

TO: PLANNING & REGULATORY COMMITTEE

DATE: 14 October 2015

BY: PLANNING DEVELOPMENT TEAM MANAGER

DISTRICT(S) WAVERLEY BOROUGH COUNCIL

ELECTORAL DIVISION(S):
Farnham South
Mr Munro

PURPOSE: FOR DECISION

GRID REF: 481853 144647

TITLE: MINERALS AND WASTE APPLICATION WA/2014/0005

SUMMARY REPORT

Alton Road Sandpit, Farnham, Surrey, GU10 5EL.

Extraction of sand (770,000 tonnes) and clay (512,000 cubic metres) from a site of 36.2 ha; filling of existing and resultant void with (2.6 million cubic metres) non-hazardous industrial, commercial, household and inert waste; installation of plant and equipment; alterations to existing site access onto A31; and comprehensive restoration of the site over a period of 11.5 years without compliance with Condition 1 of planning permission ref. WA99/0223 to allow the development be completed in all respects not later than 31 December 2029.

A report on the above application was considered by the Planning and Regulatory Committee (P&RC) on 3 September 2014 (see Appendix A attached to this Report). The P&RC resolved that subject to the prior completion of a Legal Agreement with the applicant and landowners to secure the long term (20 years in addition to the 5 year aftercare scheme) management, maintenance and aftercare of the application site, through the preparation of a ecological enhancement and woodland management plan, to grant planning permission subject to the planning conditions and informatives as set out in the report.

The Legal Agreement was finally completed on 10 June 2015 and was placed on the public planning register at Waverley Borough Council on 15 June 2015. This Report is to allow Members to consider any new factors which have emerged since the P&RC's resolution on 3 September 2014, which could be rationally regarded as a material planning consideration by a third party.

The recommendation is to PERMIT subject to conditions.

ILLUSTRATIVE MATERIAL

Site Plan

Plan 1 – Application site plan (Drawing Ref 1309/2 Revision B)

Plan 2 – Existing site land use plan (Drawing Ref 1309/5 Revision B)

Plan 3 – Sand extraction phasing plan (Drawing Ref 1309/6 Revision B)

Plan 4 – Landfill development phasing (Drawing Ref 1309/7 Revision B)

Plan 5 – Restoration details (Drawing Ref 1309/8 Revision B)

Plan 6 – Waste Permit area and planning boundary (for reference only)

Site Photographs

- Figure 1 – View of southeast landfill area (Block 2) facing southwest from footpath
 Figure 2 – View of existing mineral void (Block 3), facing southwest from footbridge
 Figure 3 – View of western fields (Block 4), facing east from footpath
 Figure 4 – View of haul road construction on 28 May 2015 facing southwest
 Figure 5 – View of haul road between waterbodies on 9 September 2015 facing northwest
 Figure 5 – View of staff welfare facilities on 9 September 2015 looking northeast

Appendices

- Appendix A – 3 September 2014 P&RC Report, plus Minutes & Update Sheet
 Appendix B – Kides Protocol Flow Chart
 Appendix C – The Kides Protocol Assessment
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The 'Kides' protocol

1. As time has elapsed since the committee considered the planning application the protocol (known as Kides protocol) adopted by the P&RC on 12 November 2003 applies. The protocol was adopted following the judicial review decision in November 2002 to quash the committee resolution to grant planning permission for the Capel Energy From Waste planning application (ref MO00/0913) which had referred to the October 2002 *Kides v South Cambridgeshire District Council and others* Court of Appeal judgement (*R (on the application of Kides) v South Cambs DC [2002] EWCA Civ 1370*). The Kides judgement makes clear the importance of the Committee, and not just Officers, having regard to all material considerations before any planning permission is granted pursuant to an earlier resolution taken by Committee.
2. A more recent judgement in October 2010 *Dry, R (on the application of) v West Oxfordshire District Council [2010] EWCA Civ 1143* refers to the Kides case and need to apply the guidance in Kides with “*common sense, and with regards to the facts of the particular case.*” The Kides protocol requires Officers to assess whether new factors have arisen in the time since a resolution to grant planning permission has been taken and the issuing of the decision notice, and if they have, apply the Kides test, by following the process outlined on the flow chart at Appendix B. The Kides test involves assessing whether any new factors which have emerged could rationally be regarded as material to the consideration of the application such that the application should be referred back to the decision maker, in this case the Planning and Regulatory Committee, for reconsideration in the light of the new factor.

Kides consultation process

3. Once the completed Legal Agreement had been received on 10 June 2015, Officers wrote to Waverley Borough Council, relevant Statutory and Non-Statutory Consultees, and the Local Member, to ask if they were aware of any factors, changes/updates or issues which had emerged since 3 September 2014 which could reasonably be described as material to the consideration of the application. Officers received responses from the following, none of whom were aware of any new factors which could rationally be regarded as a material consideration:
 - Waverley Borough Council Environmental Health team
 - Environment Agency
 - South Downs National Park Authority
 - County Highway Authority
 - County Ecology
 - Surrey Wildlife Trust (*though asked whether the ecological surveys were up-to-date, which the County Ecologist has responded to, see relevant section in Appendix C*)
 - County Landscape
 - County Restoration & Enhancement

- County Geotechnical Consultant
 - County Noise Consultant
 - County Lighting Consultant
 - County Environmental Assessment
 - Local Member
4. However, the County Air Quality Consultant (CAQC) was aware of a new factor, namely in May 2015, Environmental Protection UK (EPUK) in conjunction with the Institute of Air Quality Management (IAQM) published updated guidance for air quality in planning. The EPUK/IAQM 'Land-use Planning & Development Control: Planning for Air Quality' document now requires an assessment to be undertaken for developments that increase Heavy Duty Vehicles (HDV) by more than 25 (annual daily average), within or adjacent to an Air Quality Management Area (AQMA), and 100 elsewhere. As the number of movements generated by the proposed development is now above the new criteria (i.e. there would be a maximum of 170 HGV daily movements), the applicant was asked to comment on the significance of the air quality effects of traffic-related pollutants due to the increased vehicle movements with reference to the revised criteria thresholds and the revised significance descriptors.

The 'Kides' test assessment

5. Under the Kides protocol Officers have to be satisfied that the P&RC is aware of any new factor(s) that have arisen since the application was considered which might rationally be regarded as a material consideration. If Officers are either satisfied the committee were aware of the new factor and considered it with this application in mind, but not would reach the same decision; or satisfied the committee were not aware of the new factor, the application should be referred back to the committee to be reconsidered in view of the new factor. The Kides Protocol Assessment at Appendix C sets out the assessment and consideration by Officers and in applying the Kides test of whether factors have emerged since 3 September 2014, which could rationally be regarded as a material consideration by a third party. The matters covered in the table are drawn from the planning considerations section of the report and documents referred to in the committee report (and update sheet). In this case, Officers consider new material considerations have emerged since determination.
6. Firstly, in May 2015, EPUK in conjunction with the Institute of Air Quality Management (IAQM) published updated guidance for air quality in planning. On 2 July 2015, the CPA then requested, under Regulation 22 of the EIA Regulations 2011, an Addendum to the Air Quality Chapter of the Environmental Statement (ES) supporting this application to assess the application against this new guidance. This ES Addendum was received on 27 July 2015 and Officers judge that this is a material consideration. On 28 July 2015, the CPA sent details of the new air quality assessment out to all Statutory and Non-Statutory consultees, in addition to all the Parish/Amenity Groups set out in paragraphs 59 to 62 of the P&RC Report (see Appendix A), with a deadline for responses of 1 September 2015. On 6 August 2015, the CPA also notified 135 owner / occupiers, giving them until 17 September 2015 to make any comments; this extended timeframe was chosen to take account of the summer/school holidays.
7. Secondly, following the issuing of an Waste Permit for the area of new extraction and infilling at the site by the Environment Agency (EA) on 18 June 2014 (as reported to members on 3 September), the applicant undertook some initial work at the site to satisfy requirements of the EA during spring and early summer 2015, though this ceased in mid-June 2015. Officers judge that the commencement of works under the EA's Waste Permit could rationally be regarded as a material consideration by a third party. Additionally, the applicant undertook reptile capture and translocation work at the site. The reptile translocation had to take place over a minimum period of 60-days between April - September (with July & August being too hot), effectively leaving April, May & September. Officers have taken this opportunity to provide an update to Members in

respect of the applicant's activities at the site since September 2014 and the monitoring of the site by the County Planning Enforcement team.

Air Quality Addendum dated July 2015

Applicant's assessment

8. The applicant submitted a 'Further Addendum to Dust and Air Quality Assessment, Alton Road Sand Pit, Farnham Surrey', prepared by DustScan Ltd and dated July 2015. The applicant undertook a semi-quantitative analysis of: traffic-related pollutant concentrations at two representative receptors; and the likely increase in pollutant concentrations at the two representative receptors. The assessment considered the impact of the emissions from the heavy goods vehicles (HGVs) associated with the site's operations on ambient concentrations of nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}). Typically the impact of vehicle emissions is much greater for NO₂ than for particulate matter (PM) concentrations, the exception is when there is significant dust on the roads which is re-suspended by the movement of vehicles. The applicant sets out that there is no evidence that the A31 is dustier than other major roads, and that the HGVs from the application site are not expected to contribute to significant levels of dust on the public highway given the length of the access road. As the local road contribution to ambient air quality is generally greater for NO₂ than for PM, the applicant's assessment places more emphasis on the likely impact of the emissions from HGVs associated with the development on NO₂ than PM₁₀ or PM_{2.5} concentrations.
9. The predicted average daily HGV movements over the course of the life of the development would result in a significant year to year variation, with a maximum of 170 reached in years 11 to 14 (as predicted when the original planning application's transport statement was submitted in 2013). Officers note that there has clearly been some delay in the determination of this application, though highlight that 170 daily HGV movements would be a maximum controlled by condition and that any planning permission issued today would require the development to be completed in all respects (i.e. including complete restoration) no later than 31 December 2029.
10. The 170 daily HGV maximum exceeds the 2015 EPUK/IAQM criterion of 100 outside an AQMA, and the operator's assessment of the market for sand and inert waste anticipated that 80% would come from or be delivered to markets east of the site with the remaining 20% from or to the west. Therefore there would be up to 34 HGVs per day travelling on the A31 to the west of the site entrance and as this is under the 100 HDVs per day criterion the applicant's assessment did not consider the impact of HGVs turning left out of the site entrance and heading west on the A31. The remaining maximum 136 HGVs per day would travel from the east of the site and the applicant's assessment covers the A31 from the site entrance eastward to the junction with the A331, some 3 km to the east of Farnham. Beyond the A31/A331 junction it was considered likely that the site traffic would split and there would be less than 100 HDVs associated with the development per day travelling on either the A31 or the A331 (leading to the M3).
11. The assessment identifies that a road traffic order prohibits vehicles turning right into the site from the eastbound carriageway of the A31 and that these vehicles must travel further east, past the site entrance to the Coxbridge Roundabout and back (i.e. westwards) along the A31 to the site entrance. Therefore, between the site entrance and the Coxbridge Roundabout the maximum daily HGV movement would be 153. On the A31, beyond Coxbridge Roundabout, there would be a maximum of 136 HGVs per day travelling towards and beyond Farnham. The assessment again highlights that, based on the original 2013 transport statement, the EPUK and IAQM criterion of 100 HDV movements per day is not predicted to be exceeded until year 6 of the project, with the maximum number of HGV movements not anticipated to occur until year 11.

12. The applicant sets out that the results for two worst case receptors were assessed using the EPUK and IAQM 2015 guidance and that this showed that one of these receptors was within 9m of the road link with the largest increase in HDVs as a result of the development at the application site. The other receptor was approximately 15m from the road link with the highest traffic flow. The results of the applicant's assessment for these two receptors were used to draw conclusions regarding other receptors. Using a series of conservative assumptions, it was considered by the applicant that the annual mean concentrations of both NO₂ and PM_{2.5} would be below the respective air quality objectives in 2021, the first year the EPUK/IAQM assessment criterion of 100 HDV per day would be exceeded. The impact was therefore considered to be slight at the receptors closest to the road and negligible elsewhere.

Cumulative Impacts

13. The assessment sets out that from a visual inspection of the local area on 9 July 2015 no major new developments impending or taking place that would be likely to generate HDV traffic, temporary or long term, were identified. The assessment noted that the Co-operative store on Wrecclesham Hill was complete and occupied, as were the business units that remained for completion in Coxbridge Business Park. From satellite imagery (Google Earth, dated October 2014) the assessment identified that the extensive new recreation facilities under construction in March 2014 were almost complete. The assessment submits that these completed improvements and extensions would not generate HDV traffic. In Farnham itself, it was noted that there was a substantial site in the centre of the town on Downing Street where new older people's 1 and 2 bed flats were being built. Waverley Borough Council has recently consulted (September 2014) on Potential Housing Scenarios and Other Issues for their local Plan to be prepared for the period to 2031. However, the assessment noted that there are no site specific proposals within that Consultation Document for housing or employment land and that any such proposals that do materialise would need to consider any air quality issues that may arise from the position at that time – with all existing and permitted development in place including the Alton Road development.
14. The assessment sets out that there were a number of planning consents being constructed as well as applications or major developments in and around Farnham, including:
- 1 Brightwells – a multi-use town centre development (under construction);
 - Land at Crondall Lane - up to 120 dwellings (under construction);
 - Land at Lower Weybourne Lane, Badshot Lea - 140 dwellings (pending decision);
 - Land adjoining Bourne Mill, Guildford Road, Farnham - 16 dwellings together and a 70 bed care home (permission refused);
 - Land at Bindon House, Monkton Lane, Farnham – 61 dwellings (permission refused);
 - Land west of St Georges Road, Farnham - 71 dwellings (decision pending);
 - Land at Waverley Lane, Waverly Lane, Farnham - multiple applications, up to 157 dwellings;
 - Little Acres Nursery, St Georges Road, Badshot Lea - up to 99 dwellings (decision pending);
 - Land at Baker Oat Stables, Gardeners Hill Road, Farnham – 43 dwellings (refused);
 - 35 Frensham Vale, Lower Bourne GU10 3HS - 46 dwellings (refused; appeal lodged).
15. Due to the application site's location and type of development proposed, detailed analysis of the traffic impact on the A31 of each of these developments was not considered appropriate by the applicant. The applicant submits that their assessment only took account of the likely increase in traffic on roads such as the A31, and therefore implicitly took account of traffic growth resulting from a range of economic indicators linked to development. Given the conservative nature of the applicant's assessment, it was considered unlikely that a detailed cumulative impact assessment would change the

conclusion of their assessment. Specifically, that there would be no significant effect on human health.

Applicant's conclusion

16. Overall no significant effect on human health as a result of the additional traffic was anticipated when considered alone or in combination with other major developments in the area. Therefore the assessment did not change the conclusions of the applicant's original 2013 Dust and Air Quality Assessment or its 2014 Addendum. With reference to the descriptors in the EPUK/IAQM 'Land-use Planning & Development Control: Planning for Air Quality' document, the applicant considered that the air quality impact is likely to be 'negligible' or 'slight adverse' at two receptors and on that basis the applicant concluded that the effects were not likely to be significant.

CONSULTATIONS AND PUBLICITY (on the applicant's Air Quality Addendum)

District Council

17. Waverley Borough Council: No objection subject to the imposition of suitable conditions and to the County Council's satisfaction with regards to the environmental impacts of the proposed development.

Consultees (Statutory and Non-Statutory)

18. (adjacent authority) South Downs National Park Authority: No objection.
19. County Air Quality Consultant (CAQC): Agrees with the findings of the applicant's air quality analysis, with no recommendation for further work.
20. Environment Agency: Having reviewed the information, no further comments to make.
21. County Environmental Assessment: The Environmental Statement is compliant with the minimum information requirements set out in Part II of Schedule 4 of the EIA Regulations 2011 and provides as much of the information listed under Part I of Schedule 4 of the EIA Regulations 2011 (as amended) as is reasonable to require of the applicant.

Parish/Town Council and Amenity Groups

22. Wrecchlesham Village Society / TRASH Campaign: Made the following comments:
1. *The applicant's assessment is inappropriate as it does not seriously address potential risks as a direct consequence of the proposals and their influence upon the cumulative effects. Landfill gas exhausted from the site was also not considered.*
 2. *Little evidence that the Gloucestershire-based consultants visited the area to ascertain the true nature of traffic problems.*
 3. *No evidence of air quality measurements by the consultants. Of particular concern since at the time the assessment was being prepared the applicant was actually undertaking unauthorised HGV movements delivering waste material to the site that probably exceeded 25 HGV movements daily over a period of several days, providing an ideal opportunity to take some measurements and observe the actual cleanliness of the entrance road instead of assuming that it will be maintained in a clean condition.*

4. *The assessment's Table 1 is a very approximate guide that should not be taken literally since it could easily vary by more than + or – 100% as it is dependent upon site progress, demand for sand and inert waste availability at the time of need. SCC Planners and the Planning Inspector understand that there is a shortage of genuine inert waste material generally in the County and that there would be very high concentrations of HGV movements as or when such material becomes available.*
5. *The assessment overlooked consideration of traffic movements outside of the A31, given developments planned for Wrecclesham, Frensham and Bordon. Unreasonably assumed that all site HGV's will use the A31, vehicle flows will be complied with, or that there will be no significant impact on other traffic movements. No recorded baseline conditions have been considered in the AQMA or any other diffusion tube locations other than the three diffusion tube locations in Station Hill. No consideration has been given to exceedences of annual mean or hourly mean nitrogen dioxide levels at diffusion tube locations within and outside of the AQMA. This seems a serious oversight when one considers the School Hill/The Street Junction in Wrecclesham is already a diffusion tube location with high volumes of HDV vehicles already. Since A31 traffic movements are very high (around 50% higher than the A3 at Hindhead), frequent gridlock conditions occur necessitating drivers to take alternative routes, including through the town centre.*
6. *The almost-daily gridlock occurrences in the Farnham area are well in excess of 18 times per year already. Inevitably, significant increases in traffic movements will result in the potential risks of unacceptable pollution levels being exceeded, particularly considering the cumulative effects of planned development within the Farnham area, plus the surrounding areas of Aldershot, Farnborough and Bordon. Given the UK is currently the subject of European court proceedings for exceeding Nitrogen Dioxide limits, it is evident that the 'precautionary principle' needs to apply.*
7. *No consideration of added pollution potential of ground works on site along with the potential of ground works on all other major planned developments like Brightwells, when added to the cumulative effects of HDV and all other traffic movements. Planners have a real problem evaluating the cumulative effects of all planned and potential development and it gets overlooked or seriously under estimated.*
8. *Apart from arithmetical errors regarding predicted HGV movements, no allowances are made for contingencies and the 'precautionary principle' has not been applied to the assessment. The assessment is unrealistic and unsound.*
9. *According to the Borough Council, no additional monitoring data or agreements were provided or entered into with the applicants. 2014 data quoted in the assessment is not in The Borough's 2014 Air Quality Progress Report; the origin of information within Table 4 is therefore not known and is as a consequence unreliable.*
10. *No substantive evidence to support the development on sustainability grounds and SCC's own consultants advised that further development would be unsuitable. New evidence identifying potential of site as a SANG; remaining concerns regarding protection of Ancient Semi Natural Woodland & Rare and Protected Species and inevitable concerns about site operator's integrity given recent activity at the site.*
11. *The public have had insufficient time to consider the completed Legal Agreement; it contains numerous mistakes with paragraphs repeated and pages missing.*

Summary of publicity undertaken and key issues raised by public

23. The 'Regulation 22' information was publicised by the posting of 3 site notices and an advert was placed in the local newspaper on 6 August 2015. As noted above, a total of 135 owner/occupiers of neighbouring properties were also directly notified by letter on 6

August 2015. Ten letters of representation have been received as at 1 October 2015 to the 6 August 2015 notification. Points raised by representations, additional to those raised above by Wrecclesham Village Society / TRASH Campaign, are as follows:

- Significant concerns about the air quality impact of the proposal, including its contravention of the EPUK May 2015 Guidance;
- Doubt validity of submitted air quality assessment's conclusions, SCC should make their own assessment and not be dissuaded by the cost of doing so;
- How will SCC stop HGVs using A325 through Wrecclesham / or via town centre to access A287 to the north?
- Waverley's competency in determining air pollution risks is questionable; they have done nothing to improve air quality and have misused Government funding;
- Concerns about historic landfill gas and cumulative effects of this at the site;
- The integrity of Earthline Ltd is in doubt because of two events: Firstly, the installation of razor-wire near footpaths; and the removal of vegetation during the bird nesting season in June 2014 resulting in absence of Goldfinches this year;
- Object as the application site includes two parcels of land owned by Garden Style Nursery and Hundred House at 68 Wrecclesham Hill, and Notices have not been served in the proper way on those owners. The area of land purporting to be in the freehold ownership of CEMEX (as shown on Drawing ref: ALTONRD1309/Drawing No 2/ Revision B, which is attached to the Legal Agreement) is therefore incorrect. However, Officers note that this objection was subsequently withdrawn.

Officer's assessment

Wrecclesham Village Society/TRASH Campaign comments

24. In respect of the first point raised by Wrecclesham Village Society/TRASH Campaign, the CAQC notes that the National Planning Practice Guidance only advises that *"Assessments should be proportionate to the nature and scale of development proposed and the level of concern about air quality, and because of this are likely to be locationally specific."* The applicant's assessment of cumulative impacts is set out above. Officers also note recommended Condition 16 included at the end of this report, which would ensure that no capping or restoration works of the historical landfill areas known as Riverdale and South East Landfill shall take place until a detailed ground gas management plan has been submitted to and approved in writing by the CPA.
25. In respect of the second point raised, the EPUK/IAQM Land-Use Planning & Development Control: Planning for Air Quality document (May 2015) makes provision for undertaking a site visit or undertaking a desktop investigation of current air quality. It is therefore not always necessary to undertake a site visit in order to prepare a robust assessment. The CAQC notes that air quality assessments may draw on publically available monitoring data, site specific monitoring data, modelling and/or qualitative estimates. Nevertheless, Officers note that the applicant's air quality assessment refers to their consultant visiting the local area on 9 July 2015 to ascertain any major new developments impending or taking place that would be likely to generate HDV traffic.
26. In respect of the third point raised, the CHA notes that there would be a condition on the planning permission restricting the development to 170 HGV movements per day. This is an absolute not an average and cannot be exceeded without breaching the condition. It is therefore entirely reasonable to base the assessment on the maximum number of HGVs. It would be unreasonable to expect the applicant to undertake an assessment on the basis of a level of HGV movements that would be in breach of their planning permission. Officers consider recent activity at the site later in this report.
27. In respect of the fourth point raised and the need for sand extraction, this was addressed when the application was considered by Members on 3 September 2014 (see Appendix

A, paragraphs 93-114). However, Officers can provide an update to the information provided in the September 2014 P&RC Report. The results of the Aggregate Minerals Survey 2014 shows that land-won sand and gravel sales in Surrey increased by 22% between 2013 and 2014 to 0.98 million tonnes (mt). The most significant change was in sales of soft sand which increased by 33% over the same period to 0.57 mt, indicating a sharp increase in demand. In contrast, sales of concreting aggregates increased by 11% over this period to 0.41 mt. Permitted reserves of land-won sand and gravel increased significantly between 2013 and 2014 to 10.0 mt, representing an increase of 64% over the year. This was primarily due to the granting of planning permission for the extraction of 4.1 mt of soft sand at Mercers South Quarry, Nutfield in August 2014. At the end of 2014, permitted reserves increased to 8.3 mt for soft sand. For concreting aggregates, permitted reserves remained at 1.7 mt following the undertaking of three separate reserve reassessments.

28. The survey results increase the total landbank of permitted reserves from 4.4 years at the end of 2013 to 7.2 years at the end of 2014. Over the same period, the landbank has increased significantly from 8.7 years to 16.6 years for soft sand, and remained at 1.9 years for concreting aggregates. Since the end of 2014, planning permission has been granted for the extraction of 0.75 mt of concreting aggregates at Homers Farm, Bedfont, and the P&R Committee have resolved to grant planning permission for the extraction of 1.5 mt of concreting aggregates at Manor Fam, Laleham, subject to the prior completion of a S106 legal agreement. These applications would increase the total landbank by 1.6 years, and the landbank for concreting aggregates by 2.5 years. Paragraph 102 of the 3 September 2014 P&RC report (Appendix A) advises that the granting of planning permission at Alton Road would have increased the landbank for soft sand by a further 1.5 years. As such, the MPA's position is unchanged as although the landbank for soft sand is currently well above the minimum requirement of at least seven years, Officers remain satisfied that there is sufficient justification for the need for the sand in accordance with guidance contained within the NPPF and the NPPG. For these reasons, despite the length of the landbank for soft sand and the extent of remaining permitted reserves, the proposal is still considered acceptable under Primary Aggregates DPD Policy MA1.
29. In respect of the availability of inert waste material referred to in the fourth point raised, this was also addressed when the application was considered by Members on 3 September 2014 (see Appendix A paragraphs 115-119). However, Officers can provide two updates to the information provided in the September 2014 P&RC Report. Firstly, (as an update to previous paragraph 118) at the end of 2013 the EA's Waste Data Tables still indicated that Hampshire had only around half as much inert landfill capacity (2.85 million m³) as Surrey (5.64 million m³), which Officers again advise may reduce the need for the applicant to rely on inert waste arising in Surrey to restore the application site. Secondly, it has also become apparent that the promoters of the UK's new high speed rail line ('HS2') have indicated in their Environmental Statement (dated July 2015) that in the worst case scenario of the surplus excavated material having to be sent to landfill, 96% of this material is likely to be disposed off-site in Buckinghamshire and Surrey due to the capacity of these areas and their proximity to where surplus excavated material will arise. However, it is important to stress that the ES has to assess the reasonable worst case scenario and that the promoters are intending to provide surplus excavated material for more sustainable uses and avoid landfill disposal.
30. In respect of the fifth point raised, the CAQC reiterates their advice that the May 2015 Guidance now requires an assessment to be undertaken for developments that increase Heavy Duty Vehicles by more than 25 (annual daily average), within or adjacent to an Air Quality Management Area, and 100 elsewhere. Given the number of movements generated by the proposed development is now above the new criteria, the applicant was asked to comment on the significance of the air quality effects of traffic-related pollutants due to the increased vehicle movements with reference to the revised criteria thresholds and the revised significance descriptors. The applicant's response has been

that the study area (based on these criteria) is limited to the A31. Therefore based on the information provided, the CAQC's understanding is that on other roads, the distribution of traffic is such that these criteria are not exceeded.

31. In respect of the sixth point raised, the CAQC advises that the AQMA in Farnham has been designated by Waverley Borough Council based on exceedences of the annual-mean NO₂ Air Quality Strategy (AQS) objective (not the hourly-mean objective). Waverley Borough Council has not designated any AQMAs due to exceedences of the short-term AQS objective and their Review and Assessment reports do not suggest that they have any particular concerns with achieving the short-term objective. Furthermore, Table 2.3b in Waverley's 2014 Air Quality Progress Report provides details of continuous automatic monitoring in Farnham and shows that there were no measured hourly-mean concentrations above 200 µg.m⁻³ in 2013. With regards to the UK's position, the only zone in which exceedences of the hourly-mean EU Limit Value (numerically identical to the AQS objective) are reported is greater London. The latest report from the UK to the EU states that the hourly-mean EU Limit Value was met in all of the other 42 zones.
32. In respect of the sixth point raised, the CHA also notes that, as reported to P&RC in September 2014 (see Appendix A paragraph 154), the traffic flows on the A31 have reduced since the original planning permission was granted; from 23,818 in 2004 to 19,191 in 2012. Given that the proposal was acceptable with higher traffic flows on the A31, the CHA consider that it cannot be unacceptable with reduced traffic flows. Diesel engines are also becoming cleaner and emitting fewer pollutants as Euro standards become more rigorous. As noted in the further Air Quality information, by the time the site is fully operational and generating the maximum number of HGVs, the proportion of the newest and cleanest diesel engines would have increased to between 39% and 75% of total vehicles. Emissions are therefore likely to reduce as a result of these changes to the overall UK vehicle fleet. In respect of the seventh point raised, the CAQC notes that the applicant has considered cumulative effects (including Brightwells) and states "*This assessment takes account of the likely increase in traffic on roads such as the A31, and therefore implicitly takes account of traffic growth resulting from a range of economic indicators linked to development.*" The applicant's assessment of cumulative impacts is set out above.
33. In respect of the eighth point raised, the CAQC notes that neither the NPPF nor the NPPG draw on the 'precautionary principle' for planning decision-making. Although, the predecessor to the AQ section of the NPPG (PPS 23) did make reference to its occasional use, this was when two tests were met; neither of which apply in this case. The CHA also notes that whilst reference is made to arithmetical errors in predicted HGV movements, the Wrecclesham Village Society/TRASH Campaign representation did not actually make clear what the errors referred to are or what contingencies should be applied. As noted above, the maximum number of HGV movements is conditioned at 170. The 20% west / 80% east HGV distribution appears to be reasonable to the CHA and it is therefore unclear to relevant technical consultees how the assessment is unrealistic and unsound. In respect of the ninth point raised, Officers note that Table 4 of the assessment has a footnote that clearly explains that the data came from Waverley Borough Council's 2014 and 2013 Progress Reports and an email dated 7 July 2015 from Waverley Borough Council's Air Quality Officer Ann-Marie Wade.
34. In respect of the tenth point raised, Officers note that the NPPF establishes a presumption in favour of sustainable economic development unless development proposal would not accord with the development plan or material considerations indicate otherwise. At paragraph 132 of the 3 September 2014 P&RC Report (Appendix A), Officers made clear that in light of the waste hierarchy, the continued provision of a large landfill site for household waste could potentially undermine aims at moving waste up the hierarchy and that infilling with inert waste only is supported in light of the development plan. As part of the preparation of the Surrey Waste Plan 2008 (which Officers assume Wrecclesham Village Society / TRASH Campaign are referring to, rather than the 2011

Minerals Plan), ERM Consultants reviewed the Alton Road site and concluded that it would be unsuitable to safeguard for further waste development for reasons including the fact that planning permission ref WA99/0223 dated September 2002 would mean the comprehensive restoration of the site following extraction and infilling. Paragraph 214-220 of the 3 September 2014 P&RC Report (Appendix A) considered areas of Ancient Semi Natural Woodland and paragraphs 192-213 considered any rare and protected species, whereas the Update Sheet at end of Appendix A refers to Suitable Alternative Natural Greenspace (SANG). Recent activities at the site are considered below.

35. In respect of the last point, the completed Legal Agreement was placed on the public register at the Borough Council on 15 June 2015 and owner/occupiers were earlier redirected to the public register on 6 August 2015. 'Annex B' to the completed Legal Agreement contains a 'Draft Planning Permission' decision notice based solely on the recommended conditions, reasons for conditions and informatives as set out in the 3 September 2014 P&RC Report and included again at the bottom of this Report. When a copy of the completed Legal Agreement was sent to the public register (and uploaded to the Borough Council's website) the double-sided 'Annex B – Draft Planning Permission' decision notice was sent in error as a one-sided document meaning not all the pages were shown. However, the rest of the completed Legal Agreement was unaffected by this printing error. Paragraphs of the 'Annex B – Draft Planning Permission' decision notice may appear duplicated because they are identical reasons for conditions from the draft decision notice provided by the CPA (see identical 'reasons' later in this Report and as set out in the 3 September 2014 P&RC Report).
36. The substance of 'Annex B – Draft Planning Permission' (i.e. all the earlier recommended conditions, reasons for conditions and informatives) were therefore clearly set out within the 3 September 2014 P&RC Report and there were no changes made during the completion of the Legal Agreement. The completed Legal Agreement has been signed by all relevant parties and although it was unfortunate that once section 'Annex B – Draft Planning Permission' was sent to the public register on 15 June 2015 in error as a one-sided rather than two-sided document, Officers do not agree that it is substantially incomplete. The County Legal team do not consider that the public has been prejudiced by the document sent by them to the public register in June 2015.

Local residents' comments

37. The EPUK's May 2015 Guidance lowered the threshold for when air quality assessments have to be undertaken; from 200 HGV movements to 100 HGV movements. As this application proposes a maximum of 170 daily HGV movements, an assessment was therefore carried out in accordance with the new Guidance. In respect of the doubts raised over the validity of the submitted air quality assessment and the competency of Waverley Borough Council in assessing air pollution in Farnham, as set out above, the CAQC agrees with the findings of the applicant's air quality analysis which draws on local air quality monitoring by the Borough, with no further work recommended. The adequacy of local air quality monitoring is a separate matter for DEFRA, who require the Borough's annual air quality reports, in accordance with the 1995 Environment Act.
38. With reference to the CPA's control over HGVs accessing the Alton Road site, the recommended conditions restrict vehicular access to/from the A31 only and that there shall be no more than 170 HGV movements to and from the site per day. Officers note that a railway bridge restriction of under 4.2 metres exists on A325 before it enters Wrecclesham Village that would prevent most HGVs, and whilst HGVs could theoretically travel through Wrecclesham via the A325 and via Farnham town centre to reach the A287, Officers consider it far more likely that HGVs would opt to use the much faster / easier A31 Farnham bypass to travel to/from the site and use the Shepherd & Flock roundabout if then travelling north (as modelled in the submitted air quality assessment). As noted above, the 20% west / 80% east HGV distribution on the A31 appears to be a reasonable prediction to the CHA in respect of this proposal.

39. The CAQC also highlights that it is relevant local authority, not the County Minerals and Waste Planning Authority, that has a statutory duty (under the LAQM regime of the Environment Act) to assess air quality in its administrative area. The County Minerals and Waste Planning Authority determines planning applications for minerals or waste developments and these may be accompanied by air quality assessments produced by the applicant. With reference to concerns about historic landfill gas at this site, this matter was previously addressed in the 3 September 2014 P&RC Report (see Appendix A, paragraphs 164-176 and 183-186).
40. In respect of the installation of razor-wire, this matter is addressed below in terms of activities at the site since September 2014. With reference clearance of vegetation during the bird nesting season in June 2014, this matter was also previously addressed in the 3 September 2014 P&RC Report (see Appendix A, paragraphs 210-213). Officers again recommend that an informative is attached to any planning permission in this case reminding the applicant that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Officers note that wider issues of competence are correctly dealt with through the Environmental Permitting regime and the EA's role is to adequately monitor and regulate the site's operation to ensure that the managers and operators are adequately competent regarding aspects that impact upon the public and the environment.

Additional landowners requiring notices

41. With reference to the objection raised concerning the fact that the application site includes land not within the ownership of CEMEX, this matter was brought to the applicant's attention as soon as the letter was received on 24 August 2015. Officers note, however, that this objection was actually withdrawn on 23 September 2015. Nevertheless, the applicant explained in an email to the CPA on 1 September 2015 that the area in question did not form part of the development area of the site, and indeed falls outside of the fence line around the quarry, and that there was therefore no need to change the application site boundary. Additionally, the applicant submits that the plan attached to the signed Section 106 agreement does not include the triangle of land owned by others, that it does not need to be included in order to carry out the intentions of the legal agreement, and that no change to the legal agreement is therefore necessary.
42. Notwithstanding the above, the applicant subsequently served the necessary notices on the two landowners on 4 September 2015, giving 21 days to make any representation to the CPA (i.e. a 25 September 2015 deadline). The CPA received copies of those notices on 4 September 2015 and these were sent to the public Planning Register at Waverley Borough Council on 10 September 2015 for the statutory period of 14 days (i.e. a 24 September 2015 deadline). The applicant's letter to those additional land owners explained that: *"This application was originally submitted in November 2013. At the time we believed that we had notified all the owners of the application site...It seems that there was a drafting error that goes back to the original CEMEX application for the site made in 1999, in fact, whilst the application shown on the site plan includes a small piece of land owned by you, the development proposed will remain the other side of the fence line and would not directly affect your land."*

Activities at the site since September 2014

Applicant's September 2015 update and explanation

43. The applicant sets out that in preparation for sand extraction and infilling they have commenced a number of site activities. The applicant explains that it is an EA requirement that the infilling areas be lined with clay and that water monitoring is

undertaken between the previously landfilled area and the existing void. A haul road was therefore constructed toward the exposed clay face at the western end of the void. This would be to access the clay to provide a supply of impermeable material which can be used for the base and sides of the inert cells and to access proposed borehole locations all to meet EA requirements. This work was suspended early in the summer on the advice of the Surrey County Council Officers because of the extent of construction involved. The only change since then is that this route has been surfaced.

44. To meet with ecological protection requirements a reptile trapping programme is also underway. Between June and September, 50 trapping days have been successfully completed with over 2,000 animals removed from the site (slow worm, grass snake, common lizard, newt, toad, frog, field mouse, mole and shrew), to a translocation area immediately to the north of the railway line. On average 40 animals per day are still being captured across the site, and at the current rate it is unlikely 10 reptile clear days would be achieved which would allow the trapping effort to cease during the current trapping season.
45. The trapping effort would continue through September into early October 2015, until weather conditions are considered unsuitable. At which point the traps would be closed until early April 2016, when under suitable conditions, the trapping effort would begin again and continue until 10 clear days are achieved. Over the winter period 2015/16 the reptile fences would be regularly checked and maintained, and vehicle passes would be kept clear to prevent any openings or gaps which may allow species to move back onto the site. During the winter period 2015/16 it is proposed to begin the planning of a larger scale receptor area adjacent to the current reptile receptor area. The extended area would include woodland, grassland and hedgerow habitats and a new water body suitable for receiving and supporting the wide range of species being found within the Alton Road sandpit site. The new receptor area would be used as compensatory habitat for areas lost on site, and would receive any species removed from site during future translocation.
46. Lastly, the applicant explains that there have been instances of trespass and vandalism at the site which have continued despite attempts by them to prevent it. On the advice of the Borough Council and Health and Safety Executive officers a risk assessment of the site has been carried out and a fencing plan has been prepared which would shortly be ready for implementation as soon as the main planning permission is in place. It is hoped also that trespass and vandalism would reduce once the quarry is active and there is a more continuous staff presence.

Officer's comments / enforcement monitoring

47. Officers note that the Environmental Permitting (England and Wales) (Amendment) Regulations 2014 and, significantly, the section removing the requirement for prior planning permission took effect on the 5 March 2014. As noted above, a Waste Permit was issued by the EA on 18 June 2014 for the proposed new extraction and infilling development; a separate process / regime from this planning application. The effect of the March 2014 Environmental Permitting legislation means that, in respect of purely the EA's regulation of the site, the operator could commence work under the Waste Permit without planning permission being in place.
48. On 1 April 2015, the applicant emailed the CPA to highlight that there would be some preliminary activity on site over the following weeks so that once a planning permission was issued, the applicant could commence development without undue delay. The applicant set out that the EA's Waste Permit required the provision of additional groundwater monitoring boreholes around the edge of the south east landfill. The area immediately adjacent to the installation sites was under water, so to enable access it was necessary to raise the ground level in that very local area, which involved bringing some inert material on to site.

49. Additionally, to meet reptile translocation requirements within the appropriate time period, the applicant identified that reptile fencing had also been put in place around the back of the earth bund on the south east landfill area. The works were to be carried out to the specification provided in a draft ecological submission on reptile translocation, which the County Ecology Officer had reviewed. This ecological work started on 7 April 2015. The applicant also set out that some hard surfacing of the access road north of the railway line and of the former weighbridge area had been carried out, in order to make it easier for vehicles to get into the main part of the site and to undertake the works described above.
50. On 9 April 2015, the County Planning Enforcement team informed the applicant that until the Legal Agreement had been completed by all parties and returned to SCC's solicitors, and subject to the CPA addressing the Kides protocol, the planning permission could not be issued. Additionally, any planning permission would be subject to ten 'pre-commencement' details needing to be agreed by the CPA before work could commence. Therefore, any works undertaken on site were noted to be at the applicant's own risk, and the applicant was informed that the CPA ultimately reserved the right to take enforcement action if it deemed it expedient and reasonable. The CPA's view was that the restoration requirement for the site remained, notwithstanding the fact that a new decision notice had not been issued, subject to the Legal Agreement. The CPA judged it to be reasonable to expect the operator to maintain compliance with the EA's Permit requirements and any necessary works. In the circumstances, the CPA did not consider it expedient to seek removal of the materials which provide suitable access to the new boreholes.
51. With regard to protected species, the CPA acknowledged the County Ecologist advice that the works undertaken by the developer were necessary and reasonable. The reptile translocation had to take place over a minimum period of 60-days between April - September (with July & August being too hot), effectively leaving April, May & September. The plastic fencing on site was to restrict reptile movement and enable their translocation from the site. The CPA took the view that since the Legal Agreement was being progressed, it was reasonable to allow the developer and his agents to progress with this translocation rather than delay it to start at a later date when the necessary 60-days would not be achieved.
52. On 28 May 2015, a County Enforcement Officer visited the site and noted that large amounts of inert material were being brought in to the site by HGVs and deposited at the bottom of the quarry, via the internal access road. See attached Figure 4. The County Enforcement Officer also noted that temporary staff facilities had been installed on the site close to the car parking area, with a bucket loader and 360⁰ excavator in situ, with a lockable container structure and a small skip nearby. The CPA therefore sought further written clarification from the applicant on the level of activity taking place at the site.
53. The applicant reconfirmed on 8 June 2015, that three new boreholes being constructed were to allow water monitoring to meet the terms of the Environmental Permit, with two of these boreholes were to be constructed adjacent the old south west landfill area. However, the applicant also explained that work undertaken additionally involved the construction of a safe and level route to gain access to the exposed clay face in the north-west corner of the quarry floor, which they considered to be the only safe and practicable option since the applicant could not run plant and equipment on the quarry floor as it was water logged. The applicant set out that the clay could then be used in the construction of the impermeable membrane to separate the old and new landfill areas, and to allow a level hard platform adjacent the membrane for the drilling rig to install the boreholes. The applicant noted that this work was in line with the requirements of the EA Permit, and would enable development of the site within the terms of the planning permission once it is issued.

54. However, it was clear from the County Enforcement Officer's visit that a large amount of inert material had been brought on to the site to create the above-mentioned dry 'quarry floor', seemingly in excess of that required for just the boreholes. The CPA therefore stated on 16 June 2015 that importation of material must cease and the applicant confirmed that work would stop immediately. The applicant also confirmed on 16 June 2015 that no clay had been extracted, despite the fact that an access route had been created to the exposed clay face.

Installation of razor-wire

55. On 22 June 2015, the CPA was contacted in respect of concerns that razor wire had been placed on the perimeter of the site and that this was a hazard to people walking their dogs. The CPA then contacted the site's operator who responded on 23 June 2015. The operator noted that none of the razor wire was placed on the fence line and it was within the site boundary. The operator explained that: *"...the reason for using this type of fencing was to try and stop access to site, as all other normal fencing methods had been removed and damaged by the general public on an everyday basis. In fact even the razor wire has been damaged in various places by cutting or placing of materials on it to bridge over to gain access to the quarry. Also the razor wire warning signs placed every 4 meters keep being removed or defaced which is not helpful to other members of the public. If we can stop repeated access to the site and everyone sticks to the designated footpaths we would be happy to fence the site with a more appropriate material...We need to keep out the general public this is for safety reasons etc."*
56. On 29 June 2015, the CPA reminded the applicant that Section 164 Highways Act 1980 gives the Council the ability to require the removal of barbed / razor wire adjoining the highway (including a public footpath). Although, from the photos provided to the CPA, it did appear that the razor wire was set in from the public footpaths as explained by the operator. The CPA expressed concern that the use of razor wire behind the existing fencing did not appear to be an appropriate method of securing the site and preventing access. The CPA reminded the applicant that under the Occupiers Liability Act 1984, there is a 'duty of care' that a site owner must show even for people who trespass (this includes their dogs) if they - the owner - are 'aware of the danger or have reasonable grounds to believe that it exists'. The CPA expressed that the razor wire would come under that category. Dogs are a legal accompaniment on public rights of way (PROW) but they must remain under close control (not necessarily on a lead) and should not wander off the PROW onto private land. If a dog is allowed to run around off the PROW, trespass is committed against the landowner of the land. Nevertheless, the CPA also raised a concern that wildlife could be injured by the razor wire and reminded the applicant of their responsibilities under the Wildlife and Countryside Act 1981.

7 July 2015 site meeting

57. On 7 July 2015, the CPA met the applicant and their specialist consultants (including their Ecological Clerk of Works), plus representatives from the EA, the Health & safety Executives Mines and Quarries Inspectorate, and Waverley Borough Council's Environmental Health team. From this visit it was clear that the initial works had ceased and no activities were taking place, other than the checking of ecological mitigation measures such as the low level fencing (required as part of the reptile capture and translocation programme). The installation of sections of razor wire around the site's perimeter was discussed and the site operator agreed that it should be removed and replaced with a more secure fencing structure to prevent access into the site off the footpaths. The razor wire was coiled-up on 9 July 2015 and removed from the site on 10 July 2015.
58. Most recently, on 9 September 2015, a County Enforcement Officer visited the site and noted that the razor wire has been fully removed, though the replacement permanent fencing was not yet been erected, and that the Ecological Clerk of Works was

undertaking their daily checks. No other members of site staff were present. Attached Figure 5 shows the current haul road between the existing waterbodies (with the reptile fencing in the foreground), whereas attached Figure 6 shows the staff welfare facilities as viewed from the footbridge.

CONCLUSION

59. This report has considered new factors of a new air quality assessment and activity at the site since determination on 3 September 2014 which, after having undertaken a Kides assessment in line with the protocol adopted by the P&RC in 2003, Officers concluded there were material considerations such that the application should be referred back to the P&RC. Officers do not consider that any change is warranted to the conclusions made in the 3 September 2014 P&RC report in light of events since that date. Paragraph 287 and 289 of the 3 September 2014 P&RC report (Appendix A) states:

“Planning permission has already been granted for this development in 2002 and this application is essentially the same as the approved development, save only to extend the time period for carrying it out, restrict the type of waste to be tipped, and to refine and improve the final restoration scheme. The site forms part of Surrey’s landbank for sand, and void space identified for waste through the MPA’s development plans, both of which are needed to support and sustain the economy. At present the quarry lies partially worked out and derelict. The impacts on people and the environment of reopening the site have been fully assessed in the accompanying Environmental Assessment and found to be acceptable...”

The proposed infilling with inert waste material would have less impact and be less intrusive than the presently permitted household, commercial and industrial waste development. The site would be restored to a range of after-uses which would provide benefit to local people, the ecology and environment of the immediate area. The development can be controlled through conditions to minimise adverse impacts during working on people and the environment. The proposals are therefore consistent with the NPPF and the development plan.”

60. The proposed conditions found at the end of this report are unchanged from those recommended to Members on 3 September 2014. In accordance with the protocol adopted in November 2003, the matter is now referred back to P&RC to ensure Members are aware of the new factors that have arisen since the P&RC’s resolution in September 2014 to enable them to determine this application in October 2015.

RECOMMENDATION

The recommendation is to **PERMIT** subject to the following conditions:

Approved Drawings

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Drawing Ref	Title	Dated
ALTONRD1309/ Drawing No1/ Version B	Site location	7 November 2013
ALTONRD1309/ Drawing No 2/ Version B	Application site plan	7 November 2013
ALTONRD1309/ Drawing No 3/ Version B	Application boundary – aerial photo (1:10,000 scale)	7 November 2013
ALTONRD1309/ Drawing No 4/ Version B	Application boundary – aerial photo (1:5,000 scale)	7 November 2013
ALTONRD1309/ Drawing No 5/ Version B	Existing site land use plan	7 November 2013
ALTONRD1309/ Drawing No 6/ Version B	Sand extraction phasing plan – approximate timing of completion	7 November 2013
ALTONRD1309/ Drawing No 7/ Version B	Landfill development phasing plan – approximate timing of completion	7 November 2013
ALTONRD1309/ Drawing No 8/ Version B	Restoration details	7 November 2013
ALTONRD1309/ Drawing No 9c/REVISION B	Site phasing plan - 2021	7 November 2013
ALTONRD1309/ Drawing No 9d/ Version B	Site phasing plan - 2023	7 November 2013
ALTONRD1309/ Drawing No 9e/ Version B	Site phasing plan - 2025	7 November 2013
ALTONRD1309/ Drawing No 9f/ Version B	Site phasing plan - 2027	7 November 2013
ALTONRD1309/ Drawing No 9g/ Version B	Site phasing plan - 2029	7 November 2013
ALTONEIA1403/ Drawing No 1/ Version B	Proposed drainage scheme within restored site	28 May 2014
ALTONEIA1403/ Drawing No 2/ Version B	Upstream catchment areas	28 May 2014
ALTONEIA1403/ Drawing No 3/ Version B	Detailed design of central attenuation pond	28 May 2014
ALTONEIA1403/ Drawing No 4/ Version B	Detailed design of eastern attenuation pond	28 May 2014
ALTONEIA1403/ Drawing No 5a/ Version B	Site phasing plan – 2017 and proposed drainage scheme	10 April 2014
ALTONEIA1403/ Drawing No 5b/ Version B	Site phasing plan – 2019 and proposed drainage scheme	10 April 2014
ALTONEIA1403/ Drawing No 5c/ Version B	Site phasing plan – 2021 and proposed drainage scheme	10 April 2014
ALTONEIA1403/ Drawing No 5d/ Version B	Site phasing plan – 2027 and proposed drainage scheme	10 April 2014

Duration

- 2 The development to which this permission relates shall be commenced not later than the expiration of 2 years beginning with the date on which this permission was granted, and shall be completed in all respects not later than 31 December 2029. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of development.
- 3 The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plans contained in the application (as listed in Condition 1 above) and no variations or omissions shall take place.

Extraction & Infilling

- 4 Only inert waste material shall be imported to the site. Only natural clay shall be used to bring the site up to permitted levels. Annual records shall be kept for the extraction of sand and clay and be made available on request to the County Planning Authority.

Soil Screening

- 5 Resulting by-products from soil screening, such as stones, shall be used to fill the void resulting from permitted sand and clay extraction and shall not be removed from the site. Soil screening equipment shall be removed from the site on cessation of inert waste material importation.

Restriction of Permitted Development Rights

- 6 Notwithstanding any provision to the contrary under Parts 19 or 22 of the Town and Country Planning (General Permitted Development Order) 1995 or any subsequent Order,
- (a) no plant, building or machinery whether fixed or moveable other than those permitted by this application (such as the single site office with weighbridge and mobile sand screening plant, to be removed on cessation of permitted operations), shall be located on the site of the development hereby permitted;
 - (b) no fencing other than that hereby permitted shall be erected; and
 - (c) no external lighting shall be installed at the site.

Archaeology

- 7 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the County Planning Authority.

Noise & Disturbance

- 8 The level of noise arising from any permitted operation shall not exceed 52LAeq when measured at, or re-calculated as at, a height of 1.2m above ground level and 3.6m from the facade of any noise-sensitive property.
- 9 Notwithstanding, the requirements of Condition 8 above, the level of noise arising from any permitted operation connected with soil stripping, handling or placement shall not exceed 70LAeq when measured at, or re-calculated as at, a height of 1.2m above ground level and 3.6m from the facade of any noise sensitive property. Such activities shall not take place for a total period greater than eight weeks in any twelve month period.
- 10 All vehicles, plant and machinery operated within the site shall at all times be maintained in accordance with the manufacturer's specification.
- 11 A mobile water bowser shall be retained on site and used when directed by the County Planning Authority to suppress dust arising as a result of the permitted operations.
- 12 With the exception of that part of the site lying within 100m of the eastern boundary with the Riverdale area no operations authorised or required within the site under this permission, other than the servicing, maintenance and testing of plant and other similar

work of an essential nature, shall be carried out on the site except between the following times:

- 0730 and 1730 Monday to Fridays.
- 0800 and 1300 Saturdays.

The formation of screen mounds around the site and their subsequent removal when required for restoration shall only be carried out between the following times:

- 0800 and 1700 Monday to Fridays.
- 0800 and 1300 Saturdays.

There shall be no working on Sundays, Bank Holidays or National Holidays.

- 13 No operations authorised or required within the Riverdale area lying 100 metres from the eastern boundary shall be carried out except between 0830 and 1730 Monday to Fridays only. There shall be no working on this part of the site on weekends, Bank Holidays or National Holidays.
- 14 At any one time there shall be only one excavating machine in operation within that part of the site lying within 100 metres from the eastern boundary within the Riverdale area.
- 15 Prior to commencement of development, a detailed working plan shall be submitted to and approved in writing by the County Planning Authority. The plan shall include details of the mitigation measures proposed for the protection of human health and the environment in relation to standard operating procedures and working practices. These shall include reference to dust, noise and air quality. The development shall be carried out in accordance with the approved working plan.

Landfill gas

- 16 (a) Prior to commencement of development, a methodology for ground gas monitoring of the historical landfill areas known as Riverdale and South East Landfill (as shown on Drawing ref: ALTONRD1309/ Drawing No 5/ Version B) shall be submitted to the County Planning Authority for approval;
- (b) Appropriate baseline monitoring to determine the nature and extent of landfill gas emissions across the two areas shall be carried out for a minimum period of 12 months, and in accordance with the methodology approved pursuant to (a) above;
- (c) The applicant’s Landfill Gas Impact Assessment (Geotechnology Limited’s Report Number ref 1349r1v1d0414, dated April 2014) shall be reviewed and re-assessed following completion of the baseline monitoring required by (b) above. The Landfill Gas Impact Assessment shall be updated as necessary and re-submitted to the County Planning Authority for approval;
- (d) A detailed ground gas management plan including a mitigation strategy to deal with any predicted negative impacts, as described in the amended Landfill Gas Impact Assessment required by (c) above, shall be submitted to the County Planning Authority for approval. The gas management plan shall also include a review of the existing gas management system and the proposals for ongoing use of the gas management system, together with a ground gas monitoring scheme.

No capping or restoration works of the historical landfill areas known as Riverdale and South East Landfill (as shown on Drawing ref: ALTONRD1309/ Drawing No 5/ Version B), shall take place until a detailed ground gas management plan in accordance with (d) above has been submitted to and approved in writing by the County Planning Authority.

Ground / Surface Water and Land Contamination

- 17 A horizontal access strip 8 metres wide adjacent to the River Wey shall be left free from any permanent development, including fences and other obstructions.
- 18 Sand working shall take place no deeper than 62.5m above Ordnance Datum (Newlyn). Where sand is removed below this level it shall be replaced with indigenous sands as soon as the error is discovered.
- 19 A minimum average unsaturated zone of 1.35 metres shall be maintained between the average maximum groundwater level (recorded at 61.15 metres above Ordnance Datum) and the underside of the containment system.
- 20 The inert landfilling shall take place within an engineered basal and side slope artificial geological barrier containment system having a minimum thickness of engineered clay of 1m and a maximum permeability of 1×10^{-7} m/s or the equivalent.
- 21 No development shall take place until details of the detailed design, implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- design calculations and detailed drawings;
 - a timetable for its implementation, and
 - a management and maintenance plan for the lifetime of the development
- 22 Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the 'Access Land North-west of the Railway'. The area of land subject of this Condition is shown outlined in red on Drawing Ref: ALTONEIA1403 in 'Addendum to the Environmental Impact Assessment at Alton Road Sandpit, v.02, May 2014. The contents of the scheme are subject to the approval in writing by the County Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The following components shall be included, as necessary, with the scheme:
- (i) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and any potentially unacceptable risks arising from contamination at the site.
 - (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (iii) The site investigation results and the detailed risk assessment (ii) and, based on these, if applicable, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (iv) A verification plan providing details of the data that will be collected and a verification report that will be prepared in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 23 The remediation strategy identified under Condition 22 part (i) above shall be implemented and the verification report submitted to and approved in writing by the County Planning Authority prior to any development of the Access Land North-west of the Railway.
- 24 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within seven days to the County Planning Authority and works shall stop in the affected areas. Within two months a written scheme of investigation, risk assessment, remediation and verification shall be undertaken in accordance with the scheme requirements of Condition 22 above, and submitted to the County Planning Authority for written approval. Works may only continue in the affected area where provided for by the approved scheme. The scheme shall be implemented as approved.
- 25 Prior to commencement of development, a detailed monitoring scheme for groundwater level and quality and surface water flow, level and quality shall be submitted to and approved in writing by the County Planning Authority and implemented as approved. The following hierarchical approach shall be required as part of the monitoring scheme:
- a) The groundwater monitoring scheme shall include a sufficient number of boreholes to take into consideration the size of the site, the geology and the direction of groundwater flow. Groundwater levels shall be measured monthly and samples taken quarterly (or as required by the Environment Agency under the Permit) for quality testing, and monitoring reports submitted at annual intervals to the County Planning Authority.
- The surface water monitoring scheme shall include the major surface water receptors in the area, to be agreed in writing with the County Planning Authority. The frequency of monitoring may be reduced or need to be increased in accordance with the requirements below and any change to the frequency of monitoring and submission of monitoring reports shall be agreed in writing with the County Planning Authority.
- b) Upon the approval of the monitoring scheme, any new monitoring boreholes required as part of the monitoring scheme shall be installed prior to the commencement of any mineral extraction, waste filling or restoration activities approved by this planning permission.
- c) Following installation of any monitoring boreholes required in accordance with part b) above, and prior to the commencement of any mineral extraction, waste filling or restoration activities approved by this planning permission, the baseline groundwater and surface water situation shall be established and verified against the hydrogeological and hydrological model contained in the GWP Consultants 'Environmental Impact Assessment' Report 'of the Effect on the Hydrogeological and Hydrological Regime as a Result of Inert Waste Landfill and Historical Landfill Capping at Alton Road Sand Pit, November 2013 and Addendums (v.01, dated April 2014 and v.02, dated May 2014), to confirm the baseline situation. If the baseline situation is not as anticipated, a revised hydrogeological and hydrological impact assessment shall be submitted to and approved in writing by the County Planning Authority. The revised hydrogeological and hydrological impact assessment shall include any mitigation measures required to mitigate any adverse impacts not previously envisaged.
- d) Upon approval of the baseline situation adequately reflecting the groundwater and surface water model contained in the GWP Consultants 'Environmental Impact Assessment' Report 'of the Effect on the Hydrogeological and Hydrological Regime as a Result of Inert Waste Landfill and Historical Landfill Capping at Alton Road Sand Pit, November 2013 and Addendums (v.01, dated

April 2014 and v.02, dated May 2014), or the revised hydrogeological and hydrological impact assessment submitted pursuant to part c) above, the approved mitigation measures shall be implemented on site prior to the commencement of any mineral extraction, waste filling or restoration activities approved by this planning permission.

- e) Upon completion of the mitigation measures implemented in accordance with part d) above, monitoring of the groundwater and surface water shall be undertaken in accordance with the monitoring scheme established under part 1, and any further monitoring measures that may be recommended by additional hydrogeological and hydrological impact assessment under part c) above.
- f) If the predicted impact on groundwater and surface water pursuant to the GWP Consultants 'Environmental Impact Assessment' Report 'of the Effect on the Hydrogeological and Hydrological Regime as a Result of Inert Waste Landfill and Historical Landfill Capping at Alton Road Sand Pit, November 2013 and Addendums (v.01, dated April 2014 and v.02, dated May 2014), or part c), is not as anticipated, then mineral extraction and/or waste filling and/or restoration activities shall cease until a revised hydrogeological and hydrological impact assessment detailing how any adverse impact to groundwater and surface water shall be dealt with, has been submitted to and approved in writing by the County Planning Authority, and any mitigation measures identified in the revised hydrogeological and hydrological impact assessment implemented on site prior to recommencement of activities.
- g) Monitoring of groundwater and surface water in accordance with the approved monitoring scheme shall continue for the period of restoration and aftercare.

Highways

- 26 Vehicular access shall be via the improved access to/from the A31 only.
- 27 There shall be no more than 170 HGV movements to and from the site per day.
- 28 Space to accommodate parking, loading, unloading, and turning of vehicles clear of the highway shall be provided at all times during the works hereby permitted, and such space shall be retained free of any impediment to its designated use for the duration of the works.
- 29 Before any of the operations hereby approved are commenced which involve the movement of materials in bulk to or from the site, facilities shall be provided as may be agreed with the County Planning Authority after consultation with the Highway Authority to prevent the deposition of extraneous matter on the public highway and shall thereafter be retained and used whenever the said operations are carried out.

Rights of Way

- 30 Prior to commencement of development, a detailed scheme for improving the condition of Footpath 16 and Footpath 17 shall be submitted to and agreed in writing by the County Planning Authority. The detailed scheme shall include:
 - Drainage ditch cleansing and surface repair in respect of Footpath 16 as it enters the site from the east;
 - Drainage improvements in respect of the section of Footpath 17 crossing under the railway that coexists with the haulage road;
 - Hazard signs (conforming as close as possible to those in 'Traffic Signs and General Direction Regulations 2002) erected on the haul road approach on the section of

Footpath 17 crossing under the railway to warn that pedestrians can be found on the route; and

- Timing of improvements to the footpaths.

The scheme of footpath improvement shall be carried out in strict accordance with the details agreed in writing by the County Planning Authority.

Landscaping, Aftercare and Restoration

- 31 Prior to commencement of sand extraction in 'Phase 3' (as shown on submitted drawing ref: ALTONRD1309/ Drawing No 6/ Version B), a scheme of temporary screen bunding shall be submitted to and agreed in writing by the County Planning Authority. Such temporary screen bunding shall remain in place for the duration of 'Phase 3' sand extraction and be designed to screen views of the South Downs National Park from viewpoints north of the application site (such as Footpath 11).
- 32 A detailed scheme of aftercare covering a period of 5 years from the completion of restoration shall be submitted to the County Planning Authority within two years of the commencement of the development hereby permitted. The aftercare of the site shall be carried out strictly in accordance with the scheme approved by the County Planning Authority.
- 33 The site shall be restored strictly in accordance with the details set out on submitted drawing ref: ALTONRD1309/ Drawing No 8/ Version B dated 7 November 2013.

Railway Safety

- 34 All cranes and jibbed machines, machinery and constructional plant must be so positioned that the jib of any suspended loads does not swing over railway property or within 3 metres of the nearest rail.
- 35 Storm or surface water must not be discharged onto or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway.
- 36 Soakaways or lagoons constructed as a means of storm/surface water disposal or storage must not be constructed within 20 metres of the railway boundary or any point which could adversely affect the stability of Network Rail property.
- 37 No extractive operations shall take place within a lateral distance of 20 metres from the railway boundary and outside that distance no excavation shall take place such as will encroach upon the plant created by a line drawn at:-
- (a) 1 vertical to 3 horizontal downwards from the 20 metre bund through soils and Terrace Gravels,
 - (b) 1 vertical to 2.5 horizontal through the Gault Clay,
 - (c) 1 vertical to 1.2 horizontal through the Folkestone Beds,
 - (d) additionally, intermediate 5 metre and 3 metre benches shall be provided at the interfaces between the Terrace Deposits/Gault Clay and Gault Clay/Folkestone Beds, respectively.
- 38 No overburden must be tipped or any buildings erected on the 20 metre bund between the edge of the excavation and the railway boundary. This bund should not be used as a haul road.

- 39 The exposed face of the working, adjacent to the railway boundary, must be maintained in a stable condition until backfilling takes place.

Ecological

- 40 Where no development has taken place by 1st March 2017, no permitted operations shall take place until a scheme of mitigation with further ecological survey information has been submitted to and approved in writing by the County Planning Authority.
- 41 (a) Prior to the commencement of development welding mesh panels protective fencing of a height not less than 1.25m shall be erected around each tree or tree group to be retained on the site, at a radius from the trunk of not less than 4.5m. Such fencing shall be maintained during the life of the development to the satisfaction of the County Planning Authority.
- (b) There shall be no burning of materials or fires lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained on the site or on land adjoining.
- (c) No trenches, pipe runs for services and drains shall be sited within 4.5m of the trunk of any trees retained on the site.
- (d) Prior to the commencement of operations, a three bar wooden fence with at least 75mm x 75mm posts to a height of 1.5 metres above ground level shall be erected around the semi-natural ancient woodland within the application site that is not to be worked. A plan showing the detailed location and specification of this fence shall be submitted to and approved in writing by the County Planning Authority. The fence shall be maintained in good condition during the working period of the site.
- 42 Prior to the commencement of development hereby approved, a scheme for safeguarding *Campanula patula* (spreading bellflower), including translocation if necessary to a prepared receptor site, shall be submitted to the County Planning Authority for approval. No development shall be carried out until a scheme for safeguarding *Campanula patula* (spreading bellflower) has been submitted to and approved in writing by the County Planning Authority. The scheme shall be carried out in strict accordance with the approved details.
- 43 Prior to the commencement of development hereby approved, a scheme of reptile capture and translocation to a prepared receptor site shall be submitted to the County Planning Authority for approval. No development shall be carried out until a scheme of reptile capture and translocation has been submitted to and approved in writing by the County Planning Authority. Within 12 months of undertaking the mitigation works a report shall be submitted to the County Planning Authority describing details of the translocation, the number of species moved and the details of the management of the receptor site and details of the mitigation plan to include:
- The location of exclusion fencing;
 - Trapping areas; and
 - Staged habitat manipulation (i.e. strimming or herbicide treatment) of less suitable areas and where destructive searches will be required.

Capture should generally be undertaken during the Spring and early Autumn, avoiding periods of frost and the hotter months of July and August. Capture and translocation effort should be restricted to periods of appropriate weather conditions with animals released the same day.

- 44 Prior to the felling of any tree, a qualified ecologist shall inspect and assess the tree for bat roosting potential. The results of this inspection and assessment shall then be submitted to the County Planning Authority. If bats are found to be roosting in the tree to

be felled, the tree shall be protected and retained until a strategy has been submitted to and approved in writing by the County Planning Authority. Any further work shall be implemented strictly in accordance with the approved details therein.

- 45 Prior to each phase of sand extraction (as shown on submitted drawing ref: ALTONRD1309/ Drawing No 6/ Version B), the presence of any new badger setts shall be checked by a qualified ecologist. The results of these checks shall then be submitted to the County Planning Authority. If badger setts are found, work shall not recommence until a mitigation strategy has been submitted to and approved in writing by the County Planning Authority. Any further work shall be implemented strictly in accordance with the approved details therein.
- 46 Prior to the commencement of infilling for restoration of cells 1 and 2 (as shown on submitted drawing ref: ALTONRD1309/ Drawing No 7/ Version B), a scheme detailing measures for securing and protecting invertebrate interest within the area designated to be restored as heathland (as shown on submitted drawing ref: ALTONRD1309/ Drawing No 8/ Version B) shall be submitted to the County Planning Authority for approval. No development shall be carried out until a scheme for securing and protecting invertebrate interest within the area designated to be restored as heathland has been submitted to and approved in writing by the County Planning Authority. Any further work shall be implemented strictly in accordance with the approved details therein.
- 47 No vegetation shall be cleared or soils stripped in association with the development hereby permitted prior to the submission and approval in writing by the County Planning Authority of a scheme detailing the sequential stripping of soils and clear felling within the areas of the application site that are to be worked and are defined by Natural England as semi-natural ancient woodland. Any such a statement must include the means of stripping, storage, storage location, replacement and restoration of soils and timing of works. Any further work shall be implemented strictly in accordance with the approved details therein.

REASONS FOR IMPOSING CONDITIONS:

- 1 To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development so as to minimise its impact on the amenities of the local area and local environment in accordance with the National Planning Policy Framework 2012, Surrey Waste Plan 2008 Policy DC3 – General Considerations, and Surrey Minerals Plan 2011 Policy MC14 - Reducing the adverse impacts of mineral development.
- 2, 3 To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and to enable the County Planning Authority to exercise planning control over the operation so as to ensure an orderly method of working, to minimise the impact on local amenity and that the site is restored to a satisfactory condition.
- 4 To enable the County Planning Authority to exercise control over the development hereby permitted and comply with Section 91 of the Town and Country Planning Act 1990 (as amended), the National Planning Policy Framework 2012 and Surrey Waste Plan 2008 Policy WD7 - Policy WD7 - Disposal by Landfilling, Landraising, Engineering or Other Operations and Policy DC3 – General Considerations, and Surrey Minerals Plan 2011 Policy MC14 - Reducing the adverse impacts of mineral development.
- 5 To enable the County Planning Authority to exercise control over the development hereby permitted and to comply with the National Planning Policy Framework 2012, Surrey Waste Plan 2008 Policy DC3 – General Considerations, and Surrey

Minerals Plan 2011 Policy MC14 - Reducing the adverse impacts of mineral development.

- 6 To enable the County Planning Authority to exercise control over the development hereby permitted and comply with Section 91 of the Town and Country Planning Act 1990 (as amended), the National Planning Policy Framework 2012, Surrey Waste Plan 2008 Policy DC3 – General Considerations, and Surrey Minerals Plan 2011 Policy MC14 - Reducing the adverse impacts of mineral development.
- 7 To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide on any action required for the preservation or recording of such remains in accordance with the National Planning Policy Framework 2012, the National Planning Practice Guidance 2014, Surrey Waste Plan 2008 Policy DC3 – General Considerations, Surrey Minerals Plan 2011 Policy MC14 - Reducing the adverse impacts of mineral development, and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development and Policy HE15 – Unidentified Archaeological Sites.
- 8, 9, 10
11, 12, 13
14, 15 To enable the County Planning Authority to exercise control over the development hereby permitted and protect the amenities of local residents in accordance with the National Planning Policy Framework 2012, the National Planning Practice Guidance 2014, Surrey Waste Plan 2008 Policy DC3 – General Considerations, Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development, and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development.
- 16 To ensure that no capping or restoration works of the historic landfill areas takes place without an appropriate landfill gas monitoring methodology, landfill gas impact assessment and ground gas management plan being agreed, and to accord with the National Planning Policy Framework 2012, the National Planning Practice Guidance 2014, Surrey Waste Plan 2008 Policy DC3 – General Considerations, Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development, and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development.
- 17, 18, 19
20, 21, 22
23, 24, 25 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to accord with the National Planning Policy Framework 2012, the National Planning Practice Guidance 2014, Surrey Waste Plan 2008 Policy DC3 – General Considerations, Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development, and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development.
- 26, 27, 28
29 To enable the County Planning Authority to adequately control traffic associated with the development and to ensure that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users and to comply with the National Planning Policy Framework 2012 and Surrey Waste Plan 2008 Policy DC3 – General Considerations, Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development, and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development and Policy M2 – Movement Implications of Development.
- 30 In order to resolve issues of flooding and provide safe access for footpath users and to accord with Surrey Waste Plan 2008 Policy DC3 – General Considerations, Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of

mineral development, and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development.

- 31, 32, 33 To enable the County Planning Authority to exercise planning over the operation so as to secure restoration to the required standard, to ensure that the site is absorbed back into the local landscape and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development, Policy MC17 - Restoring mineral workings and Policy MC18 - Restoration and enhancement; Surrey Minerals Plan 2011 Site Restoration Supplementary Planning Document; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development and Policy C6 – Landscape Enhancement.
- 34, 35, 36 In the interests of safety near the railway line running along the north western
37, 38, 39 boundary of the site.
- 40 In order that the ecological surveys are up to date and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development, Policy D5 - Nature Conservation and Policy C11 - Undesignated Wildlife Sites.
- 41 In order to protect the remaining ancient semi-natural woodland and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC2 - Planning Designations and Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development and Policy C6 – Landscape Enhancement.
- 42 In order to safeguard *Campanula patula* (spreading bellflower) and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development and Policy D5 - Nature Conservation.
- 43, 46 In order to secure a successful habitat for invertebrates and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development, Policy D5 - Nature Conservation and Policy C11 - Undesignated Wildlife Sites.
- 44 In order to protect bat roosts and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development, Policy D5 - Nature Conservation and Policy C11 - Undesignated Wildlife Sites.
- 45 In order protect any badger setts and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste

Plan 2008 Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development, Policy D5 - Nature Conservation and Policy C11 - Undesignated Wildlife Sites.

- 47 In order to protect the quality of the ancient semi-natural woodland soils and to accord with the National Planning Policy Framework 2012; the National Planning Practice Guidance 2014; Surrey Waste Plan 2008 Policy DC2 - Planning Designations and Policy DC3 – General Considerations; Surrey Minerals Plan 2011 Policy MC14 – Reducing the adverse impacts of mineral development; and Waverley Borough Local Plan 2002 Policy D1 – Environmental Implications of Development and Policy D5 - Nature Conservation.

INFORMATIVES:

- 1 The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
- 2 The applicant's attention is drawn to the fact that part of Footpath 16 and Footpath 17 have been temporarily diverted under Section 257 & Section 261 of the Town and Country Planning Act 1990. The 2005 legal order requires the routes to be restored to their definitive routes '*...within 3 months of the development being completed.*' A copy of the legal order is enclosed for reference.
- 3 The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- 4 An environmental permit will be required when the quarry is to be infilled with inert waste. Inert waste is defined by Landfill Directive, article 2(e): 'Inert waste' means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in away likely to give rise to environmental pollution or harm human health.
- 5 Additionally the Landfill Directive requires the operator to submit construction proposals to cover the construction and quality assurance of the geological barrier across the base and sides of the landfill. The geological barrier will be provided by suitable selected in situ or imported materials. The operator's CQA plan must set out how he will ensure that suitable materials are used in construction of the geological barrier.
- 6 The applicant is advised to contact Network Rail (Network Rail, Wessex Asset Protection Team, 4th Floor, Waterloo General Offices, Waterloo Station, London, SE1 8SW, Tel: 0207 9023318, Email: AssetProtectionWessex@networkrail.co.uk) before carrying out any work near the railway line running along the north western boundary of the site.
- 7 The applicant will require written consent from the Environment Agency in order to discharge effluent resulting from dewatering activities.
- 8 Under the terms of the Water Resources Act 1991 and the Land Drainage Bylaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structure, over or within 8 metres of the brink of the main river.
- 9 Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into

controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant onto ground or into waters which are not controlled waters. Such consent may be withheld.

- 10 Culverting of a watercourse requires the prior written approval of the Local Authority under the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Acts 1991 and 1994/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its consent for such works will normally be withheld.
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present.
- 12 The applicant is reminded that under section 14(2) of the Wildlife and Countryside Act 1981, it is a criminal offence to plant or otherwise cause to grow in the wild any plant which is included in Schedule 9 of the Act including Japanese knotweed. Soil and waste containing Japanese knotweed is likely to be deemed to be "Controlled Waste" under the Environmental Protection Act 1990 and it is an offence to: i) deposit, treat, keep or dispose of controlled waste without an environmental permit; or ii) to keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment or human health.
- 13 The applicant's attention is drawn to the Protection of Badgers Act 1992.
- 14 Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

The proposal has been considered against the following development plan policies/provisions:

Surrey Waste Plan 2008

Policy CW4 - Waste Management Capacity

Policy WD7 - Disposal by Landfilling, Landraising, Engineering or Other Operations

Policy DC2 - Planning Designations

Policy DC3 - General Considerations

Surrey Minerals Plan 2011 Core Strategy

Policy MC7 – Aggregates Mineral Supply

Policy MC14 - Reducing the adverse impacts of mineral development

Policy MC15 Transport for minerals

Policy MC17 - Restoring mineral workings

Policy MC18 - Restoration and enhancement

Surrey Minerals Plan 2011 Primary Aggregates Development Plan Document

Policy MA1 – Aggregate Supply

Surrey Minerals Plan 2011 Site Restoration Supplementary Planning Document

Aggregates Recycling Joint Development Plan Document 2013

Policy AR2 – Aggregates recycling facilities

Waverley Borough Local Plan 2002

Policy M2 – Movement Implications of Development

Policy C2 – Countryside Beyond the Green Belt

Policy C3 - Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value

Policy C6 – Landscape Enhancement

Policy C7 - Trees, Woodlands and Hedgerows

Policy C11 - Undesignated Wildlife Sites

Policy D1 – Environmental Implications of Development

Policy D4 – Design and Layout

Policy D5 - Nature Conservation

Policy D7 - Trees, Hedgerows and Development

Policy HE10 – Heritage Features

Policy HE15 – Unidentified Archaeological Sites

HUMAN RIGHTS ACT 1998

GUIDANCE FOR INTERPRETATION

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

CONTACT

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BACKGROUND PAPERS

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

Government Guidance

National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Planning Policy Statement 10 - Planning for Sustainable Waste and the subsequent National Planning Policy for Waste 2014

The Development Plan

Surrey Waste Plan 2008

Surrey Minerals Plan 2011 Core Strategy

Surrey Minerals Plan 2011 Primary Aggregates Development Plan

Surrey Minerals Plan 2011 Restoration Supplementary Planning Document

Surrey Aggregates Recycling Joint Development Plan Document 2013

Waverley Borough Local Plan 2002 (saved policies)

Other documents

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004 (as amended)

The Town and Country Planning (Consultation) (England) Direction 2009

Planning permission ref WA99/0223 (13 September 2002) & Section 278 Highways Agreement

Waste Permit ref: EPR/AB3802KG, dated 18/06/2014

Landfill Regulations 2002

Environmental Impact Regulations 2011

Minerals and Waste Plan and the Aggregates Recycling Joint DPD Inspector's Report 2012

Bright et al 2006

Surrey Aggregates Monitoring Update: May 2014

('Mercers South') planning permission ref: TA/2013/1799 dated 12 August 2014.

Environmental Protection Act 1990 Development Control: Planning for Air Quality (EPUK, 2010)

Natural England Standing Advice for protected species, ancient woodland and veteran trees

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

A review of the revision of the Ancient Woodland Inventory in the SE (Natural England, 2011)

Water Framework Directive (European Union 2000)

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

CAP 278: Safeguarding of Aerodromes (Civil Aviation Authority December 2006)

Model Procedures for the Management of Land Contamination, CLR 11 (EA, June 2014)

Highways Act 1980

Landfill Directive 1999

Public Health Act 1936

Land Drainage Acts 1991 and 1994

Water Resources Act 1991

Wildlife and Countryside Act 1981

Protection of Badgers Act 1992

EPUK/IAQM 'Land-use Planning & Development Control: Planning for Air Quality' (May 2015)

Statutory Instrument No 660: April 2015 Amendment to the EIA Regulations 2011

Section 164 Highways Act 1980

Occupiers Liability Act 1984

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