

Consideration of whether new factors have emerged between the Planning and Regulatory Committee resolution on 7 January 2015 and the issuing of the decision notice on completion of legal agreement.

**PLANNING APPLICATION REF: SP2012/01132**

**SITE:** Land at Manor Farm, Ashford Road and Worples Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey

**PROPOSAL:** Extraction of sand and gravel and restoration to landscaped lakes for nature conservation afteruse at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.

The Planning and Regulatory Committee considered the above planning application made by Brett Aggregates Ltd at the 7 January 2015 meeting and resolved subject to the prior completion of a section 106 legal agreement, to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273, SP13/01238, SP07/1275 and SP13/01239 to no more than 300 HGV movements (150 two way HGV movements) on any working day, to grant planning permission, subject to conditions and informatives set out in the committee report to application SP2012/01132.

A related application for the conveyor application SP13/01003 was considered at the same meeting and on which the committee resolved, subject to planning permission being granted for application SP2012/01132, to grant planning permission subject to conditions and informatives. That application has a separate table setting out the Kides assessment.

The section 106 agreement (s106 legal agreement) relating to the Manor Farm application has been prepared and will soon be available for completion in which case the planning permission decision notice can be issued in line with the committee resolution.

As a result the time taken to complete the s106 Agreement, a period of nearly six months will have lapsed between the committee resolution and the issue of the decision notice. As such consideration is given below as to whether any new factors have emerged in the intervening period.

**1 CASE LAW AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

	Consulted Legal Services/EIA Officer	Changes	No changes	Details/Comments
Have any relevant new legal issues arisen since the resolution by Committee?	✓	✓		<p>After the meeting planning officers become aware of case law (in <i>Kemnal Manor Memorial Gardens Ltd. v The First Secretary of State &amp; Anor [2005] EWCA Civ 835 (14 June 2005)</i> and <i>Timmins &amp; Anor, R (On the Application Of) v Gelding Borough Council [2015] EWCA Civ 10 (22 January 2015)</i> 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.</p> <p>Planning officers have reviewed the approach taken in respect of the Manor Farm SP2012/01132 planning application as set out in the officer report to committee. In consultation with Legal Services and on advice from Counsel it has been decided this 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</p>

	Consulted Legal Services/EIA Officer	Changes	No changes	Details/Comments
				Regulatory Committee.
Have any relevant new EIA issues arisen since the resolution by Committee?	✓		✓	

## 2 DEVELOPMENT PLAN DOCUMENTS AND BACKGROUND PAPERS REFERRED TO WITHIN THE OFFICER REPORT (✓)

Background Papers	Unchanged	Revised/ Changed	Comments
<b><i>Policy Guidance</i></b>			
National Planning Policy Framework (NPPF),	✓		
National Planning Practice Guidance (NPPG)		✓	There have been a number of changes to the planning practice web based resource since 7 January 2015. The changes relate to various categories of guidance and include amendments to previous guidance and addition of new guidance. These changes relate to the following matters: pre application discussions, planning performance agreements, neighbourhood planning, strategic environmental assessment and sustainability appraisal, planning obligations (relating to infrastructure obligations and housing and economic development needs assessments), when is planning permission required and changes to a) permitted development rights for the change of use of agricultural buildings, b) renting out private residential parking spaces, local plans, housing and economic development needs assessments, housing and economic land availability assessment, transport evidence bases in plan making and decision taking (relating to the - the development of airport and airfield facilities and their role in serving business, leisure, training and emergency service needs), ensuring effective enforcement (stop notices), Community Infrastructure Levy (CIL), considering water supply, wastewater and water quality when plan making, Environmental Impact Assessment, viability, renewable and low carbon energy, climate change (setting local requirements for sustainability of a building), housing (optional technical standards) flood risk and coastal change (changes to statutory

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			<p>consultee requirements and sustainable drainage systems and surface water runoff (to apply to planning applications made on or after 15 April 2015 only), deemed discharge and written justification of conditions requirements, duty to cooperate,</p> <p>None of the changes are relevant to the consideration of these applications, so not new material considerations.</p>
Circular 06/2005 Biodiversity and Geological Conservation-Statutory Obligations	✓		
Government Circular 01/03 Safeguarding aerodromes, technical sites and military explosives storage areas	✓		
<b><i>The Development Plan</i></b>			
Surrey Minerals Plan 2011 (Core Strategy and Primary Aggregates Development Plan Documents)	✓		Issues raised in representations and by the Manor Farm Residents' Association about restoration and the Manor Farm site are considered in the Consultation and Publicity sections below.
Aggregates Recycling Joint Development Plan Document for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)	✓		
Spelthorne Borough Local Plan 2001 Saved Policies And Proposals as at 28	✓		The plan together with the Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 and Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 are to be replaced by a new

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September 2007			Local Plan as the existing documents are not considered entirely up to date and consistent with the NPPF.  The preparation of the new plan has only just commenced and is programmed to take place between 2015 and 2019. The new plan is at a very early stage of preparation and is not material to these applications.
Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009	✓		See comment on Spelthorne Borough Local Plan 2001 above.
Spelthorne Borough Council Flooding SPD, adopted 19 July 2012	✓		See comment on Spelthorne Borough Local Plan 2001 above.
<b>Other Documents</b>			
Primary Aggregates Land Assessment Report 2009	✓		
Report to Spelthorne Local Committee 16 January 2012 (Item 8) on Surrey's Drive SMART Road Safety and Anti Social Driving Strategy, and Spelthorne's Local Speed Management Plan.	✓		
Spelthorne Borough Council 2013 Air Quality Progress Report for Spelthorne Borough Council, August 2013		✓	Spelthorne Borough Council Air Quality Progress Report 2014 for Spelthorne Borough Council, November 2014. The report refers to preparation for a review of the boundaries of the existing whole Borough Air Quality Management Area and 2011 and 2015 modelling of nitrogen dioxide and particulate matter concentrations across the borough.

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			<p>The update reports that while concentrations of NO<sub>2</sub> in some locations continued to exceed the annual mean objective, concentrations of other pollutants including PM<sub>10</sub> are compliant with UK objectives. The Updating and Screening Assessment report due in April 2015 referred to has not yet been published.</p> <p>There is nothing new identified in the report which is material to the consideration of this application.</p>
The Recent Storms and Floods in the UK February 2014 report published by the Met Office and Centre for Ecology & Hydrology (CEH)	✓		
Surrey County Council Guidelines for Noise Control Minerals and Waste Disposal 1994 (Surrey Noise Guidelines)	✓		
Surrey County Council Annual Monitoring Report (AMR) 2012/2013		✓	<p>Surrey County Council Annual Monitoring Report (AMR) 2013/2014 published July 2015. The reserve information and need position reported in the AMR were used in the assessment of need and preparation of the officer report.</p> <p>The publication of the AMR does not involve a change in the reserve position or provide new figures and information on need and does not contain any new information relevant to the consideration of the application, so is not material to the decision.</p>
Surrey County Council Aggregates Monitoring Update August 2013	✓		Superseded by the May 2014 Update, which was used in the assessment of need and preparation of the officer report and listed as a background paper so already taken into consideration and not new.
Surrey County Council		✓	Superseded by November 2014 Surrey LAA which, although not listed as a

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Local Aggregates Assessment (Surrey LAA) October 2013			background paper in the 7 January 2015 report, was used in the assessment of need and preparation of the officer report so already taken into consideration and not new.
Surrey County Council Aggregates Monitoring Update: May 2014	✓		
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.		✓	<p>Correction to error on previous version of two drawings (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) which showed the application site boundary passing through land at 151 Ashford Road instead of along the property boundary with the application site.</p> <p>The two drawings now accord with the other submitted drawings and red line application boundary as shown on the site plan, Drawing PA1 Location Plan, dated March 2012. The change corrects a drawing office drafting issue and does not involve an amendment to the planning application site boundary or application proposal. The two revised drawings were sent to Spelthorne Borough Council for entry on the planning register.</p> <p>The correction to these two drawings is not considered to be material to the decision taken by Members.</p>
Department of the Environment letter dated 24 January 1978 to Greenham Sand & Ballast Co. Ltd. (Secretary of State decision on appeal against non determination of planning application)	✓		

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SP76/60 (appeal ref: APP/5300/A/76/2931)			

**3 CONSULTEES**

All the statutory and non statutory consultees consulted and parish/town councils and amenity groups notified on the planning application (as listed in paragraphs 45 to 74 of the report to the 7 January 2015 Planning and Regulatory Committee, Item 7 (January officer report) were asked if they were aware of any changes or new factors.

(i) Of those who responded the CLAG2 (Campaign Laleham Against Gravel 2) action group, Manor Farm Residents' Association (MFRA) and the Spelthorne Natural History Society considered there were changes and new factors as set out in the table below.

Organisation	Change/new factor(s)	Comments
CLAG2	<p>1. Since the meeting CLAG2 have attended RESTORE meetings which are sponsored by Surrey County Council. From these meetings it became apparent information presented to the committee by the applicant about:</p> <p>a) use of conveyor belt to infill the site. It was stated at the meeting and in the officer report that the use of conveyors to transport waste from the Crossrail project to Wallasea Island had failed/was not effective. Yet this is not the case. Also at the meeting the committee were told local people would not want more lorries which was totally misleading as waste could be delivered by road to Queen Mary Quarry (QMQ) off the A308 so lorries would not have to travel via Laleham village, Worple Road or Ashford Road;</p>	<p>1 Information on the RESTORE project and relevance in connection with this application and other bullet points in the CLAG2 comments is provided below.</p> <p>a) Use of conveyors belts to bring waste material to the site to enable it to be backfilled - Since 7 January 2015 this issue has been raised and information provided by the Manor Farm Residents' Association (MFRA) and in representations from local residents about how waste has been conveyed at Wallasea Island.</p> <p>Investigation by planning officers, and the information provided by residents and the MFRA, has confirmed that transporting excavation material/waste from the Crossrail</p>



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	<p>b) the availability of inert material – on several occasions it has been said there was insufficient material available to restore the site yet at the RESTORE meeting it was stated there is an abundance of material available given the proximity to London and construction projects there;</p> <p>c) restoration to water bodies – at every RESTORE meeting the consensus was there should be no more wetland restoration in north west (NW) Surrey especially in view of the flooding last year;</p> <p>d) the point made by Councillor Beardsmore about</p>	<p>project by conveyor has been successfully used in connection with the Wallasea Island project.</p> <p>See further comment/information on this issue below in the comments to points raised by the MFRA.</p> <p>The application proposal is for wet restoration and has to be assessed as such on its merits as stated in paragraph 387 of the January officer report. Even though officers do not consider the use of conveyors to transport waste is a material consideration in this planning application, residents, CLAG2 and the MFRA clearly do. It would therefore be appropriate to update the committee and provide clarification about the use at Wallasea Island as an update to the information in the January officer report and discussion at the January meeting.</p> <p>b) the availability of inert material – the availability of fill material was not an issue considered in the January officer report as it is not a material consideration in connection with this application. This remains the case.</p> <p>c) This has been raised in representations received since 7 January 2015 as well. The reference to views expressed further restoration to waterbodies in NW Surrey is noted. This is an issue which has been raised by objectors and is reported in January officer report. It is not a new factor.</p> <p>d) restoration to water bodies and reference by Councillor</p>

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	<p>paragraph 143 of the national plan (National Planning Policy Framework(NPPF)) is to return agricultural land to its present state; and</p> <p>e) the applicant has not bothered to look at infilling the site as they don't want to, yet there are two alternatives to fill the site involving waste delivered to QMQ by road and then either by conveyor to Manor Farm or by road crossing over the Ashford Road via a controlled crossing.</p>	<p>Beardsmore to national policy in the NPPF - The views expressed at the RESTORE meetings about future restoration to waterbodies in NW Surrey are noted. Objection to the wet restoration proposals and not restoring back to land and agriculture had been raised by objectors and were considered in the January officer report and (Representations, paragraph 78, page 44; Floodrisk, land drainage, groundwater and water quality section (paragraphs 193-217 and 226); Restoration and aftercare section (Paragraphs 369 to 387), and Update sheet 2, page 1 and considered during the debate on the application at the January meeting.</p> <p>These issues are not new factors.</p> <p>e) CLAG2 have put forward a different option for transporting waste to Manor Farm by road involving QMQ and a road crossing across the Ashford Road.</p> <p>This option is new. (An option using a conveyor belt to transport waste to the site had been put forward before and was addressed in the January officer report (paragraphs 369 and 382 to 387)). The County Highway Authority's initial comments are that this is potentially acceptable but more detail would be required to comment further.</p> <p>The applicant is not required to consider infilling the site as the application proposal accords with the Surrey Minerals Plan 2011 and key development requirements for the Manor Farm preferred area and Restoration SPD.</p>

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	<p>2. Mr Bishop one of the speakers at the meeting commented that the depth of proposed lakes would be 40 feet (12 metres) as stated in the application. When Mike Courts responded he corrected this to 10 feet which we feel was misleading the committee and officers.</p> <p>3. Aircraft – recently more aircraft have been flying lower over Laleham, plus with the ending of the Cranford Agreement and therefore, potential change of runway usage at Heathrow Airport on a more regular basis surely the consultation on bird strike should be</p>	<p>The position remains as advised in paragraph 387 of the officer report. Decisions on planning applications have to be on the application proposal as submitted.</p> <p>Although this option of transporting fill is new information it is not considered to be a new factor material to the consideration of the application.</p> <p>2. Depth of working. The depth of working figures referred to by the resident and the applicant at the meeting were both incorrect.</p> <p>The depths of working proposed can be found at 2.6 of the planning application form. The maximum depth of working would be 7.1 metres (23 feet 7 inches) and average depth of working 6.4 metres (20 feet 11 inches).</p> <p>These figures are the depth of topsoil and 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).</p> <p>This is clarification on the proposed depth of working and is not considered to be a new factor material to the consideration of the application. Include in report as part of a clarification section.</p> <p>3. Aircraft and birdstrike issues. The points made by CLAG2 and in representations (see below) have been assessed and views of Heathrow Airport Safeguarding sought.</p> <p>Heathrow Airport Safeguarding were not aware of any new factors</p>

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	<p>reviewed especially as the RSPB state that birds move from one water body to another.</p>	<p>and 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.</p> <p>Heathrow Airport Safeguarding were consulted on the concerns raised about increased air traffic movements (ATMs) the safeguarding team can understand the resident's logic in thinking that if a site has the potential to attract birds and there is an increase in ATMs passing over it, then this could potentially increase the birdstrike risk. They have advised that given the distance of the proposed Manor Farm site from Heathrow the majority of aircraft passing over are quite high when they pass over. Any birds attracted to the site would be at a low level and not at aircraft height. The birdstrike risk is therefore relatively low with regards to aircraft passing over.</p> <p>Birdstrike above the site would be more likely to result from birds passing over the site enroute to another potential feeding/breeding ground not the application site.</p> <p>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.</p> <p>Officers consider this is a new issue which could rationally be</p>

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		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.
Manor Farm Residents' Association (MFRA)	<p>1) Committee process and accuracy of information provided about transporting waste by conveyor belt – The committee were misled by comments made by the Brett Aggregates representative relating to the use of conveyors to transport waste. If these comments had not been made there is every chance the committee would have arrived at a radically different position.</p> <p>Of concern is that the comments form part of an official Surrey County Council document [paragraphs 385 and 386 of the January officer report] which given the untruths it contains is fraudulent.</p> <p>From paragraph 385 it is clear it was the applicant who first told the Inspector (Ms Mary O'Rourke) that technical means of satisfactorily bringing fill material in this way to sites did not exist (despite conveyors being used to transport soil and sand and gravel from the site). The Inspector failed to check the facts and this led to it being included by the county council in the minerals plan. The MFRA view this as an abuse of process and the failure by the Inspector to check the fact was negligent and is a legitimate matter for investigation by a judge. This matter was raised previously by a resident (in March 2015) and a full investigation should by now have been initiated by the county council and completed.</p>	<p>1) The application under consideration proposes wet restoration.</p> <p>In determining the planning application the county council is required to have regard to the relevant provisions of the development plan and any other material considerations (see paragraphs 80 to 87 of the January officer report), with each planning application judged on its own merits.</p> <p>Officers do not consider there has been abuse of process and no need for investigation by the Inspector; or at this stage by the county council.</p> <p>The information in paragraph 385 on this is correct, but in view of comments received and new information available about the use of a conveyor to transport waste at Wallasea Island, clarification on this would be helpful.</p> <p>Information about options for transporting waste was provided by the applicant as part of the preparation of the Surrey Minerals Plan and given in evidence at the EIP. The EIP was part of the staged process of preparation of the plan and assessment of the different sites being considered for inclusion as preferred areas in the Primary Aggregates Development Plan Document (DPD). During the plan preparation process information is submitted from a number of sources, including landowners and mineral operators and various assessments undertaken, such as the transportation assessment referred to at the January meeting.</p>

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	<p>The claims made by the applicant about the use of conveyors to transport waste (spoil) from the Crossrail not working are wrong. A local resident obtained information from Crossrail under a Freedom of Information request and provided this to the county council in April 2015.</p> <p>In their response Crossrail confirmed that excavated material was conveyed for use in the Wallasea Island project and that as at 23 February 2015 just short of 3 million tonnes of excavated material had been unloaded at Wallasea Island. Crossrail informed the resident that initially the process of unloading and transferring the material by conveyor had been subject to problems and delay due to the nature and consistency of the consolidated material, mainly London Clay and required modifications to the installation.</p> <p>The MFRA consider this severe misrepresentation by the applicant, should have been thoroughly investigated and a response on the irregularities provided by now.</p> <p>The committee vote in favour was narrow (seven for, five against) and is of concern to residents given the lack of participation in the debate by Conservative members who then voted to grant planning permission. Given the fact the planning meeting is of a quasi-judicial nature it is incumbent on officers to have dealt with these concerns at the earliest opportunity so the RA can get to the bottom of it and establish its motivation</p>	<p>In considering the plan the county council and Inspector accepted methods did not currently exist but may be developed in the future to make it feasible to import waste other than by road. To allow for an alternative restoration option involving backfilling to be considered in the future the key development requirements for Manor Farm in the adopted plan refer to wet restoration “<i>unless a feasible and acceptable method of importation of fill can be found, enabling an alternative restoration option to be considered.</i>”</p> <p>Comments made by the applicant (and Shepperton Aggregates) in their comments on the submission draft and at the EIP show both had wanted the wording to be retained and included in the adopted plan to enable backfilling to be considered, if feasible, at on any future application. [At the time of the EIP the Shepperton Aggregates Manor Farm/Shepperton Quarry planning application was under consideration.]</p> <p>Use of conveyors to transport waste from the Crossrail project at Wallsea Island - Since the January meeting residents have been in contact with officers and Members about how this was reported in the January officer report and verbally at the committee meeting.</p> <p>Officers investigations and the information provided by residents and the MFRA on this confirm that waste has been successfully transported by conveyor at Wallasea Island.</p> <p>Excavated waste was to be transported from London to Wallasea Island, Essex, by barge and used in the RSPB Wallasea Island Wild Coast Project (change of use from agricultural land to a</p>

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	before court proceedings are set in motion.	<p>coastal nature reserve involving excavation and landraising (with imported materials). (Essex County Council planning permission ESS/54/08/ROC dated 9 July 2009.)</p> <p>At Wallasea Island the waste was to be discharged from the barge by a conveyor unloading system and then conveyed a distance of approximately 800 metres and stockpiled. From the stockpile area waste was to be transported by dump truck to the point of use. Cell 1 of the project was initially to have been completed using material from the Crossrail project.</p> <p>The project encountered technical difficulties with the use of conveyors as the conveyor system experienced frequent blockages at various points from the sticky and consolidated clays from the tunnel, which led to delays and impacted on the overall quantity of waste which could be imported from the Crossrail project and used in Cell 1 at Wallasea Island.</p> <p>The problems with the unloading and transport of material by conveyor at Wallasea Island led to the RSPB applying for two non material amendment submissions to modify the conveyor system to improve the the capacity of the conveyor system to handle wetter sticky and consolidated clays (Essex County Council planning refs ESS/54/08/ROC/NMA12 and ESS/54/08/ROC/NMA13). The amendments meant the system would have improved capacity for handling the tunnelled materials. Machine excavated clay which was more friable did not cause blockages to the same extent.</p> <p>The problems encountered led to some excavated waste due to go to Wallasea Island having to go elsewhere, and an overall</p>

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	<p>2) RESTORE - The MFRA have serious concerns about the sustained and close formal relationship Surrey County Council has as a member organisation of the North West European Consortium known as RESTORE. As you know RESTORE is an organisation which has an explicitly declared interest in the conversion of gravel pits to wild bird sanctuaries. This is of concern to Laleham residents as the county council's involvement in RESTORE was not known throughout the entire consultation process on the Manor Farm planning application with local residents and only came to light after the 7 January meeting.</p> <p>Local people are concerned that the county council was not a disinterested arbiter over the application but already committed to its own preferential agenda at the time, and should have declared this to the public as a</p>	<p>reduction in the quantity of waste used to complete Cell 1 of the project (originally around 1.65 million m<sup>3</sup> which was approximately 450,000m<sup>3</sup> less than originally envisaged) requiring a modification to the proposed landform. The amendment was permitted on 7 April 2015, ref ESS/44/14/ROC (reported to the Essex County Council Development and Regulation Committee on 23 January 2015).</p> <p>Although the position remains as set out in paragraph 387 in terms of relevance as a material consideration on this application officers think it would be appropriate to update the committee and clarify the position on the use of a conveyor belt to transport waste from the Crossrail project at Wallasea Island.</p> <p>2) RESTORE – The RESTORE project was not referred to in connection with the Manor Farm planning application during the consultation process, or the January officer report, as it is not material in the consideration and assessment of the application. There was no need to refer to the RESTORE project.</p> <p>RESTORE is not an organisation but a partnership project between seven organisations across North West (NW) Europe, one of which is Surrey County Council. The project is funded by the European Union (EU) Interrg IVB programme for NW Europe. The RESTORE project is looking at best practice in the restoration of mineral sites in NW Europe. It aims to develop a framework for restoring quarries/mineral sites to provide benefits for biodiversity, habitats and local people.</p> <p>The RESTORE project is looking at a number of quarry restoration projects including NW Surrey demonstration project.</p>



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	<p>material consideration long ago.</p> <p>Local residents drew this to planning officer's over the last few months. How has this potential element of bias been investigated and reported back to the concerned parties?</p> <p>If the county council's association with RESTORE been made public at the time the Manor Farm wet restoration proposals could have been compared with wet restorations on the continent in Belgium, Holland and Germany. Evidence the MFRA has been able to see shows that the conversion of gravel pit lakes into wildlife sanctuaries in these countries are, in terms of size, location and proximity to populations, in no way comparable to the Manor Farm site in Laleham. Comparison with these sites would have immediately highlighted the obviously inappropriate nature of the application proposal.</p> <p>Failure to refer to RESTORE and make this comparison is a serious omission and has denied the public its full rights in law to a thorough and transparent analysis of the facts. This unacceptable conduct under current European environmental regulations, which together with procedural impropriety at the committee meeting are just two new pieces of evidence to emerge from the flawed consultation process for the Manor Farm proposals.</p> <p>The MFRA has serious doubts as to whether the county</p>	<p>This project is looking to create a restoration strategy and vision for NW Surrey looking at how all past, present and future mineral workings can provide opportunities for agriculture, aviation, flood alleviation, landscape, nature conservation and recreational interests. The strategy will provide a framework for the delivery of restoration measures on the ground for use in connection with former and current workings and to inform future restorations.</p> <p>The RESTORE project and the county council's involvement in it has not influenced the restoration proposed at Manor Farm. No comparison is required with sites restored to nature conservation afteruses in NW Europe.</p> <p>Although the RESTORE project and Surrey County Council's involvement is a new factor, it is not material to the consideration of this application. However, given the concerns raised and confusion about the relationship with the current planning application it would be helpful to clarify the position as an update to the committee on this issue.</p>

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	<p>council has complied with the regulations laid down by the Aarhus Convention, which can be enforced in the British courts, which gives the MFRA and the wider community unconditional rights to hold the county council and any associated bodies working under the aegis of the public sector to account in law. They question whether the Manor Farm consultation process has satisfied the scrupulous standards of thoroughness, openness and honesty in the application of the regulations prescribed under the convention.</p> <p>The Aarhus Convention established the public's rights to obtain any information concerning an environmental matter held by a public body or capable of dissemination by a public body. On request this information must be provided in a timely and wholly transparent manner. The MFRA have serious doubts whether Surrey County Council has complied with the regulations as laid down by the Aarhus Convention and consider there to have been incidents which suggest open and deliberate violation of the convention rules attempted by certain parties under the control of the county council who have refused to assist members of our community with their perfectly legitimate requests, which is another very serious cause for concern.</p> <p>3. Concerned about claim made at the 7 January 2015 meeting by the case officer about what was described as the "free board" argument in support of the applicant's claim that the excavated space above the water table of a lake could provide extra storage of</p>	<p>3) Information and clarification on this issue has been provided in response to request for information from a local resident on this free board issue. (This was responded to as an Environmental Information Regulations (EIR) request.)</p>

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	<p>water in the event of flooding. The MFRA understand published information in reputable scientific journals in support of this assertion has been requested and until this information is provided they remain concerned about the veracity of the claim.</p>	<p>Flood risk and the contribution of waterbodies was a matter addressed in the January officer report (paragraph 217) and discussed at the meeting.</p> <p>The views of the Environment Agency (EA) and the County Geotechnical Consultant were sought on the “air gap” theory raised by residents which was also later raised by the MFRA. 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. There was a slight misstatement in paragraph 180 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.</p> <p>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 know as the “air gap” theory. The consultant advises they have nothing new to add to the discussion and confirms that there would be flood storage created between the normal water level in the lake (which would reflect the groundwater level) and th 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. The EA didn’t respond.</p> <p>The ”air gap” theory/“free board” issue is not a new factor and was addressed in paragraphs 216 and 217 of the January officer</p>

Organisation	Change/new factor(s)	Comments
	<p>4. New evidence is the dangers of Crystalline Silica, an established and widely recognised hazard connected with the excavation of gravel. Since 29 April 2015 and the European High Court ruling requiring the UK to clean up its act regarding air pollution by the end of the year the flawed planning application is already suspect on this point alone. This is further endorsed by the ongoing air quality analysis requirements identified in connection with the Charlton Lane Incinerator proposal identified under the Kides Protocol which appear to have been overlooked.</p> <p>Given the complete lack of monitoring on the existing site it has to be wrong to put this application forward without a commitment to monitoring. As a community we already know the so called best practices referred to in the officer report and referred to by the Brett representative are totally nonexistent in some cases and overlooked at best.</p> <p>In view of the county council's legal obligations, and need to consider all potential adverse environmental effects, confirmation is sought that the authority has commissioned a full and extensive investigation into the dangers of Crystalline Silica health hazards associated</p>	<p>report and during the debate on 7 January 2015. However, as floodrisk is a material planning consideration and the issue remains of concern to residents it would appropriate to update the committee on the issue as clarification when the application is reported back.</p> <p>4) Dangers of crystalline silica associated with gravel extraction.</p> <p>The assessment of air quality and dust in the January officer report referred to health effects associated with small particles (PM<sub>10</sub>) and dust from mineral workings. Crystalline silica was not specifically referred to.</p> <p>Potential impacts from dust is a material planning consideration in this case and as the January officer report did not specifically refer to crystalline silica it could be viewed as a new factor and therefore should be addressed and the advice given on dust updated to address the potential impacts from crystalline silica and sand and gravel workings when the application is reported back to committee. Advice has been sought from the County Air Quality Consultant on the issues raised.</p>

Organisation	Change/new factor(s)	Comments
	<p>with gravel extraction.</p> <p>The county council should by now have commissioned a formal investigation into this matter and the failure to do so and spending its time assisting the applicant at any cost to conform with its own peculiarly prescribed remit in question.</p> <p>The response provided additional information and facts about dust generated by gravel extraction and health impacts from crystalline silica and the PM<sub>2.5</sub> sized particles.</p> <p>5) The RA have lodged complaints about the conduct of two committee members, Ernest Mallet and Keith Taylor, Chairman, and Alan Stones, Planning Development Team Manager, at the meeting.</p> <p>The local community feel let down by the handling of this planning application and decision and have no confidence in the planning system. Residents do not understand how the county council can overturn the two rock solid 12 to vote decisions by Spelthorne Borough Councillors and strong objection lodged.</p>	<p>5) The complaint about the two members is being dealt with by the county council Monitoring Officer in line with county council procedures. Complaints about officers are considered under the corporate complaints procedure. As the application is being referred back to committee, the complainant has been informed the complaints team's initial view is that it would be appropriate to wait for the outcome of the meeting in September before considering whether to investigate this complaint.</p> <p>The complaints are new factors but concern process and role of officers and members not planning considerations.</p>
Spelthorne Natural History Society	<p>The Society welcomes the opportunity to raise matters which are still of concern as well as factors which have arisen since the Planning and Regulatory Committee Meeting of the 7 January 2015.</p> <p>1. They find it difficult to accept that the development proposed at the QMQ Site is temporary when it is likely</p>	<p>1. Noted. This is not a new issue. The January officer report addressed the duration of the development at QMQ and impact</p>

Organisation	Change/new factor(s)	Comments
	<p>to occupy the site for more than 25 years, and that is not allowing for any extensions to the permission. The openness of the Green Belt will be compromised and the result will be an industrialised landscape enclosed with security fencing.</p> <p>2. Ash Link Local Nature Reserve (LNR) (report page 25 paragraph 8). The site is also close to the Ash link LNR, the only LNR in Spelthorne and is situated either side of the M3. The reserve is owned by Spelthorne Borough Council (SBC) and managed by Spelthorne Natural History Society. The River Ash forms the boundary of the reserve and any pollution arising from the QMQ site is likely to have an adverse impact on the flora and fauna of the reserve. The existence of the reserve has not been acknowledged by either Bretts or its consultants and the Society wish to request that special measures are taken to safeguard the River Ash as it flows through the QMQ site.</p> <p>The Society is currently participating with the Environment Agency and the London Zoological Society in monitoring the number of eels/elvers in the River Ash. Any pollution arising from the cement located on the site would have disastrous effects on the ecology of the river.</p> <p>3. The Staines Moor SSSI includes Shortwood Common as well as Staines Moor. A pond on the former is the habitat of a nationally rare plant. The hydrology of Shortwood Common, especially the pond</p>	<p>on openness of the Green Belt and it will be addressed in the revised Green Belt assessment when the application is referred back to committee.</p> <p>2 &amp; 3 Ash Link LNR and Staines Moor SSSI</p> <p>The potential impact on the Ash Link LNR was addressed in Update Sheet 2 to the January officer report. The potential impact on designated areas including the Staines Moor SSSI was assessed in the ES and addressed in the Biodiversity and ecology species and designated areas section of the report (paragraphs 336 to 352).</p>

Organisation	Change/new factor(s)	Comments
	<p>is influenced by what occurs downstream of the River Ash.</p> <p>4. January officer report page 29 paragraph 30 - The silt and clay particles arising from the washing of the excavated material is to be deposited in settlement lagoons/lake. This could have a 'blinding' effect on the bottom and sides of the lagoons/lake with an adverse effect on the hydrology and hydrogeology of the water environment.</p> <p>5. January officer report page 31 paragraph 45 - SBC raised strong objection to the proposal. The Society endorses the SBC request for the feasibility of backfilling the Manor Farm site using a conveyor system to be re-examined.</p> <p>6. January officer report page 54 paragraph 118 - Account should now be taken of the latest Aggregates</p>	<p>4. Potential impacts from the silt disposal were assessed in the Hydrology and Hydrogeological Assessment reported in the ES and considered by relevant consultees and no objection raised by the EA or the County Geotechnical Consultant, subject to conditions. The hydrological and hydrogeological impacts of the proposal were considered and assessed in the Flood risk, drainage, hydrology and hydrogeological section of the January officer report (paragraphs 177 to 226) [Note: The section heading in the body of the report is Flood risk, land drainage, groundwater and water quality].</p> <p>Although not specifically referred to in the January officer report (not all potential sources of impact can or need to be mentioned), concern about the use of silt in the restoration at QMQ has not been raised by the relevant consultees (Environment Agency and County Geotechnical Consultant) and officers are satisfied the matter has been adequately addressed in the ES and planning application and is not a new factor which triggers the need for the application to be referred back to committee.</p> <p>5. Noted. This is not a new issue and was addressed in the January officer report.</p> <p>6. Account was taken of these documents in the January officer report. See comments under Background papers above.</p>

Organisation	Change/new factor(s)	Comments
	<p>Monitoring Survey and Update and SCC's Annual Monitoring Report.</p> <p>7. January officer report page 57 <u>Concrete Batching Plant and Aggregate Bagging Plant</u> Fig 10 and Fig 11 pages 145/146 show the location for these. It appears that these would be sited on areas of hard standing within the QMQ site. The Society is concerned that the large areas of surface water shown could be a source of pollution given the materials to be handled and the parking of mixer trucks.</p> <p>8. January officer report page 100 paragraph 387. The Society does not agree with the statement that the county council has to determine the current application on the merits of the proposal as submitted. There is nothing hypothetical about using a conveyor to backfill the site as in our opinion it is technically feasible to do so. The report states that such a conveyor system is not widely used, which implies that it is used. SBC requested that the feasibility of using a conveyor should be re-examined.</p> <p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Schedule 4 Information for inclusion in environmental statements Part 1 s2 An outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice</p>	<p>7. Noted. Potential pollution risk from the application proposal was assessed in the ES and mitigation measures proposed in the planning application and impacts considered and assessed in the Flood risk, drainage, hydrology and hydrogeological section of the January officer report (paragraphs 177 to 226). Although not specifically referred to, as not all potential pollution sources and mitigation measures are, concern about this has not been raised by the consultees and officers are satisfied the matter has been adequately addressed in the ES and planning application and is not a new factor which triggers the need for the application to be referred back to committee.</p> <p>8. The Society's views are noted. The position set out in paragraph 387 of the January officer report about planning merits and alternative restoration options suggested by objectors is correct.</p> <p>The main alternatives were considered and reported in Chapter 5 of the ES.</p> <p>Alternative restoration options were not considered as the wet restoration proposals met the key development requirements for the Manor Farm preferred area in the Primary Aggregates DPD and the Minerals Site Restoration Supplementary Planning Document (SPD).</p>



Organisation	Change/new factor(s)	Comments
	<p>made, taking into account the environmental effects. Has the applicant done this?</p> <p>9. January officer report page 103 paragraph 407, National Grid have confirmed that they have considered all aspects of the development mentioning the location and dimensions of the proposed aggregate bagging plant. Where are the location and dimensions to be found in this report? There is no reference to the concrete batching plant or the stockpile.</p> <p>10. January officer report page 108 Concrete Batching Plant and Aggregate Bagging Plant. The Society does not accept that the applicant and officers have demonstrated that very special circumstances exist to outweigh the harm to the Green Belt.</p> <p>No account has been taken of the amount of cement that will have to be transported by HGVs to the QMQ site.</p> <p>The applicant already has these facilities at the Hithermoor Quarry which adequately serve local needs. Once the supply of indigenous mineral at Hithermoor has been exhausted there is no doubt that Bretts will apply to excavate the sand and gravel from King George VI Reservoir. The Hithermoor Quarry is located in the Green Belt and no doubt warranted being treated</p>	<p>9. Location and dimensions of the concrete batching plant – although dimensions are not given in the report the location is shown on Figure 14 of the January officer report (referred to as Plan 4). An elevations and layout plan of the plant was displayed at the January meeting (applicant drawing PA11 Queen Mary Quarry Batching Plant).</p> <p>Although not a new factor, more information on the proposed locations and dimensions of both should be provided as clarification in the report when the application is referred back.</p> <p>10. The Society's views on whether or not very special circumstances have been demonstrated are noted.</p> <p>The traffic which would be generated by importing cement has been taken account of in the application and Highways, traffic and access section of the January officer report. Information on the traffic figures is given in the table in paragraph 147 (Table 14.1 from the Chapter 14 of the Environmental Statement Vol 2a).</p> <p>Assessment of need and consideration of very special circumstances were set out in paragraphs 133 to 138, 438 to 440 and 418 to the 467 of the January officer report and Update Sheet 2.</p> <p>In view of the case law on Green Belt which is a new factor the assessment of the proposed development against Green Belt policy has been reviewed and the application is being referred</p>

Organisation	Change/new factor(s)	Comments
	<p>as a very special circumstance. The QMQ site is located only 4.5 miles from the Hithermoor Quarry.</p> <p>Given the inadequacy of the discussion at the meeting on 7 January of the existence of very special circumstances (the minutes state 'members agreed that the main points had been raised during the discussion of Item 7', we consider that there is an excellent case for a legal challenge to be made against the Committee's decision to grant planning permission for the concrete batching plant and the aggregate bagging plant.</p> <p>11. January officer report page 127 paragraph 14. When Bretts applied for a renewal of the water abstraction licence previously held by Reservoir Aggregates they indicated that although the volume of water to be extracted was greater there would be no overall losses as the water would be recycled. The Society pointed out to the Environment Agency that this was a physical impossibility if account was taken of evaporation, dust suppression and mineral and vehicle washing. The Environment Agency said they would monitor the situation.</p>	<p>back to committee for reconsideration in light of the new assessment against Green Belt policy.</p> <p>11. This refers to informative 14 in the recommendation which is advice to the applicant from the Environment Agency (EA) about their current water abstraction licence and and possible need for it to be varied.</p> <p>The water abstraction licencing is a separate regime and the requirement for and assessment of water abstraction licence applications is covered under separate legislation and is not a material consideration in the determination of this application.</p> <p>Use of informatives to pass on advice such as this is normal practice, the comments are noted and are not a new factor which needs to be drawn to the attention of the committee.</p>

The other statutory and non statutory consultees consulted and parish/town councils and amenity groups who responded, listed below, were not aware of any changes or new factors which could rationally be regarded as material to the consideration of the application such that the application should be referred back to committee for reconsideration in the light of the new factor.

- 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

ii) No response has been received from the following statutory and non statutory consultees consulted and parish/town councils and amenity groups:

- County Ecologist and Biodiversity Manager
- Fisher German LLP (Esso Pipeline)
- National Grid (National Transmission System)
- County Environmental Enhancement Officer
- Surrey Wildlife Trust
- Open Spaces Society
- Ramblers' Association (Staines Group)
- Charlton Village Residents' Association
- Laleham Residents' Association
- Manor Farm Eastern Boundary Residents' Association
- Shepperton Residents' Association

## 4 PUBLICITY

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 **30? CHECK FINAL NO** members of the public, organisations and groups.

Issues raised in the representations received since the 7 January meeting are:

### Procedural

- Lack of consultation with occupant of 151 Ashford Road about relocating access so it is adjacent to their property. They also refer to the impact on their property from this in terms of loss of privacy, noise and dust, visual impact, loss of trees and boundary vegetation
- If the council doesn't trust the applicant's information get the company to warrant the results and make them legally responsible and liable for achieving the specified outcomes they predict.
- Process at committee – the committee process is quasi judicial and questions the role and advice given by officers at the meeting (on flood risk, conveying waste and other matters), participation by committee members and the role played by the Chairman.
- Lack of transparency due to failure to refer to the county council's involvement with the RESTORE organisations and bias towards wet restoration.
- When will a decision be made? Broadly in support of the application if it will put an end to the potential for future development of the land. Would prefer a lake to grass.

### Traffic

- Traffic and impact on schools and increased danger to school children and the structure of buildings, increase in traffic through Laleham.

### Flood risk

- Flooding – where will flood water go? The application should only be allowed if the site is backfilled. Questions what has been said in the officer report and at the 7 January meeting about the impact of waterbodies on flood risk and part waterbodies can. Would like more information about the air gap theory (published information and details of the county council geotechnical consultants). There does not seem to be a proven or satisfactory answer to flooding from either Surrey County Council or the applicant, Eric Pickles stated on the BBC last year during the floods that there was no way to control flooding in and around gravel pits.
- Enough extraction in the area already, this will make flooding worse and increase traffic, noise pollution and lead to general disruption in the neighbourhood.

#### Landscape and visual impact

- Visual impact from conveyor through the field to and under the Ashford Road and at the property adjacent to the access off the Ashford Road.

#### Air quality and dust

- Air quality and the impact on schools.

#### Biodiversity and ecology (species and designated areas)

- Concern about impact on wildlife – red kites have been seen in the area and landing on the site in the field off Worple Road; there is an established murder of crows roosting on the gravel area and fly back and forth daily, bats are seen on a nightly basis during the warmer months.

#### Restoration and afteruse

- RESTORE project and lack of reference to it in the January officer report, at the January committee meeting and during the consultation process on the planning application. Surrey County Council's involvement in RESTORE should have been disclosed under the Aarhus Convention. Surrey County Council is a member of RESTORE and biased towards wet restoration. IF membership of RESTORE had been known a comparison of wet restoration sites and their surroundings in NW Europe could have been done which would demonstrate how unsuitable Laleham is for the proposed restoration.
- Transporting waste by conveyor can be done as demonstrated by the material from the Crossrail project which is being taken to Wallasea Island. The January officer report and comments made by officers and the applicant at the meeting about this project and conveying waste was incorrect and misleading to the committee.
- The committee, and prior to that the Surrey Minerals Plan EIP Inspector, were misled by the applicant's comments about use of conveyors to transport waste. The facts should have been checked by the Inspector, and the county council should make enquiries about the Inspector now.
- Availability of fill material to back fill the site: there is fill available development in London and the Crossrail project; the applicant was wrong to say at committee there was no fill available, at the RESTORE meetings attended residents were told there is sufficient fill available to backfill sites.
- Nuisance from insect infestations (mosquitoes, midges and others) breeding on the stagnant water in the waterbodies and in future risk of diseases such as being spread by mosquitoes as a result of climate change and a warmer climate. The Asian tiger mosquito, which carries the Dengue and Chikungunya virus, is migrating towards us and is found in southern England already. The applicant should be

required through the planning agreement to monitor and through ongoing intervention take action is necessary, as was required of Thames Water by Hounslow Council and written into the legal agreement.

**Airport Safeguarding**

- Birdstrike and concern about increased risk of birdstrike if greater numbers of aircraft passing over the area which is likely following the ending of the Cranford Agreement and controls over aircraft flight paths. And would have increased aircraft numbers if the airport expansion/third runway goes ahead at Heathrow.

**Other matters**

- Laleham successfully fought against the previous application. If this goes ahead Surrey County Council should be ashamed.
- Depth of working – applicant (Mike Courts) gave the wrong figure (10 ft) at January committee meeting, it is 40ft. At a meeting held by Bretts it was stated there was two metres of top soil above the gravel. Not sure where the applicant got his figure from/he should read his own application.

**5 KEY CONSIDERATIONS IDENTIFIED WITHIN THE JANUARY OFFICER REPORT AND HIGHLIGHTED AT THE COMMITTEE MEETING**

Issue	Unchanged	Revised/ Changed	Comments
Procedural matters		✓	Lack of reference to the RESTORE project, consultation, committee process
Minerals issues (need and location)	✓		
Highways, traffic and access	✓		
Flood risk, drainage, hydrology and hydrogeology	✓		
Landscape and visual impact	✓		
Noise	✓		
Air quality and dust	✓		The County Air Quality Consultant has reviewed the position with regard to any changes they are aware of having regard to: sources of emission from the proposed development; legislation; policy and best practice/technical guidance; and characteristics of the site (including baseline conditions, prevailing meteorological

		<p>conditions and the introduction/removal of potentially sensitive receptors). Any changes in baseline air quality conditions and meteorological conditions over a period of months would not be indicative of a longer term trend so it is unlikely there have been any changes since January. Assuming that there are no new receptors the characteristics of the site are likely to remain the same. Spelthorne Borough Council latest Air Quality and Assessment reports refer to a review of the AQMA and indicate this is likely to involve retention of the AQMA or reducing its extent rather than increasing the extent.</p> <p>In May 2015 the EPUK in conjunction with the Institute of Air Quality Management (IAQM) published updated guidance for air quality in planning “Land-use Planning &amp; Development Control: Planning for Air Quality”. The guidance is primarily concerned with impacts from traffic and combustion sources for heating and powering mixed-use developments. For these the new guidance provides more stringent threshold criteria (including vehicle movements) for determining when an air quality assessment is required.</p> <p>For this planning application HGV traffic generated accessing from the QMQ site with the traffic from the existing permitted developments at the site is expected to generate fewer than the 300 HGV movements already permitted. Therefore the new guidance does not alter their original conclusion on the application, or the resolution made on 7 January 2015.</p> <p>The consultant has reviewed and provided advice on the issue and concerns raised by objectors and the Manor Farm Residents’ Association (MFRA) concerning health effects from crystalline silica in dust from gravel workings a set out under the Consultee</p>
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			<p>section above.</p> <p>Potential impacts from dust is a material planning consideration in this case and although the January officer report did not specifically refer to crystalline silica particulate matter including the PM<sub>2.5</sub> fraction were. The issue raised and advice from the Air Quality consultant on this issue and dust updated to address the potential impacts from crystalline silica and sand and gravel workings when the application is reported back to committee.</p>
Rights of Way, leisure and recreation	✓		
Biodiversity and ecology (species and designated areas)	✓		<p>Representations have referred to bird species including Red Kites being seen in the vicinity of and on land within the application site, and are concerned about the impact on birds and bats.</p> <p>These are not new factors but matters which have been raised before (paragraph 78 on page 45) and addressed in the 7 January 2015 report at paragraphs 336 to 352).</p>
Restoration and after-use	✓		Issues raised about success of use of conveyor belt to transport excavated waste from Crossrail at Wallasea Island, options for restoration for the Manor Farm site and the SMP 2011 EIP and Inspector, RESTORE project.
Airport safeguarding/safety/infrastructure		✓	Issue raised in comments from residents and CLAG2 about increase risk of birdstrike if numbers of aircraft passing over the site increases as a result of change flight path patterns and airport expansion.
Lighting	✓		
Cumulative impacts	✓		
Green Belt		✓	See case law and EIA section above.
Other matters (public safety)	✓		



## 6 OTHER MATTERS

**a) *Planning applications/decisions relating to Queen Mary Quarry (QMQ) and Manor Farm - None.***

**b) *Planning permissions for mineral extraction –***

The decision on planning application ref SP13/00141 for extraction of 749,000 tonnes of concreting sand and gravel from land at Homers Farm referred to in paragraphs 128 to 129 of the January officer report was issued on 12 January 2015.

The decision notice on the application for the extraction of 0.77 mt of soft sand at Alton Road (application ref WA/2014/0005) which the committee resolved on 3 September 2014 to grant planning permission for subject to the prior completion of a legal agreement referred to in the Minerals issues section hasn't been issued yet. The implications of this application in relation to the assessment of need remain as set out in the committee report to the January meeting (paragraphs 117 to 132, with specific reference to the Alton Road application in paragraphs 122 to 124).

The Homers Farm planning permission increases the total landbank in the county by around 0.5 years and landbank for sharp sand and gravel by 0.8 years. This permission has made a relatively small contribution to the total landbank in the county, where a need exists to replenish reserves. Reserves of sharp sand and gravel remain very low and the Homers Farm permission does not reduce the significant need for new planning permissions for the extraction of sharp sand and gravel.

The Homers Farm decision has not made a material change to the assessment of need for sharp sand and gravel and conclusion set out in paragraphs 117 to 132 of the report.

**c) *The Planning Portal, Gov.UK websites***

These have been checked for any new legislation, policy documents, circulars and official letters, speeches, statements and articles, good practice and guidance and consultation documents which may have been issued since 7 January 2015.

As well as the EPUK/IAQM updated "Land-use Planning & Development Control: Planning for Air Quality" guidance, there have been a number of changes to procedures and the online planning practice guidance published and introduced since 7 January 2015. These have been reviewed and nothing is considered to introduce any changes that affect the procedural handling of these planning applications, or change in circumstances that would be material to the decisions taken by Members.

To my knowledge nothing that might rationally be regarded as a material consideration has been published since 7 January 2015.

**d) *Spelthorne Local Development Framework***

Nothing new has been adopted or published for consultation.

**7 CONCLUSION**

The case law and approach to the consideration of Green Belt is a new factor that is material and requires the application to be referred back to committee. In addition the issue raised about increased risk of birdstrike from increased numbers of aircraft flying over the site is considered a new factor that could reasonably be described as a material consideration such that the application should be referred back to the Planning and Regulatory Committee.

Other matters are not considered material. All issues raised whether material or not have been considered in this Kides assessment table and referred to in the report. .

**Susan Waters**  
**Principal Planning Officer**

**Date: August 2015**