generated by quarrying

- 39 The County Air Quality Consultant's comments and advice on the application remain unchanged. In response to the information provided and points made about crystalline silica the consultant has made the following comments. The consultant has undertaken research into and provided advice on similar points raised about silica for other planning applications.
- 40 Initial points made by the consultant are that without some important qualifications it is wrong to imply that dust from gravel pit operations is "fine particulate matter called Crystalline Silica". Silica is the most abundant solid organic compound on earth and found everywhere. It comes in two forms, amorphous silica and in smaller proportions crystalline silica, of which sand is the most common source. Potentially it can impact on human health if particles small enough to be breathed in (respirable) is made airborne (naturally or as a result of mineral working). This smaller proportion is known as respirable crystalline silica (RCS). Whether in practice there are health impacts from sand and gravel workings is a different proposition.

Potential health effects and sources of hazardous exposure to RCS

- 41 Research undertaken by the consultant into potential health effects and the sources of hazardous exposure to RCS identified that RCS, primarily dusts found in industrial and occupational settings, is known to be a health hazard, and that hazardous human exposure occurs mainly in industrial and occupational settings. Silica is a common air contaminant and non occupational exposure results from natural and anthropological sources. Residents living near sand and gravel operations are potentially exposed to RCS.

The risk of exposure to ambient concentrations of RCS

- 42 From the research undertaken the County Air Quality Consultant concludes the main risk of adverse health effects from RCS are from occupational exposure; those exposed in their work environment. In recognition of this for those exposed at work the Health and Safety Executive (HSE) has set a Workplace Exposure Limit for RCS.
- 43 People are exposed to ambient levels of RCS as silica is present in the ambient air around us (from natural and anthropogenic (derived from human activities) sources). There is limited data available on likely ambient RCS levels and ambient RCS isn't highlighted as a health concern separately from general ambient particulate matter in the most recent official UK summary of ambient particulate matter (Particulate Matter in the UK, Air Quality Group, 2005). No statutory (or even non-statutory) ambient air quality standards for silica have been set in the UK.
- 44 There is no statutory air quality standard set in the UK for silica, or benchmark figure set by the EA for use in regulating emissions of pollutants from industry. Silica isn't identified as a polluting release in planning policy and guidance, only particulate matter generally which implies that ambient exposure to silica is not normally considered a major issue and adequate protection will normally be provided by compliance with general particulate matter (PM₁₀) limits. Planning Practice Guidance (PPG) for minerals requires planning applications where there are sensitive receptors (e.g. dwellings, schools etc) within 1000 metres of the dust generating activities to undertaken an assessment considering compliance with PM₁₀ air quality objective.
- 45 The County Air Quality Consultant's professional opinion is that compliance with the ambient air quality objective for PM₁₀ should protect against unacceptable health risk from RCS. This opinion is supported by the following points:

- In typical ambient environments particulate matter can be made up of a complex mixture of solid and liquid particles, including carbon, complex organic chemicals, sulphate, nitrates, ammonium, sodium chloride, mineral dust, water and a series of metals, which is suspended in the air. These particles may be produced directly from a source such as an engine – or formed from reactions between other pollutants (e.g. NO₂, SO₂, NH₃) in the air (known as secondary PM).
- The emerging scientific consensus is that the most biologically active (and potentially damaging) component of most particulates we are exposed to is the soot (elemental carbon) from road traffic, particularly diesel engines. This makes up a considerable proportion of the PM₁₀ (particles with a diameter smaller than 10µm) in many urban areas and the PM₁₀ objective level was derived from epidemiological studies that included urban exposure to road traffic. Therefore it could be argued that because, in general, mineral dusts are less biologically active than traffic PM, compliance with the national PM₁₀ objective level more than adequately minimises the health risk of those exposed to non-traffic PM.
- It should be noted that in monitoring compliance with EU Limit Values for PM₁₀, EU Directives allow member states to subtract desert dust (largely silica sand) from reported concentrations, as it is deemed not to have such significant health effects.
- The PM_{2.5} (those particles with a diameter smaller than 2.5µm) subset of PM₁₀ has a closer correlation with adverse health effects. The Government air pollution expert group, APEG (1999), states emissions arising from construction and from mining and quarrying activities tend to emit particulates in the coarser particle size range (2.5 – 10 µm) compared with combustion sources (point sources or traffic). Of the PM₁₀ emitted in mining and quarrying, 29% is <2.5 µm diameter, 8% is <1 µm diameter and none is <0.1 µm diameter.

Summary

- 46 The County Air Quality Consultant's review of information sources indicates that RCS is ubiquitous in the environment and low-level exposure to ambient levels is therefore unavoidable. The health impacts of workplace (occupational) exposure are well known, but there is no evidence that ambient levels pose an unacceptable risk. Many common substances, such as vitamins, nutritional minerals and coffee are potential carcinogens at high doses, but have no adverse effects at the levels we are normally exposed and a fundamental tenet of toxicology is that "The poison is in the dose".
- 47 Based on current readily-available evidence, the consultant advises there is unlikely to be a significant elevated risk from exposure to ambient RCS concentrations from quarries whose PM₁₀ dust impacts on the surrounding area are adequately controlled.

Officer comment and conclusion

- 48 Reference has been made to the lack of monitoring at QMQ. The permitted mineral and waste activity at QMQ is subject to dust controls and mitigation measures. Ongoing dust monitoring does not form part of the approved schemes, nor does the county council carry out monitoring in that way. The QMQ site is subject to a programme of regular monitoring by Planning Monitoring and Enforcement Officers, and where required, unplanned visits and monitoring will be undertaken. Complaints about dust from QMQ have been received from residents since 7 January and are being investigated.
- 49 The concerns raised have been considered and further advice sought from the County Air Quality Consultant. On the basis of the advice received and a review of the assessment undertaken by the applicant and consideration of the application as reported in the January officer report paragraphs 294 to 311 and Update Sheet 1, it is not considered that the concerns raised about air quality and potential health risks associated with crystalline silica and the PM_{2.5} size dust particles, introduce new facts which would have a bearing on the decision or alter the conclusion in paragraph 311 of the January officer report.

Restoration and afteruse

- 50 CLAG2, the Manor Farm Residents' Association and local residents have referred to the comments made by the applicant during the public speaking at the 7 January meeting, references in the January officer report and by officers during the debate about the use of conveyors to transport waste for use in restoration of mineral workings and transporting excavated waste from the Crossrail project at Wallasea Island.
- 51 Other issues raised concern the Surrey Minerals Plan 2011 preparation process and origin of information about the feasibility of options other than road to transport waste to the land at Manor Farm (Preferred area J). Although the position remains as set out in paragraph 387 of the January officer report in terms of relevance as material considerations on this application officers, think it would be appropriate to update the committee on these issues.
- 52 The issues raised and points made, and officer comments, concerning the use of conveyors to transport waste are set out in Consultees section (section 4) of the Kides Protocol Assessment at Annex E. Objectors clearly consider the use of conveyors at Wallasea Island together with the options that have been put forward to use conveyors to bring waste to the land at Manor Farm are material considerations in this case.
- 53 Officers do not consider the update providing clarification about use of conveyors to transport waste, and information provided as part of the preparation of the SMP 2011 relating to options for bringing waste to the land at Manor Farm (which would enable an alternative restoration to that proposed in the current application to be considered) and consideration of the issue by the Inspector, introduce any change in circumstances that would be material to the decision taken on 7 January 2015.
- 54 The county council has to determine the submitted application proposal and assess it on its planning merits, and in doing this have regard to the provisions of the development plan, so far as material to the application, and any other material considerations. The application proposes wet restoration and has been considered and assessed on that basis. Alternative options to enable the site to be backfilled have been proposed by objectors. The current restoration proposals accord with the Surrey Minerals Plan Primary Aggregates DPD Policy MA2 and the key development criteria for the Manor Farm Preferred Area J and Minerals Site Restoration SPD 2011.
- 55 Officers attach great weight to the lack of objection from technical consultees to the restoration proposals in the application, and irrespective of whether they are material or non material considerations, officers consider the options of using a conveyor to transport waste via QMQ, or by HGV accessing through QMQ and a controlled crossing over the Ashford Road, carry little or no weight given the policy position on wet restoration.

Airport safeguarding/safety/infrastructure

- 56 Aircraft and birdstrike issues. Concern has been expressed about the impact of increased flight numbers to and from Heathrow Airport following the ending of the Cranford agreement and possible airport expansion leading to an increased risk of birdstrike and as a result the consultation on birdstrike should be reviewed. Officers consider this is a new issue which could rationally be considered material to the consideration of this planning application, and therefore it is appropriate to address it in the report when the application is referred back to the Planning and Regulatory Committee.
- 57 Heathrow Airport Safeguarding were not aware of any new factors and their views remained as set out in the January officer report (paragraph 48). From a birdstrike point of view the application proposes a bird hazard management plan (BHMP) to be secured by planning condition. The BHMP has been agreed by Heathrow Airport birdstrike experts and would ensure minimum numbers of birds are attracted to the site.

- 58 The points made by CLAG2 and in representations have been assessed and views of Heathrow Airport Safeguarding sought. Their response to the issues raised about impact from increased flight numbers passing over the site is reported in the Consultee section (section 4) of the Kides Protocol Assessment (Annex E).
- 59 Birdstrike was discussed at the meeting on 7 January 2015. The issue and concern about increased ATMs and impact on birdstrike risk had not been raised previously. Heathrow Airport Safeguarding have clarified the position and advised increased ATMs over the area would not lead to increased risk of birdstrike associated with the proposed wet restoration. In the circumstances the conclusion by officers on this issue and advice to members remains as set out in paragraph 406 of the January officer report.

Publicity and issues raised since 7 January 2015

- 60 Since the application was considered at the January meeting representations have been received from 10 people, seven of which had made comments before, the other three representations were from new people. In total written representations have now been received on the application from 304 members of the public, organisations and groups.
- 61 Issues raised in the representations received since the 7 January meeting are set out in the Publicity section (section 5) of the Kides Protocol Assessment Annex E under the following headings:
- Procedural
 - Traffic
 - Flood risk
 - Landscape and visual impact
 - Air quality and dust
 - Biodiversity and ecology (species and designated areas)
 - Restoration and afteruse
 - Airport Safeguarding
 - Other matters
- 62 New issues raised under these headings are: the consultation on amendments to the application; the RESTORE project and Surrey County Council involvement in it; the impact on birdstrike hazard risk from increased flight numbers; potential health impacts from crystalline silica dust; the success of the use of conveyor belts to transport excavated waste from the Crossrail project at Wallasea Island; and the availability of fill material to back fill sites. Apart from the consultation issue the rest of the issues have been raised by consultees as well (CLAG2, MFRA or Spelthorne Natural History Society) and are considered in the Kides Protocol Assessment.
- 63 Of these new issues one, the impact on birdstrike hazard risk from increased flight numbers was considered to be a new matter which could rationally be considered material to the consideration of this planning application, and therefore should be included in the report when the application is referred back to the Planning and Regulatory Committee. As reported in paragraph 56 above the conclusion by officers on this issue and advice to members remains as set out in paragraph 406 of the January officer report. Other matters covered in this report above have been included to update the committee and clarify issues raised during the debate at the 7 January 2015 meeting.

GREEN BELT

- 64 The discussion and assessment of the planning application proposal against Green Belt policy in paragraphs 418 to 463 of the report to committee on 7 January 2015 (Item 7 attached as Annex A), Summary Report and conclusion (paragraphs 468 to 475) addressed the application proposal as being partly appropriate and partly inappropriate

development in the Green Belt. Green Belt case law referred to in paragraphs 15 and 16 above makes it clear the correct approach on such applications is to treat the whole development as a single development.

- 65 After consultation with Legal Services and advice from Counsel the planning application is being referred back to committee as the case law and correct approach to follow is a new factor which is material to the consideration of the Manor Farm application. Set out in Annex F are a replacement Summary Report and Green Belt section and Conclusion section.
- 66 Having reassessed the development as a whole against Green Belt policy Officers are satisfied that temporary planning permission can be granted as an exception to policy given the very special circumstances which exist, and lack of any other harm to the environment and residential amenity and lack of long term harm to openness and the purposes of the Green Belt.

HUMAN RIGHTS IMPLICATIONS

- 67 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 paragraphs 464 to 467 of the January officer report at Annex A.

CONCLUSION

- 68 This report has considered new issues relating to Green Belt and bird strike hazard which have emerged since 7 January 2015 which, after having undertaken a Kides assessment in line with the protocol adopted by the Planning and Regulatory Committee in 2003, officers concluded were material to the consideration of the planning application such that the application should be referred back to the Planning and Regulatory Committee.
- 69 In summary the proposal to extract minerals is in accordance with a DPD allocation and otherwise satisfies a clear need with regard to a national policy requirement to maintain a landbank and so maintain a steady and adequate supply of aggregates. The development can be undertaken in a manner which does not give rise to unacceptable environmental or amenity impacts.
- 70 Having reassessed the development against Green Belt policy and airport safeguarding policy, as set out in this report, and the amendments to the January officer report comprising a revised summary report, Green Belt section and overall conclusions in Annex F, and issues raised since by objectors since January, officer's overall conclusion, that planning permission should be granted remains unchanged and the application is referred back to the committee for reconsideration in the light of the new issues which have emerged. The proposed conditions, reasons and informatives set out in the recommendation below include some minor updates and combine and replace the conditions in the report at Annex A as amended by the Update Sheets at Annex B.

RECOMMENDATION

The recommendation is that, subject to the prior completion of a S106 legal agreement between the county council, the applicant and Thames Water Utilities Ltd 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 and SP07/1275 to no more than 300 HGV movements (150 two way HGV movements) on any working day attached as Appendix D to PERMIT subject to conditions and informatives as set out below.

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 approved shall be carried out in accordance with the following approved plans and drawings:

Drawing No.	Drawing Title	Date
PA1	Location Plan	March 2012
PA2	1000m Location Plan	March 2012
PA3	Existing Use Plan	March 2012
PA4	Borehole Location Plan	March 2012
PA5	Phasing Plan	March 2012
PA6	Phase 1 with Cross Sections – Rev F	24/04/14
PA7	Phase 2 with Cross Sections – Rev D	24/04/14
PA8	Phase 3 with Cross Sections – Rev C	24/04/14
PA9	Phase 4 with Cross Sections – Rev C	24/04/14
PA10	Conveyor Tunnel General Arrangement – Rev B	12/02/13
PA11	Queen Mary Quarry Batching Plant	March 2012
PA12	Queen Mary Quarry Aggregate Bagging Plant	March 2012
PA13	Restoration Detail Plan	March 2012
PA14	Restoration Elevations	March 2012
PA15	Approved Restoration Plan for QMQ Site	March 2012
PA16	Proposed Worple Road Access – Rev C	12/02/13
PA17	Proposed Ashford Road Access – Rev D	March 2012 revised 22/07/15
PA18	Queen Mary Quarry Proposed Site Layout – Rev B	20/07/12
EIA 6.2	Public Rights of Way Plan	20/07/12
EIA 8.1	Heritage Assets and Potential Disturbance	March 2012
EIA 8.2	Historic Maps	March 2012
ST12377-SK1	Floodplain compensation and Causeway Drainage Proposal	04/11/13, revised 22/07/15
QMQ/016	Overhead Power Cables above Proposed Conveyor	19/11/2013
ST13443-PA2	Application Area (proposed conveyor route)	09/04/13
EIA 9.3	Summary of proposed level for level flood compensation - Phase 1 Rev E	13/01/14
EIA 9.4	Summary of proposed level for level flood compensation Phase 2 Rev C	23/04/2014
EIA 9.5	Summary of proposed level for level flood compensation Phase 3 Rev B	23/04/2014
EIA 9.6	Summary of proposed level for level flood compensation Phase 4 Rev B	23/04/2014
EIA 9.8	Conveyor Route Details Rev B	March 2012
EIA 9.8	Conveyor Route Details (Annotated copy with pipe details and spacings)	March 2012 (received with letter dated 1 November

Drawing No.	Drawing Title	Date
		2013)
EIA 9.9	Existing Surface Water Features Prior to Sand & Gravel Extraction at Manor Farm	March 2012

Commencement

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

Time Limits

- 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.
- 5 Extraction of mineral from Manor Farm, transportation by conveyor to Queen Mary Quarry and processing of extracted mineral shall be for a period of 5 years from the date of commencement of extraction. On completion of extraction the conveyor belt shall be removed from land at Manor Farm and Queen Mary Quarry, and the land at Manor Farm shall be restored within 6 years of the commencement of extraction, by which date all buildings, fixed plant or machinery, internal access roads and hardstandings, together with their foundations and bases and conveyor tunnels shall be removed from the land and the site shall be restored in accordance with the approved restoration plans.
- 6 The use of the concrete batching plant and aggregate bagging plant hereby permitted on land at Queen Mary Quarry shall cease either upon cessation of the developments permitted under planning permission refs SP07/1273 and SP07/1275 dated 15 January 2009 and SP13/01238 and SP13/01239 dated 6 January 2015 or otherwise no later than 31 December 2033 following which all buildings, fixed plant or machinery, internal access roads and hardstandings, together with their foundations and bases shall be removed 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.

Restriction of Permitted Development Rights

- 7 Notwithstanding the provisions of parts 4 and 19 of Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, (or any Order amending, replacing or re-enacting that Order):
 - no plant, buildings or machinery whether fixed or moveable, shall be erected on the site, without the prior written approval of the County Planning Authority in respect of the siting, detailed design, specifications and appearance of the plant, buildings or machinery.

Access, Traffic and Protection of the Public Highway

- 8 a) Before any other operations are commenced, the temporary access to Ashford Road as shown on Drawing PA17 Proposed Ashford Road Access – Rev D dated 04/11/13, revised 22/07/15 shall be designed, constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The Ashford Road access shall be used in connection with extraction and restoration operations within Phase 1 as shown on Drawing PA5 Phasing Plan dated March 2012 for transport of plant and equipment and maintenance of the conveyor system only and thereafter during extraction operations on Phases 2 to 4 in

connection with maintenance of the conveyor system only. On completion of extraction the access shall be permanently closed and any kerbs, verge, footway fully reinstated by the applicant, and hedgerow replanted in a manner to be agreed in writing with the County Planning Authority, upon the completion of Phase 1.

b) (i) Before any other operations are commenced details of the current design of the Worple Road agricultural access (width, surface and gates) and proposed design of the Worple Road access as shown on Drawing PA16 Proposed Worple Road Access – Rev C dated 12/02/2013, including visibility splays and trees and hedgerow to be lopped/cut back or removed, protection measures for trees affected, and details of tree and hedgerow replanting shall be submitted to and approved in writing by the County Planning Authority.

b) (ii) Prior to commencement of extraction in Phase 2 the construction of the modified Worple Road access shall be completed and provided with visibility splays in accordance with the approved details.

b) (iii) The Worple Road access shall be used in connection with extraction and restoration operations within Phases 2 to 4 as shown on Drawing PA5 Phasing Plan dated March 2012 for transport of plant and equipment and maintenance of the conveyor system, and access to the site compound only.

b) (iv) Within six years of commencement of extraction any kerbs, verge, footway shall be removed and the Worple Road access shall be reinstated to its previous design (width, surface and gates) and hedgerow and trees replanted in accordance with the details approved under part a) of this condition.

9 Prior to commencement of the development a Section 278 agreement shall be entered into with the County Highway Authority for the construction of the tunnels and the placing of the conveyor under FP30 and Ashford Road, their removal on completion of extraction, and reinstatement of the highway and public footpath.

a) Before extraction is commenced in Phase 1, construction of the conveyor tunnel under Ashford Road shall be completed. The conveyor tunnel shall be constructed generally in accordance with the approved plans Drawing numbers EIA9.8 Conveyor Route Details Rev B dated March 2012, PA10 Conveyor Tunnel General Arrangement Rev B dated 12/02/2013 and ST12377-SK1 Flood Plain compensation and Causeway Drainage Proposal dated 04/11/13, revised 22/07/15, as modified through details to be provided and agreed in connection with the Section 278 agreement to be completed relating to works to the highway.

b) Before extraction is commenced in Phase 2, construction of the conveyor tunnel under Footpath 30 shall be completed. The conveyor tunnel shall be constructed generally in accordance with the approved plans Drawing numbers EIA9.8 Conveyor Route Details Rev B dated March 2012 and PA10 Conveyor Tunnel General Arrangement Rev B dated 12/02/2013, as modified through details to be provided and agreed in connection with the Section 278 agreement to be completed relating to works to the highway.

c) The conveyor tunnels shall be permanently removed once sand and gravel extraction at Manor Farm has ceased, and the highway/footway and public footpath shall be fully and permanently reinstated in accordance with details provided to, and agreed by, the County Planning Authority.

10 The means of access for vehicles to the development shall be via the Ashford Road and Worple Road accesses only as set out Condition 8 a) and 8b) above. There shall be no other vehicular means of access to the site.

11 a) Prior to commencement of extraction in Phase 1 east of Footpath 30 the conveyor

route shall be provided to Phase 1, and between Manor Farm and the Queen Mary Quarry processing plant along the route shown on Drawing numbers EIA9.8 Conveyor Route Details Rev B dated March 2012 and PA6 Phase 1 with Cross Sections Rev F dated 24/04/14, as modified by the conveyor route permitted under planning permission ref SP13/01003 dated [insert date] and shown on Drawing ST13443-PA2 Application Area (proposed conveyor route) dated 9/4/13.

b) Prior to commencement of extraction in Phase 2 the conveyor route shall be extended to provide access to the land west of Footpath 30 as shown on Drawing numbers EIA9.8 Conveyor Route Details Rev B dated March 2012 and PA7 Phase 2 with Cross Sections Rev D dated 24/04/14. The conveyor route shall be modified in accordance with the details shown on Drawing numbers PA8 Phase 3 with Cross Sections Rev C dated 24/04/14 and PA9 Phase 4 with Cross Sections Rev C dated 24/04/14 prior to commencement of extraction in Phases 3 and 4. The conveyor route shall be maintained for the duration of extraction in each phase along the route shown on the approved drawings and used for transport of extracted mineral to the processing plant site at Queen Mary Quarry. All sand and gravel extracted at Manor Farm shall be exported to the Queen Mary Quarry processing plant site via conveyor. There shall be no export of material from Manor Farm by HGV. All sand and gravel extracted at Manor Farm shall be exported from the Queen Mary Quarry site via the existing access onto the A308.

12 a) Before any operations in respect of the development Manor Farm are commenced details shall be submitted to and approved by the County Planning Authority of measures to be taken and facilities provided in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway associated with the use of the Ashford Road and Worples Road accesses. The agreed measures shall thereafter be retained and used in connection with site preparation, extraction and restoration operations at Manor Farm.

b) The existing approved wheel cleaning facilities and method for keeping the public highway clean in operation at Queen Mary Quarry shall be maintained and used in connection with the export of mineral extracted at Manor Farm, and thereafter following completion of extraction at Manor Farm in connection with the operation of the concrete batching plant and aggregate bagging plant hereby permitted.

13 Neither extraction of minerals from Phase 2, nor use of the site compound shown on drawings PA6 Phase 1 with Cross Sections – Rev F dated 24/04/14 and PA16 Proposed Worples Road Access – Rev C dated 12/02/13, shall commence until space has been laid out within the site compound in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority for the parking and loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

14 When measured in combination with all planning permissions for Queen Mary Quarry, the development hereby permitted shall give rise to no more than 300 HGV movements (150 two way HGV movements) on any working day. The site operator shall maintain accurate records of the number of HGV vehicles accessing and egressing the site daily and shall make these available to the County Planning Authority on request.

Construction Management Plan

15 Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the County Planning Authority. The Construction Management Plan shall set out procedures for managing the construction of the buildings, plant, equipment and conveyor and the preparation of land to ensure that movements and

deliveries are adequately controlled during this phase of the development. The Construction Management Plan shall be implemented as approved.

Hours of Operation

- 16 In connection with Manor Farm operations and operation of the conveyor between Manor Farm and the processing plant in Queen Mary Quarry:

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 working on Saturdays, Sundays, Bank Holiday or National Holidays. Neither shall any servicing, maintenance or testing of plant 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

- 17 In connection with Queen Mary Quarry operations:

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
0730 - 1300 Saturdays

There shall be no working on Sundays, Bank Holiday or National Holidays. Neither shall any servicing, maintenance or testing of plant be carried out between:

1800 - 0730 Monday to Fridays, 1300 Saturdays - 0730 Mondays.

This condition shall not prevent the following activities:

- a) emergency repairs to plant and
- b) lighting for security purposes

Noise Control

- 18 All vehicles plant and machinery operated within the site shall be maintained in accordance with the manufacturers specification at all times and where necessary shall be fitted and used with effective silencers and/or noise insulation.
- 19 Other than vehicles involved in exporting aggregate product from the Queen Mary Quarry or delivery of consumables to the site compound at Manor Farm, all other vehicles and mobile plant operating at the Manor Farm and Queen Mary Quarry site under the control of the operator (which shall include plant and equipment hired by the operator or used by contractors), must be fitted with, and use, a white noise type vehicle alarm or switchable system.
- 20 Except for temporary operations, the level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2m at least

3.6m from the façade of a residential property or other a noise sensitive building that faces the site shall not exceed 55 LAeq for any 0.5 hour period during 0730 to 1800 hours Monday to Friday and 0730 to 1300 hours Saturdays.

- 21 For temporary operations such as site preparation, soil and overburden stripping, bund formation and final restoration, the level of noise arising when measured at, or recalculated as at, a height of 1.2 metres above ground level and 3.6 metres from the facade of a residential property or other noise sensitive building that faces the site shall not exceed 70LAeq, during any 1 hour period. Such activities shall not take place for a total period greater than eight weeks in any twelve month period.
- 22 Prior to the extraction of minerals and use of the conveyor, details of the location and height of the noise barriers for the conveyor switch points as specified in Planning Supporting Statement paragraph 7.149 and Table 7.12, Wardell Armstrong dated 13/11/2012 (not 2013 as on letter), Environmental Statement paragraphs 11.6.16 and 11.7.3, paragraphs 2.13 to 2.18 of the June 2013 Addendum to the Environmental Statement and plan ST13443-PA2 Application Area (proposed conveyor route) dated 09/04/13, shall be submitted to and approved in writing by the County Planning Authority. The noise barriers are to be constructed in accordance with the approved details and maintained in good condition until completion of extraction and use of the conveyor system to transport mineral to the Queen Mary Quarry processing plant, with the monitoring and maintenance of the barriers to be included within the site integrated management system.
- 23 The 4 metre high bund erected on the site boundary of the recycling facility within the Queen Mary Quarry as described in the W A Hines & Partners Report dated 2.11.12 and shown on the Aerial in that report shall be retained and maintained at 4m high at all times until cessation of the use of the concrete batching plant and aggregate bagging plant in accordance with condition 6.

Dust

- 24 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 and Chapter 12 of the Environmental Statement) shall be implemented and the Dust Action Plan and monitoring scheme approved pursuant to Condition 23 (a) shall be implemented as approved throughout the duration of the development.

Water environment and pollution controls

- 25 The development hereby permitted shall only be carried out in accordance with the planning application (including paragraph 7.149 and Table 7.12) and approved Flood Risk Assessment (FRA) (July 2012) (Chapter 9 and Appendix 9.1 of the Environmental Statement), as modified by the June 2013 Addendum to the Environmental Statement and subsequent letters and emails), and the following mitigation measures detailed within the FRA:
- There is no increase in impermeable area on the site and no increase in surface water run-off volume.
- 26 Full level for level compensation for all elements being built within each phase will be provided at the start of each phase prior to any bunding or overburden storage in the

floodplain in accordance with the following plans and documents:

Drawing EIA 9.3 Summary of proposed level for level flood compensation - Phase 1 Rev E revision E dated 13/01/14 and point 1 of letter dated 3 December 2013 from Wardell Armstrong, reference JG/ST12377/016,
 Drawing EIA 9.4 Summary of proposed level for level flood compensation Phase 2 Rev C dated 23/04/2014,
 Drawing EIA 9.5 Summary of proposed level for level flood compensation Phase 3 Rev B dated 23/04/2014,
 Drawing EIA 9.6 Summary of proposed level for level flood compensation Phase 4 Rev B dated 23/04/2014.

27 All bunds shall be constructed in accordance with the following:

Drawing PA6 Phase 1 with Cross Sections – Rev F dated 24/04/14,
 Drawing PA7 Phase 2 with Cross Sections – Rev D dated 24/04/2014,
 Drawing PA8 Phase 3 with Cross Sections – Rev C dated 24/04/2014,
 Drawing PA9 Phase 4 with Cross Sections – Rev C dated 24/04/2014.

28 Prior to commencement of development a scheme to ensure that the causeway does not form a barrier across the floodplain shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include:

- a) detailed drawings of the proposed pipes within the causeway,
- b) calculations demonstrating that the size, location and number of pipes are sufficient to allow flood waters to pass through the causeway unhindered for all flood events up to the 1 in 100 plus climate change flood event,
- c) measures to ensure that the pipes will be maintained as open within the causeway for the lifetime of the causeway,
- d) measures for removal of the causeway to at least normal water level at the end of the development.

The development shall be carried out in accordance with the approved details.

29 The bunds and causeway shall be removed in accordance with the restoration plans; Drawing PA13 Restoration Detail Plan dated March 2012 and Drawing PA14 Restoration Elevations dated March 2012.

30 The development hereby permitted shall be carried out in accordance with the approved drawing No.ST12377 SK1 Floodplain compensation and Causeway Drainage Proposal dated 04/11/13, revised 22/07/15 and the following measures as detailed:

- a) provision of level for level floodplain compensation for the causeway up to the 1 in 100 plus climate change flood level
- b) compensation to be provided before the causeway is put in place and maintained as open for the life of the causeway.

31 Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.

32 Prior to the commencement of development a groundwater monitoring plan shall be submitted to and approved in writing by the County Planning Authority. The groundwater monitoring plan shall include:

- a) additional monitoring boreholes to the north, east and west of the extraction area, and existing off-site wells to the east and south should be included,
- b) water level monitoring and groundwater chemistry should be undertaken, with annual data reviews,
- c) contingency mitigation measures,
- d) The groundwater monitoring plan shall be implemented as approved.

Programme of Working

- 33 The working of minerals from Manor Farm shall be carried out in accordance with the approved phasing drawing PA5, with the bund construction in accordance with drawing nos. PA6, PA7, PA8 and PA9 as listed above under Condition 2.

Rights of Way

- 34 Public access must be maintained throughout the period of mineral extraction and restoration. If this is not possible whilst work is in progress then an official temporary closure order will be necessary, the cost of which is to be borne by the applicant. The operator must ensure that:
- a) There are no obstructions to the public rights of way (FP28, FP29 and FP30) at any time, including on a temporary basis by the placing of plant or vehicles,
 - b) Any damage to the rights of way surfaces must be reinstated to the satisfaction of the County Council's Countryside Access Officer,
 - c) Warning signs must be erected where contractors' vehicles are using or crossing the right of way, the wording of such signs not to discourage public use.

Archaeology

- 35 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the County Planning Authority.

Bird Hazard Management Plan

- 36 Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the County Planning Authority. The submitted plan shall include details of:
- a) monitoring of any standing water or wetland within the site temporary or permanent

The Bird Hazard Management Plan shall be implemented as approved, on commencement of the extraction and shall remain in force for the operational life of the site, including the restoration and thereafter in perpetuity.

Ecology

- 37 Prior to the construction of any buildings and erection of plant and equipment, or removal of vegetation the site at (Manor Farm and Queen Mary Quarry) in advance of operations or during restoration shall be inspected by a suitably qualified ecologist to check for breeding birds. No trees shall be felled or vegetation removed during the bird nesting season (1 March – 31 August) unless they have been inspected by a suitably qualified ecologist who has certified that there are no active nests which might be disturbed or destroyed by those activities. If an active nest is identified as being so affected by the development, no further works shall take place in that area until all nesting activity has concluded.

- 38 Prior to the commencement of development an updated bat survey shall be undertaken to assess the use of the site by foraging and roosting bats, and the survey results together with a biodiversity mitigation scheme submitted to and approved in writing by the County Planning Authority. The biodiversity mitigation scheme shall include the checking of trees prior to removal to check for bat roosts, the type and number of bat and bird boxes proposed and measures for maintaining foraging lines along hedgerows to be retained within and adjoining the application site. The biodiversity mitigation scheme shall be implemented as approved.

Lighting

- 39 Prior to installation of any external lighting at the site compound details of the design and appearance of the lighting, its brightness, direction and methods of shielding shall be submitted to and approved by the County Planning Authority.

Concrete batching plant and aggregate bagging plant

- 40 Only mineral extracted at Manor Farm and processed at Queen Mary Quarry and as raised sand and gravel imported to and processed at the Queen Mary Quarry, and recycled aggregate material produced at Queen Mary Quarry, under planning permissions SP07/1273 and SP13/01238 and SP07/1275 and SP13/01239 shall be used in the concrete batching plant and aggregate bagging plant hereby permitted.

Soil Movement and Placement

- 41 Soils shall only be moved when in a dry and friable condition; and handling, movement and replacement of soils shall not be carried out between the months of November to March inclusive, or during the bird breeding season unless the area concerned has been shown to be free of nesting birds, following an inspection by a suitably qualified ecologist, immediately prior to such works commencing. Soils should be handled in accordance with the Defra 'Good Practice Guide for Handling Soils'.
- 42 Bunds for the storage of soils shall be in accordance with the following criteria:
- a) Topsoils, subsoils and subsoil substitutes should be stored separately.
 - b) Where continuous bunds are used dissimilar soils should be separated by a third material, previously agreed with the County Planning Authority.
 - c) Topsoil and subsoil (or subsoil substitute) bunds should not exceed 3 m in height.
 - d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

Landscaping and Restoration

- 43 The height of stockpiles within the Queen Mary Quarry processing plant shall not exceed 16 metres.
- 44 The restoration of the Manor Farm site shall be carried out in stages, progressively as the extraction proceeds in accordance with the approved Quarry Phasing Plans (Drawings PA5 – PA9, as detailed in Condition 2 above) and the approved Drawing PA13 Restoration Detail Plan for Manor Farm dated March 2012.
- 45 The restoration of the Queen Mary Quarry site shall be in accordance with the restoration and landscaping scheme for the site approved under reference SP07/1276 dated 15 January 2009, as reproduced on Drawing No. PA15 – 'Approved Restoration Plan for QMQ Site' dated March 2012.

- 46 Prior to the extraction of each of the phases of working within Manor Farm, detailed landform and planting design proposals shall be submitted to and approved in writing by the County Planning Authority.
- 47 Prior to commencement of development a vegetation survey of the Manor Farm site following the guidance and recommendations in BS 5837:2012 (Trees in relation to design, demolition and construction – recommendations) shall be undertaken and a tree and hedgerow protection plan submitted to and approved in writing by the County Planning Authority. The tree protection plan shall include details of:
- a) identification and assessment of the trees and hedgerows that are required to be removed,
 - b) measures for the protection of the trees and hedgerows that are to be retained during the construction and operation of the site.

The tree and hedgerow protection plan shall be implemented as approved and all existing hedges, trees, saplings, shrubs along the boundaries and such vegetation within the site shown as being retained in the tree protection plan submitted pursuant to this condition shall be retained and protected from damage during the process of extraction and subsequent restoration.

Aftercare and management

- 48 The aftercare, management and maintenance of the restoration plan for Manor Farm shall be for a period of 25 years in accordance with the 'Restoration Management and Maintenance Plan' dated March 2012 (Appendix 7.1 Rev A Planning Statement).

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 comply with Section 91 of the Town and Country Planning Act 1990.
- 4 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at a mineral working site in an area of Metropolitan Green Belt and to minimise the impact on local amenity in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC3.
- 5 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at a mineral working site in an area of Metropolitan Green Belt and enable restoration of the land in accordance with the approved restoration scheme to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and to minimise the impact on local amenity in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC3 and MC17.
- 6 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at a mineral working site in an area of Metropolitan Green Belt and enable restoration of the land in accordance with the approved restoration scheme to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and to minimise the impact on local amenity in accordance with Policies MC3 and MC17 of the Surrey Minerals Plan 2011 Core Strategy.

- 7 To safeguard the Metropolitan Green Belt and protect the amenities of the locality in accordance with the terms of Policies MC3 and MC14 of the Surrey Minerals Plan 2011.
- 8-15 In the interests of safeguarding the local environment and to ensure the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies MC14 and MC15 of the Surrey Minerals Plan 2011.
- 16-17 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.
- 18-23 To ensure minimum disturbance and avoid noise 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.
- 24 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.
- 25-32 To reduce the impact of flooding both on and off site, ensuring the satisfactory storage of/disposal of surface water from the site, minimising the risk of pollution of watercourses and groundwater in accordance with: Strategic Policy SP6 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.
- 33 To comply with the terms of the application and 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 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.
- 34 To protect the route of the public footpaths and the amenities of the users and comply with Policy MC14 of the Surrey Minerals Plan 2011.
- 35 To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide upon a course of action required for the preservation or recording of such remains in accordance with the Policy MC14 of the Surrey Minerals Plan 2011.
- 36 It is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport in accordance with Policy MC14 of the Surrey Minerals Plan 2011.
- 38: To comply with the terms of the application and in the interests of biodiversity and wildlife conservation to comply with Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.
39. To enable the County Planning Authority to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Strategic Policy SP6 and Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009.
- 40 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at the site which is

situated in an area of Metropolitan Green Belt and to minimise the impact on local amenity in accordance with Policies MC3 and MC17 of the Surrey Minerals Plan 2011 Core Strategy.

- 37, 41 & 42 To comply with the terms of the application and in the interests of biodiversity and wildlife conservation to comply with Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.
- 43 To enable the County Planning Authority to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Strategic Policy SP6 and Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009.
- 44-48 In order to achieve a high standard of restoration, and protect the local environment and amenity, in accordance with Policies MC14, MC17 and MC18 of the Surrey Minerals Plan 2011.

Informatives:

- 1 Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transport Development Planning Team of Surrey County Council.
- 2 When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highway Service Group will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.
- 3 The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- 4 A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- 5 The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- 6 A S278 Agreement is required in respect of the works (conveyor tunnel, site entrances onto Ashford Road and Worple Road, public footpath) under this decision. A bond will be required from the commencement of the development for the duration of the works and will only be released on the satisfactory reinstatement of the highway.
- 7 The applicant's attention is drawn to the comments and requirements of National Grid within their letters of 2 October 2012, 30 July 2013 (Part 1) and 30 July 2013 (Part 2), 12 December 2013, 27 December 2013, and 10 February 2014, copies of which have been provided to the applicant or can be obtained from the County Planning Authority.

8 The applicant's attention is drawn to the comments and requirements of Esso Petroleum Co Ltd set out within the Fisher German letter dated 17 October 2013 and enclosed Special Requirements for Safe Working booklet and the covenants referred to in the Deed of Grant, copies of which have been provided to the applicant or can be obtained from the County Planning Authority.

9 The applicant's attention is drawn to the following requirement of Thames Water in relation to public sewers and sewerage infrastructure in the B377 Ashford Road:

"There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

There is a foul water sewer and manhole in Ashford Road (B377) in the location where the conveyance tunnel is proposed. The manhole is at a depth of approximately 11.6m AOD. The developer needs to contact Thames Water Developer Services on 0845 850 2777 regarding asset protection of this sewer during and after the construction."

10 Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 5810: 1979) or any prescribed document replacing that code.

11 The Applicant's attention is drawn to the potential need to modify the existing Pollution Prevention Control (PPC) Permit for the site prior to the commencement of any works.

12 The Applicant's attention is drawn to the potential need to obtain a Local Authority Pollution Prevention Control (LAPPC) Permit for the site prior to the commencement of any works.

13 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this act.

Birds are known to nest on the ground within the site, on buildings and items of the mineral processing plant and these and trees and scrub present on the application site are likely to contain nesting birds between 1st March and 31st August inclusive. Unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present, the site is assumed to contain nesting birds between the above dates.

14 Environment Agency - Advice to applicant: "There is currently an abstraction licence issued to Brett Aggregates at the adjacent site. The licence number is TH/039/0031/008. This licence allows water to be abstracted for the purpose of mineral washing. The maximum abstraction volumes associated with this licence are:

- 573m³/hour
- 5,730m³/day
- 1,760,000m³/year

It is mentioned in the planning application that water would be needed for concrete production, dust suppression (including vehicle washing) and potentially for landscape irrigation. If you intend to use your existing abstraction licence for any purpose other than mineral washing, you will need to contact us to discuss the possibility of varying your licence. You would also need to contact us if you intend to drill a new borehole or seek to take water from a surface water source (e.g. lake/river).

If you have any questions regarding the above points then please email Alastair Wilson at thames.northeast@environment-agency.gov.uk or call on 03708 506 506."

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

CONTACT

Susan Waters

TEL. NO.

020 8541 9227

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:

- Heathrow Airport Noise pages on website (www.heathrow.co.noise/heathrow-operations/cranford-agreement)
- Kemnal Manor Memorial Gardens Ltd. v The First Secretary of State & Anor* [2005] EWCA Civ 835 (14 June 2005)
- Timmins & Anor, R (On the Application Of) v Gelding Borough Council* [2015] EWCA Civ 10 (22 January 2015)
- Kides Assessment for application SP2012/01132 including consultation responses and documents and websites referred to in the Kides Assessment Table.
- Surrey County Council Local Aggregate Assessment (Surrey LAA) November 2014
- Surrey Minerals Plan 2011 (Core Strategy and Primary Aggregates Development Plan Documents)
- Surrey County Council Minerals Site Restoration Supplementary Planning Document (SPD)
- Surrey Minerals and Waste Development Scheme 2015
- Spelthorne Borough Council Local Development Scheme 2015-2019 February 2015
- Spelthorne Borough Council Air Quality Progress Report 2014 for Spelthorne Borough Council, November 2014
- Surrey County Council Planning Service Annual Monitoring Report 2013/14 (AMR 2013-14) Core Documents List Examination of the Surrey Minerals Plan Core Strategy and Primary Aggregates Development Plan Documents
- Surrey Minerals Plan Transportation Assessment Background Report April 2006 – partially updated 2009 November 2009 (Surrey Minerals Plan EIP Core Document CD23)
- SMP/PA/Matter 2 – Area J Surrey Minerals Plan Examination Primary Aggregates DPD (Nov/Dec 2010) Statement by Surrey CC (Matter 2 Preferred Area J – Manor Farm Laleham
- Surrey Minerals Plan Schedule of Representations received under regulations 27 and 28 on Primary Aggregates (Development Plan Document for submission to the Secretary of State February 2010
- Inspector's Report on the Examination into the Surrey Minerals Plan Primary Aggregates Development Plan Document) Report to Surrey County Council by Mary O'Rourke date 23 May 2011

- Non Material Amendment application ref ESS/54/08/ROC/NMA12 documents (application documents, and Essex County Council decision letter dated 25 February 2013)
 - Non Material Amendment application ref ESS/54/08/ROC/NMA13 documents (application documents, and Essex County Council decision letter dated 26 March 2013)
 - Essex County Council Minutes of a meeting of the Development and Regulation Committee held at County Hall, Chelmsford on 23 January 2015 relating to Report DR/02/15 Item 6 Land at Wallasea Island, Rochford, Essex
 - Surrey County Council Supplementary Agenda and Reports for the meeting of The County Council to be held on 17 March 2015.
 - RESTORE North West Surrey Restore leaflet
 - RESTORE website (www.restorequarries.eu)
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ANNEXES

- A** Officer report (and Annex Draft Heads of Agreement for the s106 legal agreement) to 7 January 2015 Planning and Regulatory Committee on application ref SP2012/01132 (Item 7).
- B** Minutes of the 7 January 2015 meeting of the Planning and Regulatory Committee including Update Sheets (1 and 2) to Item 7.
- C** Draft s106 legal agreement and plan
- D** Kides protocol flow chart (Appendix A to 12 November 2003 Planning and Regulatory Committee Agenda Item 13)
- E** Kides Protocol Assessment considering whether new material considerations have emerged since 7 January 2015.
- F** Revised Green Belt Sections (to replace Summary Report, Green Belt Section and overall conclusions from the 7 January report).