

This Annex contains a Summary Report, planning considerations Green Belt section and conclusion which superseded and replace in full these sections of the report to the 7 January 2015 Planning and Regulatory Committee meeting. References to the report are referring to the report to that committee (Item 7) which is attached as Annex A to the report to the 2 September 2015 meeting. Update sheets and the minutes of the January meeting are attached as Annex B and the draft s106 legal agreement as Annex D to the September report.

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.

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

To the north of Manor Farm lies residential housing, Buckland Primary School and Greenfield Recreation Ground. To the east lies a further part of Greenfield Recreation Ground (with enclosed children play area), residential housing and the QMQ and Queen Mary Reservoir. To the south lies the Queen Mary Reservoir water intake channel and Greenscene Nursery with open farmland and Laleham Village beyond. To the west lies residential housing, a garden centre, and the Staines and Laleham Sports Association Ltd (SALSAL) sports facility, and further to the west and south west the River Thames.

The QMQ part of the application site comprises the southern part of the lake (formed by previous sand and gravel working), land to the east of the lake and west of the reservoir and the quarry processing plant site and accesses off the Ashford Road (B377) and the A308 (Kingston Road/Staines Road). The closest residential properties to the QMQ part of the application site are to the west on Ashford Road.

Public Right of Way Footpath No30 (FP30) crosses the application site at Manor Farm running between the Ashford Road in the south east to FP28 and FP29 in the north. FP28 links up to Berryscroft Road to the north and FP29 which runs east to west along the northern boundary of the eastern part of the application site to link up with the Ashford Road. There are no public rights of way crossing the QMQ part of the application site.

The application site is situated in the Metropolitan Green Belt (Green Belt), the Spelthorne Borough Council Air Quality Management Area and the Heathrow Airport bird strike

safeguarding zone. The application site is within a major aquifer and mostly within a groundwater source protection zone 3 for public water supply (Chertsey). The majority of the Manor Farm part of the site and the lakes at QMQ and parts of the land adjacent to the River Ash are within a Floodzone 3. The majority of the processing plant site at QMQ, and land between the River Ash and the lake, and the northern parts of the Manor Farm site are within a Floodzone 2.

The application site lies within 2 kilometres (km) of the Thorpe Park Number 1 Gravel Pit Site of Special Scientific Interest (SSSI) and Staines Moor SSSI, both of which also form part of the South West London Waterbodies Special Protection Area (SPA) and Ramsar Site, and within 2 kilometres of the Thorpe Hay Meadows and Dumsey Meadow SSSIs. The majority of the land at QMQ is designated as the West of Queen Mary Reservoir Site of Nature Conservation Importance (SNCI) and there are a number of other SNCIs within 1 km of the application site.

The Manor Farm site would be worked wet and progressively restored in four phases: phase 1 to the east of FP30 and phases 2 to 4 to the west of FP30, which remain open. No mineral extraction would take place within 100 metres of a residential building. Soils and overburden would be used to construct noise/visual screen mounds up to 3 metres high between the workings and adjacent development.

All mineral excavated at Manor Farm would be transported by conveyor belt to the QMQ processing plant, passing in tunnels under FP30 and the Ashford Road. The conveyor would cross the southern part of the lake at QMQ on a causeway and then run northwards to the processing plant. There would be two accesses for transport of plant and equipment and to the site compound, one off Worple Road and off the Ashford Road (between numbers 151 and 133).

Related to this application, application ref SP13/01003 proposes a partial realignment of the route and siting of the conveyor belt within the QMQ site. The two developments are interdependent and, if permitted, would be implemented as one. An environmental assessment has been undertaken and an overarching ES submitted with the applications.

Sand and gravel extracted at Manor Farm would be processed in the existing QMQ mineral processing plant. The application proposes installing a concrete batching plant and an aggregate bagging plant at the QMQ processing plant site to be used in connection with mineral extraction at Manor Farm. It would then remain in use in association with current importation and processing of as raised sand and gravel, and recycling operations up to the end of 2033.

The application site at Manor Farm is identified as preferred area J in Surrey Minerals Plan 2011 Primary Aggregates Development Plan Document (DPD) for future extraction of sharp sand and gravel, where it is considered that mineral working is possible without posing significant adverse impacts on the environment and local community, and key development requirements identified to be addressed as part of any application proposal.

The implications of the proposed development have been assessed in terms of impacts on the local environment and amenity. Issues assessed include highways, traffic and access; flood risk, water quality, groundwater and land drainage; landscape and visual impact; noise; air quality and dust; rights of way; biodiversity and ecology (species and designated areas); historic environment and archaeology, restoration and after-use, airport safeguarding/safety /infrastructure; and lighting.

Spelthorne Borough Council has objected on grounds of noise and dust. Local residents and Buckland School object on grounds of need and the issues set out above which, where

material, have been taken into consideration. No objections have been received from technical consultees, though some raise matters they recommend or consider should be addressed through the imposition of planning conditions.

Minerals can only be worked where they are found. Aggregate minerals are essential to support sustainable economic growth and quality of life which includes maintaining and repairing existing development and infrastructure such as houses, schools and roads. Assessment of the current landbank position has demonstrated a strong and urgent case of need for additional reserves of primary land won sand and gravel to be permitted in Surrey in order to maintain a steady and adequate supply.

The application site lies within the Green Belt where policies of restraint to development apply and the proposed development has been assessed against Green Belt policy in the NPPF and development plan. This planning application involves development which if assessed separately comprises elements of development which would not amount to inappropriate development in the Green Belt (proposed extraction at Manor Farm, and use of the processing plant and site infrastructure at QMQ), and elements (concrete batching plant and aggregate bagging plant) which would amount to inappropriate development in the Green Belt. Case law has held that when assessing such applications against Green Belt policy the whole development should be treated as a single development proposal when assessing impact on Green Belt.

The proposed development, by definition, amounts to inappropriate development in the Green Belt and will cause harm by reason of inappropriateness. In order to grant planning permission for inappropriate development in the Green Belt the county council must be satisfied that there are factors which amount to the very special circumstances necessary to justify the development, which clearly outweigh the harm to Green Belt by reason of inappropriateness and any other harm.

The extraction of minerals from the land at Manor Farm, transportation of mineral to the QMQ site and primary processing of the extracted mineral in the existing QMQ processing plant and siting and use of the concrete batching and aggregate bagging plant would have a moderate impact on the openness of the Green Belt and encroach on the countryside for the duration of the development; a period of some five years from commencement of operations until completion of restoration of the land at Manor Farm, and thereafter until 2033 from the concrete batching plant and aggregate bagging plant at QMQ.

Any harm to the visual amenities of the Green Belt from the mineral extraction and associated development (site compound and buildings, conveyor belt and soil and overburden bunding) at Manor Farm would be limited in extent and duration and so are not considered significant by Officers. The proposed restoration at Manor Farm and QMQ is to a nature conservation use, a use appropriate to the designation and objectives for the use land in the Green Belt.

Having had regard to the environmental information contained in the Environmental Statement, national and development plan policy, consultee views and concerns raised by local residents objecting to the proposal, Officers consider, subject to imposition of conditions, and a section 106 legal agreement to secure the long term management of the restored site and limit HGV vehicles numbers in combination with the ongoing operations at QMQ for importation and processing of as raised mineral and recycling, for which draft heads of terms are set out in the Annex, together with controls through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and the development is consistent with the NPPF and the development plan.

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. 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.

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 Annex D to PERMIT subject to conditions and informatives as set out below.

PLANNING CONSIDERATIONS

GREEN BELT

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

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

Policy MC17 – Restoring mineral workings

Spelthorne Borough Local Plan 2001 (saved policies) (SBLP 2011)

Policy GB1 Development proposals in the Green Belt

- 418 Objections raised by CLAG2 and local residents relating to Green Belt include: the amenity and recreational value of the land at Manor Farm, adjoining school and leisure and recreation areas and use made of these areas by the local community; the important Green Belt function served by the site by separating Staines upon Thames and Haleham and value of the land in providing a sense of being on the urban fringe (as referred to in the reasons for refusal for mineral working at the site in 1978); loss of Green Belt land as not being returned to agriculture; nature conservation not an appropriate afteruse/beneficial afteruse; contrary to Surrey Minerals Plan Policy MC3; impact of mineral working in the area and amount of water; concerns about the ability of applicant to restore the site; lack of agreed timescale for completion; and environmental standards (noise, dust, traffic) not being of the highest level.
- 419 The application site at Manor Farm and QMQ lies within the Metropolitan Green Belt where policies of restraint apply. Government policy on Green Belt is set out in part 9 'Protecting Green Belt land' (paragraphs 79 to 92) of the NPPF. Government policy and guidance in relation to minerals planning is set out part 13 'Facilitating the sustainable use of minerals' (paragraphs 142 to 149) and the minerals section of the NPPG.
- 420 Protecting Green Belts around main urban areas is included in the core planning principles of the NPPF. Paragraph 79 states that the "*fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*". The Green Belt is seen as serving five purposes including to check the unrestricted sprawl of large built up areas and assisting in safeguarding the countryside from encroachment.

- 421 The NPPF states at paragraph 87 that “*inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances*” and paragraph 88 goes on to state that when considering “*any planning application*” authorities should ensure that “*substantial weight is given to any harm to the Green Belt*” and that “*very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*”
- 422 Minerals can only be worked where they are found and mineral working is a temporary use of land. Mineral extraction is included in the forms of development listed in paragraph 90 that are not inappropriate in Green Belt “*provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*’. When determining planning applications paragraph 144 of the NPPF states local planning authorities should “*provide for restoration and aftercare of mineral workings at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary*”.
- 423 Except for a limited range of circumstances, set out in paragraph 89 of the NPPF, the construction of new buildings in the Green Belt is inappropriate development. Buildings associated with packaging of mineral for sale, or industrial processes (which would include secondary processing of mineral such as production of concrete or mortar) are not specifically referred to so would constitute inappropriate development in the Green Belt.
- 424 Surrey Minerals Plan 2011 Policy MC3 states that ‘*Mineral extraction in the Green Belt will only be permitted where the highest environmental standards of operation are maintained and the land restored to beneficial after-uses consistent with Green Belt objectives within agreed time limits*’. This would apply to both the extraction and initial processing (primary treatment) of excavated mineral.
- 425 The policy goes on to state that proposals for other forms of mineral development (secondary processing or treatment of processed mineral) in the Green Belt, will only be permitted where an applicant has demonstrated very special circumstances to outweigh the harm by inappropriateness and any other harm. Other forms of mineral development would include concrete batching plant, industrial development involving secondary processing of mineral and aggregate bagging plant (packaging mineral for sale).
- 426 The supporting text at paragraph 3.47 refers to how land in the Green Belt can make a positive contribution to providing opportunities for, amongst other matters, securing nature conservation interests and how restoration of mineral workings should have regard to these objectives; and give particular attention to any priorities in the area in which a site is situated.
- 427 Surrey Minerals Plan 2011 Policy MC17 requires mineral working proposals to provide for restoration which is sympathetic to the character and setting of the wider area in (which it is situated), and capable of sustaining an appropriate afteruse. Mineral working will only be permitted where the mineral planning authority is satisfied that the site can be restored and subsequently managed to a high standard. The final part of the policy states that restoration should be completed at the earliest opportunity, and where appropriate progressively restored, with applicants expected to agree a scheme with the mineral planning authority detailing how the land will be restored and managed before, during and after working.

- 428 The supporting text at paragraph 8.6 refers to the majority of mineral workings in Surrey being in the Green Belt, and that mineral sites can be appropriately restored to a range of after-uses including nature conservation. Paragraph 8.7 refers to the need for applicants to show they have both technical and financial competence to undertake the proposed restoration scheme. For some types of after-use, such as nature conservation, periods of management longer than the five year period advocated in national policy is appropriate, and should be secured by use of legal agreements.
- 429 Spelthorne Borough Local Plan 2001 Saved Policy GB1 Green Belt advises that development located within the Green Belt which would conflict with the purposes of the Green Belt and maintaining its openness will not be permitted.

Does the proposal amount to inappropriate development in the Green Belt

- 430 The application is for phased extraction of sand and gravel from land at Manor Farm and restoration to a nature conservation after-use; transporting the extracted mineral by conveyor to the existing QMQ mineral processing plant for processing, use of site infrastructure (site offices, weighbridge, wheel cleaning facilities, access etc.) at QMQ, and for the siting and use of a concrete batching plant and aggregate bagging plant, housed in a building at QMQ.
- 431 The applicant proposes that the concrete batching and aggregate bagging plants would remain after extraction at Manor Farm has been completed and thereafter be used in association with the importation and processing of as raised sand and gravel and recycling facility together with the existing QMQ mineral processing plant and when this is replaced with the low level mobile processing plant (see paragraph 15 of the report), and other site infrastructure which have planning permission to the end of 2033. The concrete batching and aggregate bagging plant would use sand and gravel from these operations, primarily derived from the processing of as raised sand and gravel/excavation waste. (Recycled aggregate derived from the recycling facility could be used as a raw material provided it is produced to the specification and quality suitable for use.) The SMP2011 refers at paragraph 3.23 to the importance of transportation of materials both before and after processing in developing a spatial strategy for the location of aggregates recycling facilities. The strategy is driven by the need to reduce haulage distances and associated vehicle emissions.
- 432 After 2033 the applicant intends that the batching and bagging plant would be removed together with the mobile processing plant, buildings etc. and that processing plant site would be restored as the last phase of restoration at QMQ. The approved restoration for the QMQ site is to a nature conservation afteruse in accordance with details approved under reference SP07/1276.
- 433 This planning application proposal involves development which, if assessed separately, comprise elements which would not amount to inappropriate development in the Green Belt (proposed extraction at Manor Farm, and use of the processing plant and site infrastructure at QMQ), and elements (concrete batching plant and aggregate bagging plant) which would amount to inappropriate development in the Green Belt. Case law has held that when assessing such applications against Green Belt policy the whole development should be treated as a single development proposal when assessing impact on Green Belt. Therefore, the development proposed in this application, by definition, amounts to inappropriate development in the Green Belt and will cause harm by reason of inappropriateness.

- 434 In line with SMP2011 Policy MC3 and national policy in the NPPF, in order for planning permission to be granted it is necessary for the county council to be satisfied that the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations which amount to the very special circumstances necessary to justify the development.

Consideration of other harm

Harm to openness, permanence and purposes of the Green Belt

- 435 The proposed development would impact on openness of the Green Belt and encroach on the countryside for the duration of operations. Assisting in safeguarding the countryside from development is one of the five purposes of including land in the Green Belt set out in paragraph 79 of the NPPF. The extraction of minerals from the land at Manor Farm, transportation of mineral to the QMQ site and primary processing of the extracted mineral in the existing QMQ processing plant and siting and use of the concrete batching and aggregate bagging plant would impact on openness of the Green Belt and encroach on the countryside for a period of some five years from commencement of operations until completion of restoration of the land at Manor Farm. Thereafter, the remaining part of the development comprising the concrete batching plant and aggregate bagging plant at QMQ would impact for a longer for period until 2033.
- 436 The impact on openness and encroachment on the countryside would be from the mineral extraction and restoration works and associated perimeter soil screen bunds, site facilities (access road and site compound including site office and storage buildings) at the Manor Farm site, the conveyor system at Manor Farm and from there through QMQ to the existing QMQ mineral processing plant and associated mineral stockpiles and site infrastructure (buildings, hardstanding, access), and the concrete batching and aggregate bagging plant and associated parking on the existing hardstanding at QMQ.
- 437 The permitted mineral and waste developments at the QMQ site have permission to continue operations until 2033 with final restoration of the site due by the end of 2038. The existing QMQ processing plant site (mineral processing plant involving presence of large structures, site office, weighbridge and workshop buildings, areas of hardstanding and access roads) currently impacts on the openness of the Green Belt and encroaches into the countryside. The proposed concrete batching plant and aggregate bagging plant would be sited on existing hardstanding within the QMQ processing plant site where large structures and pieces of equipment and buildings are already located. The use of the existing mineral processing plant site, and the new concrete batching plant and aggregate batching plant proposed under this application would not lead to further encroachment into the countryside at QMQ than exists at present by the land currently taken up the existing development at the QMQ site. There would however be an impact on openness.
- 438 Although the impact on openness would be reduced on completion of mineral extraction and processing activities and restoration of the land at Manor Farm, the impact on openness from the concrete batching and aggregate bagging plant and associated parking on the existing hardstanding at the QMQ site would continue to until 2033. Although the impact would be limited in the context of the rest of the existing development at the QMQ processing plant site, these two items of plant involve development, industrial in nature, within the Green Belt. Whilst the cumulative impact on openness from the existing and proposed development would be further reduced when the existing mineral processing plant site is removed and replaced

with mobile plant under the existing planning permissions at QMQ, Officers consider the proposed development would have a moderate impact on openness to the end of 2033.

- 439 The moderate harm to openness would be temporary, albeit for a period of up to 18 years, following which the two items of plant, along with the remainder of the existing development at the QMQ processing plant site would be removed and the land restored. The timetable for cessation of the existing development permitted at the site and for restoration of the processing plant site would not be affected if permission is granted to this application proposal.
- 440 The land at Manor Farm would be progressively worked and restored to a nature conservation after-use, and subsequently managed in accordance with details provided. This could be secured by planning condition and a S106 relating to the long term management of the site. Under the approved scheme for the restoration of the QMQ site, the final phase to be restored is the processing plant site and restoration due to be completed by the end of 2038. There are adequate provisions already in place relating to cessation of the use of the mineral processing plant and site infrastructure at QMQ, and restoration to a nature conservation afteruse and subsequent aftercare and management through the restoration and landscaping scheme approved under ref SP07/1276 and associated s106 legal agreement. Cessation of the use of the concrete batching plant and aggregate bagging plant, their removal and restoration and subsequent aftercare and management in accordance with the SP07/1276 provisions could be secure by planning condition.
- 441 The proposed restoration of the land at both the Manor Farm and QMQ parts of the application site is to a nature conservation use. Nature conservation afteruses are a use appropriate to the designation and objectives for the use of land within the Green Belt. Officers have no reason to doubt the application site at Manor Farm and QMQ would not be restored to a high standard and subsequently managed. The proposed mineral extraction development at Manor Farm, and use of the processing plant and site infrastructure at QMQ for processing mineral extracted at Manor Farm and the concrete batching and aggregate bagging plant would be temporary uses of the land and would therefore preserve the openness and permanence of the Green Belt in the longer term. The proposed development would not conflict with the purposes of the Green Belt and fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

Other harms

- 442 The previous sections of the report (Annex A) have assessed the potential impacts on the environment and local amenity including landscape and visual impact, noise and dust, and provision for restoration and aftercare. These confirm that subject to the control and mitigation measures identified being implemented the proposed development on the land at Manor Farm and QMQ would be capable of being undertaken at the highest environmental standards.
- 443 In relation to landscape and visual impact the QMQ processing plant site is well screened due to screening provided by the existing vegetation within the QMQ site, the reservoir embankment and intervening development, and no harm would result to the visual amenities of the Green Belt from use of the existing mineral processing plant site in connection with the proposed extraction, or the siting and use of the concrete batching and aggregate bagging plant.

- 444 There would be some harm to the visual amenities of the Green Belt from operations on the land at Manor Farm due to the presence of the screen bunding which would interrupt views during working and restoration; and the limited and glimpsed views from public rights of way and surrounding land and properties of the access and site compound, extraction and restoration operations and the conveyor system. Any harm to the visual amenities of the Green Belt from the development at Manor Farm and transporting mineral to the QMQ processing plant site by conveyor would be limited in extent and duration.

Very special circumstances

- 445 Historically, as an exception to Green Belt policy, Surrey County Council has accepted the siting of concrete batching plant at operational mineral sites and granted temporary planning permission or approved details, tied to the life of the mineral extraction permission provided:
- the plant uses indigeneous material,
 - is capable of being operated without harm to environmental or amenity considerations, and
 - serves a local need.
- 446 In 2008 temporary planning permission was granted in the Green Belt for concrete production and an aggregate bagging plant at Hithermoor Quarry as part of a package of proposals. In that case the raw materials for the plant would come from indigenous mineral extracted at Hithermoor, as raised mineral imported to Hithermoor for processing and recycled aggregate from the onsite recycling facility. The indigenous mineral at Hithermoor would supply the plant for less than half of the 11 year life of the development.
- 447 As advised in paragraph 434 above in order to grant planning permission for inappropriate development in the Green Belt the county council must be satisfied that there are factors which amount to very special circumstances, which clearly outweigh the harm to Green Belt by reason of inappropriateness and any other harm.

Applicant's very special circumstances

- 448 The application states that Green Belt policy and objectives have been carefully considered in the development of the application proposals. Despite the removal of the rider from policy in the NPPF in relation to mineral extraction not being inappropriate development in the Green Belt provided high environmental standards are maintained and sites are well restored, the applicant had regard to the site specific aims of the Surrey Minerals Plan Site Restoration SPD when designing the working and restoration schemes.
- 449 The Manor Farm mineral extraction area would be restored to provide an area of nature conservation value and the applicant considers the restoration including waterbodies with native woodland planting, wetland and landscaping would preserve the countryside and not encroach on the countryside. The applicant considers the proposed plant and buildings at Manor Farm and plant at QMQ, including the conveyor belt running between the two, to be development ancillary to mineral extraction.
- 450 The applicant's consideration of very special circumstances for the buildings, structures or items of plant that would be erected or installed at the application site is as follows.

- i) the development of each is conditionally permitted development (PD) by virtue of Class B of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO). When publishing the GDPO no caveat was added by Government to the effect that such development is not permitted in the Green Belt.

The conditional permission granted under permitted development (PD) rights requires prior written approval of detailed proposals for the siting, design and external appearance of the building, plant or machinery. Such approval should

“not be refused or granted subject to conditions unless the authority are satisfied it is expedient to do so because:

(a) the proposed development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or

(b) the proposed development ought to be, and could reasonably be, sited elsewhere.”

PD rights at QMQ have not been withdrawn under an Article 4 Direction, nor has the county council withdrawn permitted development rights on the planning permissions granted for mineral extraction at QMQ, though conditions imposed on the planning permissions for extraction of mineral from beneath the baffle in QMQ ref SP07/1269 and SP13/01236, and the importation of as raised mineral for processing at QMQ ref SP07/1275 and SP13/01238, require details of siting, detailed design, specifications, and appearance of the plant, buildings or machinery to be submitted and approved in writing before plant, buildings or machinery (fixed or mobile) are erected on site.

The reasons for imposing the conditions read:

“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 Surrey Structure Plan 2004 Policy SE1 and Surrey Minerals Local Plan 1993 Policy 1.”

The applicant considers that as no reference has been made to the potential impact on the Green Belt, the county council clearly accepts that development “ancillary” to mineral extraction in the Green Belt is not inappropriate development in the Green Belt.

- ii) The demountable (portacabin type) buildings at Manor Farm to provide staff mess and toilet facilities and storage for consumerable/engineering parts are necessary for storage of materials for use in connection with the extraction and restoration activities and to make provision for the personal needs and comfort of employees as required under health and safety and employment legislation. These would be required for the duration of operations on the land at Manor Farm. The buildings would be sited in the site compound, be of a similar design, three metres high with the external colour finish appropriate for the local landscape setting.

- iii) Sustainable transport of 1.5 million tonnes of mineral extracted at Manor Farm to the processing plant at QMQ from using conveyor belt. The applicant considers the benefits from use of the field conveyor instead of by road in itself constitutes the very special circumstances for the conveyor belt structure.
- iv) Reduced landscape and visual impact from use of tunnels instead of bridges beneath Footpath 30 and the Ashford Road in connection with the sustainable transport of mineral by conveyor to the processing plant at QMQ.
- v) The concrete batching and aggregate bagging plant would be sited in a location within the existing QMQ plant site which makes best use of space available in relation to the backdrop of the reservoir embankment and the storage of processed mineral for use as raw material in the plant. It would be completely screened from view from outside the QMQ site and the submitted noise assessment demonstrates noise generated would be within Government noise criteria.
- vi) Locating the concrete batching and aggregate bagging plant within the existing and long established processing plant area at QMQ obviates the need for an alternative location for the concrete production and aggregate bagging (probably within industrial development) and eliminates the need for additional haulage (of raw material) to such a location and the attendant financial and environmental implications.

Officer's Assessment of Green Belt

- 451 Given the Green Belt location it is necessary to assess whether the proposed development would cause harm to the Green Belt, consider whether high standards of operation would be maintained during operations (SMP 2011 Core Strategy Policy MC3), and the provisions for restoration and afteruse.
- 452 In recognition of location constraints on extraction and the primary processing of mineral, which can only take place where the mineral is found, SMP2011 Core Strategy Policy MC3 makes a distinction between this and other mineral development. Ancillary development involved in the transport of mineral to the primary processing plant (conveyor and tunnels) and site infrastructure at Manor Farm (compound, access and buildings) would normally be considered not inappropriate in the Green Belt. However, in this case as the whole development is being assessed as a single development these aspects of the development constitute inappropriate development in the Green Belt and will be assessed as such.
- 453 The elements of the development referred to above are essential facilities associated with the extraction and primary processing of the mineral in Manor Farm. The strong case of need for additional reserves of sand and gravel to be permitted and the wider social and economic benefits of mineral extraction are factors which weigh in favour of the development.
- 454 Locating a concrete batching and aggregate bagging plant at QMQ would enable a ready supply of mineral derived from Manor Farm and sand and gravel mineral which had been imported and processed under the existing planning permissions (and subject to the required specification being met, recycled aggregate material from the recycling facility).

- 455 The applicant has put forward six reasons in relation to very special circumstances, see paragraph 450 above. The first relates to PD rights. Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO) sets out PD for a range of development categories and uses. None are caveated by Government to the effect that such development is not permitted in the Green Belt. The county council does not, as a matter of practice, refer to Green Belt in the reasons for imposing conditions restricting permitted development rights. Factors such as Green Belt can not be considered under the procedures for prior written approval.
- 456 While the development associated with and essential to the extraction and restoration operations at Manor Farm (transport of the extracted mineral to the primary processing plant and mineral processing) could constitute permitted development, the production of concrete production and aggregate bagging are not directly related to extraction or primary processing of mineral which would be extracted at Manor Farm. In addition instead of being removed after completion of extraction at Manor Farm, as would be required by condition B3 Class B of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO) if the plant were located at QMQ under PD rights associated with extraction at Manor Farm, these two pieces of development would remain in place after completion of extraction at Manor Farm.
- 457 Class 19 Part B provides for development such as concrete batching plant and aggregate bagging plant, provided they are used in connection with mineral “won” at the mine. At present QMQ would qualify as a relevant mineral site/mine to the end of 2016, in connection with extraction from beneath the baffle in the reservoir permitted under refs SP07/1269 and SP13/01236, see paragraph 15 of the report at and Update Sheet 1), but not in connection with the importation and processing of as raised mineral, as that mineral would not be being won or brought to the surface at QMQ. Once extraction from beneath the baffle has ceased mineral would no longer be being “won” from the QMQ site.
- 458 To benefit from PD rights planning permission for mineral extraction has to have been granted. In this case the applicant is applying for planning permission to extract mineral from Manor Farm and has included the concrete batching plant and aggregate bagging plant in the application proposals. Therefore, the PD argument is premature in connection with Manor Farm. Officers do not consider it relevant anyway at QMQ as this application proposes commencing extraction at Manor Farm after completion of extraction from within the reservoir has been completed.
- 459 Officers do not accept that the GDPO rights referred to by the applicant have any locus in the consideration of very special circumstances in connection with this planning application. In order for planning permission to be granted the county council must be satisfied that there are factors which amount to very special circumstances, which clearly outweigh the harm to the Green Belt and any other harm.
- 460 The applicant’s second, third and fourth factors relate to development directly related to and involved with mineral extraction at Manor Farm and the transport of mineral to the processing plant at QMQ. The buildings relate to operational requirements and employee wellbeing and officers do not consider it unreasonable for provision to be made for facilities for the wellbeing of employees and storage in close proximity to the extraction operations. The buildings proposed to house these facilities are of modest scale and appropriately located with the site, being largely screened from view in most directions.

- 461 The conveyor belt and associated tunnels under the footpath and the Ashford Road represent a well used and sustainable method of transporting mineral between the extraction areas and processing plant. As has been referred to earlier in the report one of the key development requirements for the Manor Farm preferred area (SMP 2011 Policy MA2) is the use of conveyors to transport mineral to the processing plant. Use of tunnels instead of bridges would reduce the visual impact. The conveyor, tunnels and buildings would be temporary and removed on completion of extraction as part of the restoration of the land at Manor Farm reducing the impact on the visual amenities of the Green Belt, duration of impact on openness and any encroachment on the countryside.
- 462 The fifth factor concerns the siting of the plant within existing QMQ plant site, which is one of the considerations in assessing prior approval submissions made relating to Class B Part 19, and the condition imposed on the QMQ baffle extraction permission (SP07/1269/SP13/01236). The applicant's justification focuses more on the benefit of where within the plant site it is located relative to the reservoir embankment and other features and to the processed mineral stockpiles, which would be the prime raw material, rather than any environmental benefits from being co located at QMQ. Reference is made to the lack of visual impact and noise impact.
- 463 No objections have been received from technical consultees in relation to these elements of the development, and as concluded earlier in the report no overriding adverse impact would arise from the siting and use of the site storage and employee wellbeing facilities, the conveyor belt and tunnel, or the siting and operation of the concrete batching plant and aggregate bagging plant at QMQ and the proposals would be acceptable and comply with the NPPF and relevant development plan policy in relation to these matters.
- 464 However, the lack of harm from visual impact, noise or some other harm does not overcome harm to the Green Belt by reason of inappropriateness. No further detail has been provided on benefits of siting the concrete batching and aggregate bagging plant at QMQ.
- 465 The sixth factor concerns the financial, operational and environmental benefits from using land within an established processing plant site located at the source of the raw material for siting secondary processing plant.
- 466 Officers consider that there is a need in the locality for facilities of the type proposed which adapt the mineral for sale. Minerals extraction sites in north west Surrey have supported such facilities and there are advantages in locating plant at the mineral source in terms of sustainable distribution. While there may be alternatives in terms of site location, siting the plant at QMQ would assist in reducing haulage distances.
- 467 The local area as a whole is subject to Green Belt constraint and accordingly Officers agree with the substance of the applicant's sixth factor and consider that there are good reasons to accept further processing of the mineral won locally at Manor Farm, and imported to the QMQ site under the existing planning permissions which have planning permission to the end of 2033. It is acknowledged that on completion of mineral extraction at Manor Farm continued use of the plant would involve importation all the raw materials for production of concrete or to be packaged in the bagging plant. In the case of the bagging plant the kit is simply used to package the product for the market place. Minerals per se can only be worked where they occur and therefore to an extent the location of plant to assist in the adaptation for sale is restricted.

- 468 There would be environmental benefits due to reduction in transport of aggregate to a location, such as on an industrial estate. Siting the plant at the QMQ site would reduce overall vehicle movements, and vehicle emissions, compared to the plant being located elsewhere. Plant located elsewhere would generate traffic associated with transporting the raw material to the plant and transporting the product to the customers. Financial implications and commercial benefits to an operator do not amount to very special planning circumstances.

Conclusion on Green Belt

- 470 In line with relevant Green Belt case law the whole development has been treated as a single development proposal when assessing whether the development constitutes inappropriate development in the Green Belt. The development proposed in this application, by definition, amounts to inappropriate development in the Green Belt and will cause harm by reason of inappropriateness. The proposed development would impact on openness of the Green Belt and encroach on the countryside for the duration of operations.
- 471 The extraction of minerals from the land at Manor Farm, transportation of mineral to the QMQ site and primary processing of the extracted mineral in the existing QMQ processing plant and siting and use of the concrete batching and aggregate bagging plant would impact on openness of the Green Belt and encroach on the countryside for a period of some five years from commencement of operations until completion of restoration of the land at Manor Farm. Thereafter, the remaining part of the development comprising the concrete batching plant and aggregate bagging plant at QMQ would impact for a longer for period until 2033.
- 472 The impact on openness would be reduced on completion of mineral extraction and processing activities and restoration of the land at Manor Farm, the impact on openness from the concrete batching and aggregate bagging plant and associated parking on the existing hardstanding at the QMQ site would continue to until 2033. Although the impact would be limited in the context of the rest of the existing development at the QMQ processing plant site, these two items of plant involve development, industrial in nature, within the Green Belt. Officers consider the proposed development would have a moderate impact on openness to the end of 2033 after which the plant would be removed and the land resored in accordance with the approved restoration and landscaping scheme for the QMQ site. No permanent harm to openness or encroachment on the countryside would result
- 473 There would be some harm to the visual amenities of the Green Belt from extraction and restoration operations on the land at Manor Farm and transporting the extracted mineral by conveyor. The harm would be limited in extent and duration. No other harm has been identified.
- 474 In order for planning permission to be granted it is necessary for the county council to be satisfied that the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations which amount to the very special circumstances necessary to justify the development.
- 475 While Officers do not accept two of the factors put forward by the applicant, they nevertheless consider that the other factors, when taken together, along with the need for concreting sand and gravel and the wider social and economic benefits of mineral extraction, environmental benefits from the use of conveyors, and operational requirements for storage and employee wellbeing facilities to be proximal to the extraction and primary processing of mineral, and the environmental and wider

economic benefits from having secondary processing plant located at the source of the raw material making use of the mineral reserve extracted at Manor Farm, raw material imported and processed at QMQ under the permissions for importation and processing of as raised sand and gravel and construction and demolition waste facility, in this case represent very special circumstances which outweigh the harm to the Green Belt.

- 476 Subject to imposition of planning conditions to grant temporary planning permission for the development and to secure restoration of the land at Manor Farm on completion of mineral extraction, and in relation of the plant at the QMQ site, to ensure the uses cease, development removed and land restored in line with the approved schemes and timetable for completion of restoration; and to ensure relevant standards of working, restoration and aftercare management of the site; and a legal agreement to secure the long term management of the land at Manor Farm, officers are satisfied that the development can be permitted as an exception to policy given the very special circumstances which exist, and lack of any other harm to residential amenity and the purposes of the Green Belt in the longer term.

OVERALL CONCLUSION

- 477 The proposal involves extraction of mineral at Manor Farm and restoration to landscaped lakes for nature conservation afteruse, transporting the mineral by conveyor to QMQ for processing and a concrete batching and aggregate bagging plant. Related to this application, application ref SP13/01003 proposes a partial realignment of the route and siting of the conveyor belt within the QMQ site. The two developments are interdependent and, if permitted, would be implemented as one. An environmental assessment has been undertaken and an overarching ES submitted with the applications.
- 478 The application site lies within the Green Belt where policies of restraint to development apply and the proposed development has been assessed against Green Belt policy in the NPPF and development plan. The proposed development, by definition, amounts to inappropriate development in the Green Belt and will cause harm by reason of inappropriateness. In order to grant planning permission for inappropriate development in the Green Belt the county council must be satisfied that there are factors which amount to very special circumstances, which clearly outweigh the harm to Green Belt by reason of inappropriateness and any other harm.
- 478 The extraction of minerals from the land at Manor Farm, transportation of mineral to the QMQ site and primary processing of the extracted mineral in the existing QMQ processing plant and siting and use of the concrete batching and aggregate bagging plant would have a moderate impact on the openness of the Green Belt and encroach on the countryside for the duration of the development; a period of some five years from commencement of operations until completion of restoration of the land at Manor Farm, and thereafter until 2033 from the concrete batching plant and aggregate bagging plant at QMQ.
- 480 Any harm to the visual amenities of the Green Belt from the mineral extraction and associated development (site compound and buildings, conveyor belt and soil and over burden bunding) at Manor Farm would be limited in extent and duration and so are not considered significant by Officers. The proposed restoration at Manor Farm and QMQ is to a nature conservation use, a use appropriate to the designation and objectives for the use land in the Green Belt.

- 481 Minerals can only be worked where they are found. The land at Manor Farm is identified in the Surrey Minerals Plan 2011 as a preferred area for the extraction of sand and gravel. Aggregate minerals are essential to support sustainable economic growth and quality of life which includes maintaining and repairing existing development and infrastructure such as houses, schools and roads. Assessment of the current landbank position has demonstrated a strong case of need for additional reserves of primary land won sand and gravel to be permitted in order to help towards maintaining security of supply.
- 481 The implications of the proposed development have been assessed in terms of impacts on the local environment and amenity. Issues assessed include highways, traffic and access; flood risk, water quality, groundwater and land drainage; landscape and visual impact; noise; air quality and dust; rights of way; biodiversity and ecology (species and designated areas); historic environment and archaeology, restoration and after-use, airport safeguarding/safety/infrastructure; and lighting. Issues raised on these matters by objectors have been taken into consideration. No objections have been received from technical consultees.
- 483 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. 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.
- 484 Having had regard to the environmental information contained in the Environmental Statement, national and development plan policy, consultee views and concerns raised by local residents objecting to the proposal, Officers consider, subject to imposition of conditions and subject to a legal agreement to secure the long term management of the land at Manor Farm, and limit HGV vehicles numbers in combination with all planning permissions at QMQ to a maximum of 150 per day (300 movements), for which draft heads of terms are set out in the Annex, together with controls through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and is consistent with the NPPF and the development plan.