

TO: PLANNING & REGULATORY COMMITTEE

DATE: 6 January 2016

BY: PLANNING DEVELOPMENT TEAM MANAGER

DISTRICT(S) SPELTHORNE BOROUGH COUNCIL

ELECTORAL DIVISION(S):

Stanwell & Stanwell Moor

Mr Evans

PURPOSE: FOR DECISION

GRID REF: 503588 174943

TITLE: MINERALS/WASTE SP15/01243

SUMMARY REPORT

Hithermoor Quarry, Leylands Lane, Stanwell Moor, Surrey

Construction and operation of a soil treatment facility for the processing and recycling of imported contaminated soils through bioremediation; including ancillary infrastructure and associated works on some 1.75ha.

Hithermoor Quarry, an area of some 73 hectares, lies just to the south of junction 14 of the M25 Motorway (M25) which runs along the western boundary of the site. Access to the site is off Leylands Lane, which leads to Horton Road and the M25. The application site lies within the Metropolitan Green Belt

Hithermoor Quarry has a long history of sand and gravel aggregate extraction and landfilling dating back to the mid 1950s. The majority of the site has already been worked, filled and restored satisfactorily to agriculture. Remaining sand and gravel reserves are underlying the former ready mixed concrete plant site (now removed) just north of Hithermoor Farm, and part of the minerals processing and stock area to the west of Hithermoor Farm, together with the existing haul road running along the eastern part of the site linking these areas to Leylands Lane.

In November 2008 planning permission (ref. SP03/1212) was granted for mineral extraction together with mineral processing, including material from windfall operations, recycling of construction and demolition wastes together with concrete production, provision and operation of aggregate bagging plant and restoration to nature conservation, public access and agricultural uses. The SP03/1212 planning permission requires the phased restoration of the complete site by April 2023.

The soil treatment facility application site area is approximately 1.75ha and forms the north west quadrant of the permitted recycling/aggregate processing compound, as such the proposed facility would temporary and would be required to be removed by 2022 in accordance with the SP03/1212 planning permission. The proposal involves the provision of a facility for the treatment of contaminated soils through a process known as bioremediation. This process would involve the controlled aeration and turning of soils which are contaminated with hydrocarbons and related pollutants, breaking down the contaminants to acceptable levels enabling the soils to be put to use in restoration of the Hithermoor site and other projects. The soil treatment facility would involve the construction of a raised hardstanding area, to include: two impermeable tarmac pads, pipework and necessary equipment for the aeration process, drainage, parking, office/welfare/wc facilities, process water lagoon, equipment containers and lab, all of which would be within a fenced and gated compound. Access to the facility would be via the existing haul road to the plant site area. There would be no increased throughput of

waste at the Hithermoor quarry site, as the facility would handle up to 75,000 tonnes of contaminated soils per year, which will form part of the existing limit of 250,000tpa.

Three local groups have objected to the proposal primarily on grounds of the potential impact on the local groundwater and possible contamination of the local Staines Moor SSSI. The Environment Agency has recommended pre-commencement conditions for the submission and approval of schemes to ensure adequate protection of the groundwater.

The principle of recycling at Hithermoor Quarry is not an issue for consideration in this case as the recycling facility has planning permission until the end of 2022. What has to be assessed is the acceptability of the changes and the impact on the Green Belt and on local amenity and the environment. The implications of the siting of the soil treatment facility in this existing recycling yard area have been assessed against Green Belt policy and in terms of the impacts on the local environment and amenity. Issues assessed include traffic, highways and access, visual and landscape impact, drainage and flooding, noise, dust and odour and on ecology.

The development is inappropriate development in the Green Belt and in relation to Green Belt policy, Officers consider the matters which together were considered to constitute very special Circumstances, in 2008 to justify the inappropriate development in the Green Belt continue to Apply, and outweigh the harm by reason of inappropriateness and harm to openness and other harm. The siting of the soil treatment facility in its current location is considered acceptable and would not result in greater harm to the openness of the Green Belt or the visual amenities of the Green Belt than at present such that the proposal complies with SWP 2008 Policy CW6 and an exception to Green Belt policy can be made. No objection has been received from Spelthorne Borough Council or other consultees and Officers conclude that adequate information and assessments have now been provided within the planning application to enable the full impact of the proposal on the issues to be assessed. On these matters the proposal is acceptable, subject to the mitigation measures and controls through the relevant planning conditions. Officers therefore consider that the proposal is in accordance with development plan policies and taking the above into consideration, planning permission should be granted subject to conditions.

The recommendation is to PERMIT subject to conditions.

APPLICATION DETAILS

Applicant

Brett Aggregates Ltd.

Date application valid

14 September 2015

Period for Determination

14 December 2015

Amending Documents

Email dated 23 October 2015 with the following attachments: Environmental Permit Variation – H1 Environmental Risk Assessment (Annex A) dated February 2014; Environmental Permit Variation – H1 Environmental Risk Assessment (Annex A) – Appendix H1A – additional Measures for Risk Assessment and Management of Odour Potential dated May 2014; Drawing No. HM/65 Rev.A – ‘Eventual Site Layout’ dated 25 February 2014; Drawing No.003 – ‘Source Pathways & Receptors’ dated October 2013; Drawing No.004 – ‘Cultural & Natural Heritage’ dated October 2013; Drawing No.007 – ‘Lagoon Layout & Sections’ dated March 2014; Drawing

SUMMARY OF PLANNING ISSUES

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

Issue	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Waste Management Issues	Yes	30-40
Traffic & Highways	Yes	41-44
Environment & Amenity	Yes	45-60
Green Belt	No	61-65

ILLUSTRATIVE MATERIAL

Site Plan

Plan 1

Aerial Photographs

Aerial 1

Aerial 2

Aerial 3 - Oblique aerial view of recycling plant site area

Site Photographs

Figure 1 – Hithermoor plant site area view W from northern boundary

Figure 2 – Hithermoor plant site area view SW from northern boundary

Application Plan

Site Plan HM 65 A: Eventual Site Layout

BACKGROUND

Site Description

- 1 The application site measures some 1.75ha and forms part of the existing permitted minerals and waste processing plant site area, which covers some 6ha of Hithermoor Quarry (73 hectares). The site lies just to the south of junction 14 of the M25 Motorway (M25) which runs along the western boundary of the site. The River Colne lies to the east of the plant site area, running in a north south direction. The Ponderosa Mobile Home Park and Willow Farm lie to the north east accessed off Leylands Lane and Hithermoor Farm and Stanwell Moor village lie to the east of the site. To the south lies the King George VI Reservoir which is part of the Staines Moor SSSI and the South West London Waterbodies SPA and Ramsar Site. The Hithermoor Quarry site is within the Colne Valley Regional Park. Bridleway No 50 runs between the site and the M25 and joining Leylands Lane, crossing over Horton Road and linking up with Bridleway No 51 to the north. Access to the site is off Leylands Lane, which leads to Horton Road and the M25 Junction 14/Airport Way A3113 roundabout to the west and Stanwell Moor to the east. There is an existing 7.5 tonne lorry ban on Horton Road east of Leylands Lane.

Planning History

- 2 Hithermoor Quarry has a long history of sand and gravel aggregate extraction and landfilling dating back to the mid 1950s. The majority of the site has already been worked, filled and restored satisfactorily to agriculture. Remaining sand and gravel reserves are underlying the former ready mixed concrete plant site (now removed) just north of Hithermoor Farm, and part of the minerals processing and stock area to the west of Hithermoor Farm, together with the existing haul road running along the eastern part of the site linking these areas to Leylands Lane.
- 3 In November 2008 planning permission (ref: SP03/1212) was granted for mineral extraction together with mineral processing, including material from windfall operations, recycling of construction and demolition wastes together with concrete production, provision and operation of aggregate bagging plant and restoration to nature conservation, public access and agricultural uses. A Section 106 legal agreement was entered into in connection with the permission relating to the applicant agreeing not to seek planning permission for mineral extraction at Staines Moor for a period of 50 years, a scheme for the reinstatement of the Yeoveney Ditch to assist with water level management on Staines Moor and provision of funding for nature conservation purposes and management of Staines Moor and various other matters relating to public access and recreation at Staines Moor and the Colne Valley Regional Park and establishment of an educational facility at Church Lammas, owned by the applicant. The permission is also subject to a Section 278 Highway Works agreement to secure improvement works to the highway at the Leylands Lane / Horton Road junction and site access.
- 4 The planning permission ref.SP03/1212 was implemented on 13 April 2011. Condition 4 requires the extraction of minerals to cease and the mineral extraction areas to be restored within 6 years of the date of implementation (2017), and for restoration of the land at Lower Mill Farm within a further period of two years (2019). Processing of minerals, waste recycling operation, production of concrete, and bagging of aggregate elements of the development permitted under SP03/1212 are to cease within 11 years of the date of implementation (i.e. 2022), with the mineral processing and recycling plant site to be restored within a further period of 12 months, i.e. by 13 April 2023.
- 5 Details pursuant to Conditions 6 (Plant and Machinery), 12 (Road Cleaning Scheme), 16 (Surface Water Management Report), 27 (Report of Water Vole Survey for Lower Mill Farm), 34 (Archaeology), 54 (Revised Management Plan and Management Scheme) and (Bird Management Plan) were approved (ref.SP09/0611) on 17 December 2009. Details of the dust assessment plan required by Condition 32 were originally submitted as part of the SP09/0611 submission. Due to unresolved issues regarding the adequacy of the details the dust submission was withdrawn so that the other details could be approved. A revised dust submission pursuant to Condition 32 was submitted and later approved on 17 November 2014 (ref. SP12/00486).
- 6 On 29 March 2011 planning permission (ref.SP10/0657) was granted subject to conditions for the construction of an engineered clay cap to the closed landfill at Hithermoor Quarry (southern part of the land within the 73 hectare site), utilising suitable imported clays, with landscaping including the provision of a final soil layer. The permission was subject to the completion of a variation to the Section 278 Agreement dated 21 October 2009 entered into in connection with the SP03/1212 permission, relating to highway works at the site access off Leylands Lane and the Leylands Lane and Horton Road junction.
- 7 On 19 February 2013 planning permission (ref. SP12/00483) was granted for the construction of a six metre high visual amenity bund on the western boundary (M25 side) of the mineral processing plant and waste recycling facility compound in place of the two metre high western bund with a three metre high fence on top which forms part of the development proposals permitted under ref. SP03/1212. The proposed visual amenity bund would be constructed using 8,000 cubic metres of material which had been imported and placed to form the base of the western bund and importation of an

additional 35,000 cubic metres of inert soils or soil forming materials. The visual amenity (motorway) bund is complete bar some final shaping and seeding, which will take place in drier weather. The bund on the village side of the plant site is planted and has undergone recent seeding.

- 8 On 14 September 2015 planning permission (ref. SP12/00487) was granted to continue the clay capping without complying with Conditions 2 (duration), 6 (highway works required for option 2) and 7 (daily upper limit of HGVs (over 20 tonnes), and to remove/delete condition 5 (implementation of highway works required for option 1) of planning permission ref. SP10/0657 to enable the clay capping to be completed with clay from sources other than the Terminal 2 redevelopment project and for retention and use of the Temporary Works at the junction of Horton Road and Leylands Lane in connection with the clay capping. The clay capping is to be completed and restored by 13 April 2023 in line with the permission for the mineral working and recycling areas granted under ref.SP03/1212.

THE PROPOSAL

- 9 The applicant proposes to widen the soil recycling facilities provided within the existing minerals processing and waste recycling plant site area at Hithermoor Quarry, to include a facility for the treatment of contaminated soils through a process known as bioremediation. This process would involve the controlled aeration and turning of soils which are contaminated with hydrocarbons and related pollutants over a period of 12 to 16 weeks. The process breaks down the contaminants to acceptable levels enabling the soils to be put to use in restoration of the Hithermoor site and other projects. To encourage optimum conditions the biopiles can be treated with water and small amounts of fertilisers and green waste. Regular chemical testing is carried out to ensure the process is successful. The soil treatment facility would be located in the north eastern corner of the existing mineral processing and waste recycling plant site area.
- 10 The proposed soil recycling facility would involve the construction of a raised hardstanding area, to include: two impermeable tarmac pads, pipework and necessary equipment for the aeration process, drainage, parking, office/welfare/wc facilities, process water lagoon, equipment containers and lab, all of which would be within a fenced and gated compound. Access to the facility would be via the existing haul road to the plant site area.
- 11 The facility will handle up to 75,000 tonnes of contaminated soils per year, which will be processed as part of the 250,000tpa (maximum waste tonnage treatment allowable under the environmental permit) throughput for the Hithermoor Quarry waste recycling facility. Therefore, there will be no increase in HGV movements as a result of development and operation of the bioremediation process. The contaminated soils will be stored in biopiles (elongated storage mounds) up to 3m in height on the impermeable tarmac pads. The proposal is for a temporary period until 2022, in accordance with the permission for the existing recycling and plant site area granted under planning permission ref.SP03/1212, which ensures restoration by 13 April 2023.
- 12 The Environment Agency has already varied the existing waste permit for the site to allow for the treatment of contaminated soils through a bioremediation process, subject to controls in respect of pollution which includes an odour management plan. Copies of the Environmental Permit Environmental Risk Assessment and Odour Management Plan have been submitted in support of the planning application.

CONSULTATIONS AND PUBLICITY

District Council

Spelthorne Borough Council

- 13 *'This Council OBJECTS to the current proposal for the construction and use of a soil treatment facility within the existing site, unless the following matters are satisfactorily addressed:-*
- (a) The imposition of a condition requiring the HGV movements associated with the soil treatment facility to be no greater than the overall number of movements as permitted within the existing permission;*
 - (b) The completion of an updated Dust Action Plan; and the imposition of associated conditions requiring the measures outlined in the Dust Action Plan and Air Quality Assessment are implemented;*
 - (c) Confirmation from the applicant that the installation of the surface water lagoon has sufficient capacity to contain all runoff associated with the treatment facility.*
 - (d) Adequate wheel washing facilities for HGVs are installed at the site and enforced.'*

Consultees (Statutory and Non-Statutory)

- 14 **The Environment Agency**
No objection, subject to conditions
- 15 **Thames Water**
No comments received
- 16 **County Air Quality Consultant**
No objection
- 17 **County Highway Authority - Transportation Development Planning**
No objection
- 18 **County Lead Local Flood Authority – SUDS Team**
No objection subject to conditions
- 19 **County Noise Consultant**
No comments received
- 20 **County Environmental Assessment Officer**
A screening opinion under Regulation 7 of the Environmental Impact Assessment (EIA) Regulations 2011 was adopted on 1 October 2015, which evaluated the proposed development in line with the EIA Regulations and the advice set out in the National Planning Practice Guidance on EIA. It was concluded that there are not likely to be any significant environmental effects in terms of the meaning of significant given in the above Regulations and therefore the proposed development would not be EIA development.

Parish/Town Council and Amenity Groups

- 21 **Stanwell Moor Residents' Association**
Objects, and raises the following concerns:
- Increased traffic
 - Contamination from dust
- 22 **Association for the Preservation of Staines Moor**
Objects, and raises the following concerns:
- Lack of detail on the planning application form, including the type of contaminants within the soils
 - Leachate of contaminants into the water course and potential adverse impact on Staines Moor (SSSI) flora and fauna

- Question source and nature of contamination, whether allowable under permit and is it the correct process, Increase in HGVs will exacerbate holds ups on local roads
- Infer that chemicals such as polyethylene glycol will be used, which would need a controlled environment for its use
- Possible environmental damage through noise, air pollution and flooding

23 **Spelthorne Natural History Society**

Objection for the following reasons:

- inappropriate in the Green Belt and there are no exceptional circumstances to justify the development taking place
- bioremediation of contaminated soil can take place in situ thus avoiding transportation
- the South West London Waterbodies Special Protection Area and Ramsar site and the northern part of the Staines Moor SSSI are in close proximity to the proposed facility
- risks of contamination to surrounding water courses and a principal class aquifer which is currently being upgraded by the Environment Agency.
- there is no indication how the lagoon waste water effluent would be dealt with
- the biopiles are to be treated with water and small amounts of fertilizers and green waste (which could be contaminated with insecticides, herbicides and plant diseases) does this not amount to composting?
- who is responsible for deciding what contaminants are in the soil: the producer or receiver?
- are the vehicles transporting the hazardous waste to be designed for the purpose? How will they be maintained? There is no facility for cleansing the vehicles.
- we do not agree with the conclusions in the Screening Opinion Report, there is no consideration of hydrocarbon contaminated soils, therefore, we consider that there is a need for an Environmental Impact Assessment.

Summary of publicity undertaken and key issues raised by public

- 24 The application was publicised by the posting of 1 site notice and an advert was placed in the local newspaper. A total of 10 owner/occupiers of neighbouring properties were directly notified by letter. Three local groups (see above) have objected. The Chair of the Association for the Preservation of Staines Moor has also objected as a local resident.

PLANNING CONSIDERATIONS

Introduction

- 25 The County Council as Waste Planning Authority (WPA) has a duty under section 70(2) of the Town and Country Planning Act 1990 and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the statutory Development Plan consists of the Surrey Waste Plan 2008 (SWP 2008), Spelthorne Borough Local Plan 2001 (Saved Policies) (SBLP2001) and Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SB Core Strategy & Policies DPD 2009).
- 26 Matters for consideration include compliance with the: European Waste Framework Directive (WFD) 2008, National Planning Policy Framework (NPPF) 2012, National Planning Practice Guidance (NPPG) 2014, National Planning Policy for Waste (NPPW) 2014, Waste Management Plan for England 2013, Government Circulars and emerging local development documents. The Waste Management Plan for England 2013 sets out the Government's aim of working toward a more sustainable and efficient approach to resource use and management. The NPPG states that the planning system controls the

development and use of land in the public interest, which includes consideration of the impacts on the local environment and amenity taking into account the locational criteria set out in Appendix B to the NPPW. The NPPW aims to streamline previous waste planning policy, making it more accessible to local authorities, waste developers and local communities alike. It aims to provide a clear framework to enable waste planning authorities to work collaboratively with their communities and consider, through their Local Plans, what sort of waste facilities are needed and where they should go, while also protecting the local environment and local amenity by preventing waste facilities being placed in inappropriate locations.

- 27 The above national planning policies are a material consideration and planning authorities should have regard to them to the extent that they are appropriate. Planning applications which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations. The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the NPPF, the greater the weight they may be given). The County Planning Policy team have reviewed the Surrey Waste Plan 2008 with regard to its conformity with the above national policies and have concluded that the document conforms with the WFD 2008 and the policies and approach set out in the NPPF.
- 28 In considering this application, the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. Planning issues to consider are: waste management issues; highways and traffic; landscape and visual impact; drainage and flooding; noise; dust and odour; ecology and Green Belt.

EIA Screening

- 29 The proposed development was evaluated by the County Planning Authority (CPA) in line with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), and the advice set out in the National Planning Practice Guidance on EIA. On 1 October 2015 the CPA adopted a screening opinion under Regulation 7 of the above EIA Regulations, where it considered the proposed development in the context of Schedule 2, and based on the information submitted, is of the opinion that there are not likely to be any significant environmental effects (in terms of the meaning of significant in the EIA Regulations) and therefore it was recommended that the proposed development would not be EIA development.

Waste Management Issues

Surrey Waste Plan 2008

Policy CW1 Waste Minimisation

Policy CW3 Developing Waste Markets

Policy CW4 Waste Management Capacity

Policy CW5 Location of Waste Facilities

Policy WD2 Recycling, Storage, Transfer, Materials Recovery and Processing Facilities (Excluding Thermal Treatment)

- 30 Waste strategies at both the national and local level seek to reduce the current dependence on landfilling of untreated non-inert waste and give priority to more sustainable methods of waste reduction, reuse and recycling. These strategies also seek to ensure that the handling, treatment and disposal of waste are carried out in an environmentally acceptable manner. The Waste Management Plan for England 2013 states that *'the way in which waste is managed has changed dramatically over the last twenty years in the UK, as have attitudes towards waste management. There has been a*

major decrease in waste being disposed of to landfill and an increase in recycling. The key aim of the waste management plan for England is to set out our work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.’

- 31 The NPPW states that when determining waste planning applications, WPA’s should:
- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan,
 - consider the likely impact on the local environment and on amenity, and
 - concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authority (Environment Agency). WPA’s should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
- 32 The NPPG states that WPA’s should have regard to the principles of self-sufficiency and proximity (Article 16 of the Waste Framework Directive) which are transposed under Regulation 18 of the Waste (England and Wales) Regulations 2011, when exercising their planning functions relating to waste management. Whilst this is the aim, there is no expectation that each WPA should deal solely with its own waste to meet these requirements, nor does it require the use of the closest facility to the exclusion of all other considerations. The ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity.
- 33 The Government’s aim is to try and prevent or reduce as far as possible the negative effects on the environment by treating waste, which will help to increase waste recycling and recovery, and assist in reducing the amount of waste being landfilled. The Environment Agency’s guidance (2013) on Hazardous Waste advises that contaminated soils can be considered as ‘mirror entries’ which means that they can be classified as either hazardous or non-hazardous depending on the concentrations of ‘dangerous substances’ in the waste soil and that alternatives to landfilling of contaminated soils includes the use of remediation strategies to reduce the quantity of soils for disposal by treatment of soils to a standard such that they can be re-used at a site or be disposed of as non-hazardous waste.

Need

- 34 Surrey Waste Plan (SWP) 2008 Policies CW1 ‘Waste Minimisation’ and CW3 ‘Developing Waste Markets’ are aimed at supporting a sustainable approach to waste management in Surrey, taking account of opportunities for waste management priorities further up the hierarchy. Policy CW4 (Waste Management Capacity) states that planning permissions will be granted to enable sufficient waste management capacity to be provided to manage the equivalent of waste arising in Surrey with a contribution to meeting the declining landfill needs of residual wastes arising in and exported from London; and to achieve the regional targets for recycling, recovery and diversion from landfill by ensuring a range of facilities is permitted. The 2014 -15 Annual Monitoring Report (AMR) reported that Construction, Demolition and Excavation (CD&E) waste managed in Surrey during 2014 was estimated to be approximately 2,038,000 tonnes (15% increase on the 2013 figure). The baseline data showed that approximately 20% of the total C, D & E waste arisings may be composed of mixed non-inert material, which has an implication on how this waste stream is managed, as this material will have a different management capacity need (processing or disposal) as opposed to strictly inert material which can more easily be made suitable for supply as engineering materials after initial processing such as crushing and/or screening.

- 35 SWP 2008 Core Strategy policies establish sequential principles for the location of waste management facilities and an approach for development in the Green Belt. Policy CW5 (Location of Waste Facilities) sets out as follows principles for considering the location of waste facilities when allocating sites in development plan documents or considering proposals on unallocated sites:
- “(i) priority will be given to industrial / employment sites, particularly those in urban areas, and to any other suitable urban sites and then to sites close to urban areas and to sites easily accessible by the strategic road network;*
 - “(ii) priority will be given over greenfield land to previously developed land, contaminated, derelict or disturbed land, redundant agricultural buildings and their curtilages, mineral workings and land in waste management use;....”*
- 36 Policy WD2 of the SWP 2008, states that planning permissions for development involving the recycling, storage, transfer, materials recovery and processing (including in-vessel composting but excluding thermal treatment) of waste will be granted on:
- ‘...(iii) at existing or proposed waste management sites, subject in the case of landfill and landraising sites or other temporary facilities, to the waste use being limited to the life of the landfill, landraising or other temporary facility.’*
- Hithermoor Quarry is an existing waste management site currently recycling up to 250,000 tonnes of construction, demolition and excavation waste, by way of sorting, separation, washing, screening, crushing and blending. The proposed development involves the treatment / processing of up to 75,000 tonnes of contaminated soils, which would be part of that existing waste throughput of the Hithermoor recycling facility.
- 37 The proposal would offer the opportunity for moving soil classified as hazardous/non-hazardous waste up the waste hierarchy for which there is a strong policy encouragement. In doing so the proposal would allow the better use of valuable landfill capacity, ensuring the appropriate husbanding of landfill void space; and enabling the reuse of soils for restoration and daily cover purposes. The applicant has stated that since planning permission was granted in November 2008, soil recycling has moved forward and other methods aside from mechanical ones have been introduced in order to undertake a wider variety of recycling processes. One such treatment is bioremediation through controlled aeration and turning of soils which are contaminated with hydrocarbons and related pollutants. This treatment process is already successfully being carried out in another site to the east of the county near Redhill at the Patteson Court Landfill site.
- 38 Bioremediation is a biological degrading process for the treatment of contaminated soils, which relies on microorganisms including bacteria and/or fungi to use the contaminant(s) as a food source with resulting degradation of the contaminant. Bioremediation is one of the most economic remedial techniques presently available for treating most organic fuel based contaminants such as coal tars and liquors, petroleum and other hydrocarbons. The offsite or ex-situ process would involve bio-piles / windrows, where soils are formed into structures to enhance temperature and aeration amongst other variables, including the addition of fertilisers and organics (e.g. compost) to process the material.
- 39 The soil treatment facility would involve the processing of up to 75,000 tonnes of soils per annum from the local area, and would form part of the existing permitted annual waste throughput of 250,000 tonnes therefore there would be no increase in waste throughput at the site. The facility would occupy part of the existing minerals processing and waste recycling plant site area at Hithermoor Quarry, which accords with the above locational policy in utilising existing waste management sites. The proposal will assist the County Council in meeting national targets for recycling of materials and moving waste up the waste hierarchy in accordance with national policy and the development

plan and improving recycling rates within the County. The proposal will also continue to provide soils along with the other recycling processes at the site, to be used at the landfill site for restoration purposes and for export. The applicant has stated that the proposed development is temporary, as it would be tied to the life of the Hithermoor Quarry site, which requires all waste recycling to cease by April 2022, and restoration by April 2023.

- 40 The site is an existing waste management facility, mineral working and landfill, therefore has the necessary supporting infrastructure in terms of the existing access and landscape, and is close to the main sources of waste and good access to the strategic road network. Three local groups have raised concerns in respect of potential contamination of the local environment, however Officers consider that adequate planning controls are in place for the use of the site and separately the Environment Agency (EA) as the pollution control authority provides controls through the Environmental Permit. The existing environmental permit has already been varied in respect of the soil treatment process, providing controls over emissions, monitoring and capacity, with reporting of bio-filter temperature, moisture content, flow rate, nutrient levels and contamination elimination every 3 months. In addition, the EA have required pre-commencement schemes in respect of remediation of land contamination, in order to protect groundwater. Officers, therefore consider that the proposal at the existing waste management facility of Hithermoor Quarry accords with the above waste management policy.

HIGHWAYS, TRAFFIC & ACCESS

Surrey Waste Plan 2008

Policy CW5 Location of Waste Facilities

Policy DC3 General Considerations

- 41 Government policy on transport is set out in part 4 '*Promoting sustainable transport*' of the NPPF (paragraphs 29 to 41). The NPPF recognises the important role transport policies have in facilitating sustainable development and contributing to wider sustainability and health objectives with the Government recognising that different communities will require different policies and measures, and the opportunities for maximising sustainable solutions will vary from urban to rural areas. Developments that generate significant amounts of movements are required to be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether opportunities for sustainable transport modes to avoid the need for major transport infrastructure (which will depend on the nature and location of the development) have been taken up; can suitable and safe access for all people be achieved; and can cost effective improvements be undertaken within the transport network to limit significant impacts of the development, with development only being refused on transport grounds where residual cumulative transport impacts are severe.
- 42 Policy DC3 of the SWP 2008 states that planning permission for waste related development will be granted provided it can be demonstrated by the provision of appropriate information to support a planning application that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. The information supporting the planning application must make assessment of impacts of traffic generation, access and suitability of the highway network in the vicinity and for proposals to demonstrate that there would be no adverse impacts from such matters on local amenity and the local environment.
- 43 The SWP also states (para. B40, p.B9) that in order to minimise the negative effects of transporting waste, priority is also given to those sites that are located closer to urban areas (the main sources of waste) and with good access to the strategic road network. The site has a good access to the strategic road network and close to the main sources of waste, in accordance with Policy CW5.

- 44 Planning permission already exists for the development which generates the HGV traffic accessing the site, with conditions controlling the numbers of HGVs, and in addition there is a ban on HGV traffic through Stanwell Moor Village. The impact in terms of the traffic movements associated with Hithermoor Quarry were considered under the 2008 planning permission, with further assessments in the granting of planning permission for the bund in 2013 (ref. SP12/00483), which proposed a daily cap of 300 HGVs (600 HGV movements). It is proposed to use the same condition, capping the total number of HGVs involved in all developments utilising the access from Hithermoor Quarry. The County Highway Authority (CHA) has raised no objection to the application, as the proposed development does not involve any increase in traffic over and above that which is already permitted. Officers therefore consider that there would be no additional highway impacts from the proposed development.

ENVIRONMENT AND AMENITY

Surrey Waste Plan 2008

Policy DC3 – General Considerations

Spelthorne Borough Core Strategy and Policies DPD February 2009

Strategic Policy SP6 - Maintaining and Improving the Environment

Policy EN3 - Air Quality

Policy EN8 - Protecting and Improving the Landscape and Biodiversity

Policy EN11 - Development and Noise

Policy LO1 - Flooding

- 45 As already noted above the NPPW states that WPA's should only consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and not concern themselves with the control of processes which are a matter for the pollution control authorities. WPA's should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The criteria within Appendix B relevant to the proposed development includes: protection of water quality and resources and flood risk management; landscape and visual impacts; nature conservation; traffic and access; air emissions including dust; odour; noise and vibration.
- 46 Policy DC3 of the SWP 2008 requires application proposals to provide appropriate information and assessments to demonstrate that impacts of the development "*can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources.*" The policy goes on to identify a range of matters, which must where relevant to a proposal be addressed and for proposals to demonstrate that there would not be an adverse effect from such matters on local amenity and the local environment. Matters relevant to this application are listed above, as identified under Appendix B. Traffic and access have already been covered above.
- 47 Policy SP6 (Maintaining and Improving the Environment) of Spelthorne Core Strategy seeks to maintain and improve the quality of the environment. Policy LO1 seeks to reduce flood risk and its adverse effects on people and property. Policy EN3 (Air Quality) sets out a series of criteria to assist in the improvement of air quality within the Borough. Policy EN11 (Development and Noise) of the Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 seeks to minimise the impacts of noise ensuring provision of appropriate noise attenuation measures. Policy EN8 (Protecting and Improving the Landscape and Biodiversity) seeks to protect and improve the landscape and biodiversity of the Borough and states planning permission will be refused where development would have a significant harmful impact on the landscape or features of nature conservation value.

Landscape and Visual Impact

- 48 The soil treatment facility will be located within the existing minerals processing and waste recycling plant site area/compound, which has a 6m landscaped perimeter bund. The soils will be arranged in 3m high biopiles, which will not be visible beyond the 6m perimeter bunding, as shown on Drawing No.HM 65 and cross sections within Drawing No.HM 66.
- 49 The existing landscaped bunds were considered acceptable in the local landscape and Officers concluded that they did not have a significant harmful impact on the landscape, nor would they cause a significant adverse visual impact whilst in place. Officers consider that with a location within the existing landscaped bunded compound and subject to the inclusion of a condition limiting the height of the biopiles, the proposed soil recycling facility would not have any further impact on the landscape or visual impact, as such accords with the Development Plan.

Drainage and Flooding

- 50 In 2008 on granting planning permission for the mineral processing and waste recycling compound, a hydrological and hydrogeological assessment of the site was made and concluded that with the mitigation measures proposed, there would be no adverse impacts on drainage. In 2009, a detailed surface water management plan was approved (including surface water calculations and flood risk assessment), in respect of a drainage system for the compound utilising french drains crossing the site feeding into a perimeter drainage system, with an outfall to the lake to the south west of the compound. The proposed soil remediation will take place on within the existing recycling compound and will operate on an impermeable base, contained by kerbs and served by a segregated drainage system taking run-off to a dedicated purpose built clay-lined lagoon. Detailed construction drawings have been submitted in support of the application. The Environmental Permit for the soil treatment facility requires that the development takes place on an impermeable surface with sealed drainage.
- 51 The Environment Agency (EA) has not objected to the proposed development, however they do raise issues in respect of the need for adequate protection of the groundwater, as such have requested several pre-commencement conditions requiring: a preliminary contamination risk assessment and verification report, long term monitoring and maintenance plan, remediation strategy in respect of any contamination, and foul drainage management. The Local Lead Flood Authority (LLFA) is satisfied with the principles set out in the surface drainage plans and documents, subject to a pre-commencement condition requiring the approval of the details. Officers consider that, subject to the further controls as requested by the EA and the LLFA, together with the proposed discrete drainage system, which is controlled under the permitting regime, the development is unlikely to give rise to any significant impacts in terms of drainage or flooding.

Noise

- 52 The principles of the recycling and minerals processing development in terms of noise impacts were assessed and accepted when planning permission ref.SP03/1212 was granted, subject to adequate controls in terms of day and night-time noise levels. The development already permitted in the minerals processing and waste recycling plant site area/compound involves a number of noise generating activities including the use of soil screeners, concrete batching plant, aggregate processing, scalping and crushing equipment, with up to 300HGVs (600 movements) visiting the site per day.
- 53 The proposed soil remediation facility will involve one 360 machine, which is already permitted to operate on site, with no further HGV movements. There will be a limited staff on site with blowers and pumps used in the forced aeration process. In view of the existing noise climate, the bunded enclosure of the compound and existing controls in respect of noise, Officers consider that the development is unlikely to give rise to any

significant noise issues and would be subject to the same noise conditions applied to the existing planning permission for the site.

Dust and Odour

- 54 In November 2014 a Dust Assessment Plan (DAP) was approved for the entire Hithermoor Quarry site (submitted in support of the planning application), which identified potential sources of dust as surfaced and unsurfaced roads, aggregate and waste processing operations, aggregate extraction and restoration. The following mitigation measures formed part of the DAP: surfacing of haul roads; road spray systems by mobile bowzers and fixed sprinklers; restricting vehicle speeds; cleaning roads regularly with a road sweeper; the use of a vehicle/wheel cleaner to prevent the deposition of material on the access road; restricting soil moving during adverse weather conditions; the grass seeding of soil bunds; enclosing plant and fitting dust abatement equipment; aggregate extraction without dewatering ensuring the operation remains a wet process; monitoring of plant to ensure compliance.
- 55 The main approach of the DAP is to set up a proactive monitoring and intervention plan for the site with the aim of complying with the dust condition for the site, in preventing any adverse impacts on air quality. This includes a risk based assessment of potential dust impacts at the most sensitive receptors (Hithermoor Farm and properties at Farm Way, Ponderosa mobile home site, Willow Farm, Lower Mill Farm, Colne Reach, Meadow View, Hithermoor Road, Stanwell Moor and Russet Close) and identifying dust impact zones within 100 metres of sensitive receptors.
- 56 The Hithermoor Quarry site is covered by an Environmental Permit, which has been varied in order to provide adequate controls in respect of the proposed soil treatment process. The applicant has provided copies of the Environmental Risk Assessment and Odour Management Plan which were submitted in support of the Environmental Permit variation, which included odour risk management. Whilst the Environment Agency is the appropriate authority to be concerned with pollution prevention, this Authority must consider potential impacts in terms of landuse with regards to odour and dust impacts. The proposal involves the importation and remediation of soils to reduce the contamination levels to a point where the soils are considered to be 'non-hazardous' and can be used within restoration purposes or for export on other projects. The soils to be delivered to the site would include both hazardous and non-hazardous material and would be contaminated with organic compounds that may include a variety of light and heavy oils. With regards to odour emissions, the applicant has stated that provision is made within the permit for the use of tarpaulins, biofilters, carbon beds and active extraction, which would provide appropriate odour mitigation measures.
- 57 The main potential release of dust from the proposal would be from handling the soils in the creation of biopiles, stockpiles and the haul route. The applicant has stated that the controls in respect of odour would be covered by the Environmental Permit and approved monitoring programme. With regards to dust, the site is covered by a DAP as detailed above and the applicant has proposed that the soil treatment facility be conditioned to comply with this approved dust plan.
- 58 The applicant's environmental risk assessment concluded that given the existing site monitoring and mitigation measures for the wider recycling area, together with the proposed additional mitigation measures for the soil treatment facility, the development would not give rise to a significant increase in risk from odours or dust. The County Air Quality Consultant has commented that the applicant's approach to risk management has been comprehensively described, and is in agreement with their conclusion that with effective implementation of the risk management measures, the overall risk is not significant. Officers therefore consider that with the recommended mitigation measures and management of the soil recycling facility that the proposal would accord with the policies of the development plan.

Ecology

- 59 The SWP 2008 Policy DC3 states that planning applications should assess the loss or damage to flora and fauna and their respective habitats at the site or on adjoining land and identify any appropriate mitigation, and Policy EN8 (SB DPD) seeks to protect and improve the landscape and biodiversity of the Borough. Two local groups have raised concern in respect of the potential contamination to the local environment, due to the fact that the application site is located in close proximity to component parts of the South West London Waterbodies Special Protection Area (SPA) and Ramsar Site, and within 200 metres of part of the Staines Moor Site of Special Scientific Interest (SSSI).
- 60 The applicant has stated that the soil treatment facility is within the permitted recycling compound area, which has been the subject of ecological assessment through the planning process and granting of planning permission (ref.SP03/1212) in 2008. The compound area is free from all vegetation and with no water bodies and that the designated areas in the wider environment will not be affected by the proposed development. As part of the screening exercise under the EIA Regulations, it was concluded that the development would not be expected to give rise to any impacts that could affect the integrity of the nearby SSSI, SPA and Ramsar designations, either alone or in-combination with the other operations permitted at Hithermoor Quarry (ref.SP03/1212). The County Ecologist has commented that although the site is in close proximity to Staines Moor SSSI and part of the South West London Waterbodies SPA and Ramsar site, he does not consider the proposal would have an adverse impact on them because of the proposed mitigation measures. With regard to pollution control and contamination matters, the proposed development would be undertaken within the context of an established recycling and recovery facility that operates under the terms of an Environmental Permit, which has been varied to cover the bioremediation of contaminated soils. In addition, further controls in respect groundwater contamination have been requested by the EA. Officers, therefore consider that with the recommended mitigation measures and management of the soil recycling facility, the proposal will not significantly adversely affect ecology and the local environment.

GREEN BELT

Surrey Waste Plan 2008

Policy CW6 – Development in the Green Belt

Surrey Minerals Plan 2011

Policy MC17 – Restoring Mineral Working

Spelthorne Borough Local Plan 2001 (saved policy)

Policy GB1 - Development Proposals in the Green Belt

- 61 Hithermoor Quarry is located within the Metropolitan Green Belt, and waste management operations, including recycling are not deemed to be compatible with the objectives of the Green Belt and maintaining openness and are therefore considered to be inappropriate development. The NPPF states (para.79) that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open with the essential characteristics of the Green Belt being their openness and permanence. Paragraph 87 goes on to state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 advises that in the consideration of proposals, that local planning authorities should ensure substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist “*unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.
- 62 Policy CW6 of the SWP2008 states that there will be a presumption against waste related development in the Green Belt except in very special circumstances. This policy

echoes the above requirements of the NPPF and sets out considerations that may contribute to very special circumstances. These being the lack of suitable non-Green Belt sites, the need to find locations well related to the source of waste arisings, the characteristics of the site; and the wider environmental and economic benefits of sustainable waste management. Spelthorne Borough Local Plan 2001 Saved Policy GB1 Green Belt advises that development located within the Green Belt will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness.

- 63 The applicant has stated that the development is situated entirely within a permitted plant site area and no extra waste material will be processed at the site than that already permitted. The waste soils are to be stored in biopiles which is consistent with the permitted use of the area for the storage and processing of waste soils and therefore it is the applicant's view that there is no greater impact on openness of the Green Belt. In terms of very special circumstances the applicant has stated that the following factors meet the SWP Green Belt policy considerations: the treatment of contaminated soils has characteristics which make it unsuitable in certain locations, with only a small number of sites being developed across the country; the site is exceptionally well located to the primary highway network and urban area where suitable sites for this type of treatment are in short supply; the impact on openness of the Green Belt from waste recycling has already been considered appropriate and the soil treatment facility is considered to be insignificant; the proposed development would push the treatment of this waste stream up the waste hierarchy as the alternative is the material would go to landfill.
- 64 The proposed soil treatment facility would involve development within an existing waste recycling compound, where the principle of the waste development was considered acceptable when planning permission was granted for the site in 2008. The proposal would involve activities not dissimilar to that already permitted, with the recycling of soils, moving them up the waste hierarchy. Officers consider that the proposed soil treatment operations would not have a greater impact on openness of the Green Belt than the existing permitted waste recycling use, and the conditions imposed on planning permission SP03/1212 would remain unchanged and existing measures to control and minimise impacts from noise, dust, traffic and surface water drainage would continue. In addition the proposed soil treatment facility would be tied to the operational life of the minerals processing and waste recycling compound, which is required to be removed by 2022 to enable the restoration of the site by 2023, in accordance with Policy MC17 (restoration of mineral workings) of the Surrey Minerals Plan 2011.
- 65 Officers have to take into account the existing planning permission for waste recycling on the proposed development site area, and that it has already been demonstrated that very special circumstances exist that outweigh the harm to the Green Belt. This decision is an important material consideration in favour of granting the application. In view of the conclusions in the above sections on traffic and environment and amenity, Officers do not consider that the amenities of the Green Belt would be harmed to such degree that planning permission should be refused. With regard to inappropriateness, the site has an existing waste use and there is still an accepted need for the County to increase recycling and recovery capacity and divert waste from landfill to accord with European and Government policy. In the absence of any other harm, Officers consider that very special circumstances still exist that clearly outweigh the harm to the Green Belt by reason of inappropriateness and justify the grant of planning permission. Therefore, an exception to Green Belt policy can and should be made and planning permission be granted subject to conditions.

HUMAN RIGHTS IMPLICATIONS

- 66 The Human Rights Act Guidance for Interpretation, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 67 In this case, Officer’s view is that addition of a soil treatment facility on an existing waste management site is not considered sufficient to engage Article 8 or Article 1 of Protocol 1. As such, this proposal is not considered to interfere with any convention rights.

CONCLUSION

- 68 The proposal needs to be assessed and considered as a new waste proposal within the Metropolitan Green Belt where there is a presumption against inappropriate development. A material consideration in determining this application includes the history of the site and the existing permission for waste recycling uses. However, there still needs to be consideration of the following: compliance with the Development Plan, the protection of the Metropolitan Green Belt, the suitability of the site for waste development, traffic impact, and the potential impact on local residential, environmental and amenity interests.
- 69 Waste development of this type is inappropriate development in the Green Belt and therefore planning permission may only be granted where factors that amount to very special circumstances are demonstrated to justify inappropriate development and clearly outweigh the harm in terms of inappropriateness and any other harm. The soil treatment processing operations and associated infrastructure would not have an additional impact on the openness of the Green Belt, due to the existing waste management use for the site.
- 70 There have been no objections from technical consultees in respect of the proposed Development, however three local groups have objected on Green Belt and amenity grounds. Spelthorne Borough Council objected unless amenity issues were addressed. These issues have been addressed in the above sections of the report, and Officers consider that whilst there are acknowledged impacts, the characteristics of the site and planning history are key points for consideration, and along with the proposed mitigation measures are sufficient to overcome these objections and concerns. The proposed development therefore accords with the development plan.
- 71 The suitability of the application site for waste development and management of the potential impact of the proposal was judged acceptable with the grant of planning permission in 2008. Officers consider that through the imposition of suitable planning conditions relating to site management and other control measures undertaken at the site, and the separate pollution controls under the Environmental Permit, the proposed soil treatment facility can be permitted in the Green Belt, and would not result in a materially adverse impact on the environment. These factors combined are such that Officers consider that very special circumstances exist and that an exception to Green Belt policy can and should be made.

RECOMMENDATION

The recommendation is to PERMIT subject to conditions

Approved Documents

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

Drawing No	Title	Dated
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001	Site Location Plan	October 2013
HM/97 Rev A	Soil Treatment Application Boundary	08/09/2015
HM/98 Rev A	Soil Treatment Application Boundary showing Other Land in Control of Applicant	08/09/2015
HM/65	Eventual Site Layout	25/02/2014
HM/66	Eventual Layout Sections	11/12/2013
005	Proposed Infrastructure	March 2014
006	Detailed Site Layout	March 2014
007	Lagoon Layout & Sections	March 2014
008	Construction Details	March 2014
009	Proposed Site Layout – Surfacing	March 2014
010	Run Off Water Treatment	March 2014
003	Source Pathways & Receptors	October 2013
8/H Rev D	Final Restoration	2009

2. From the commencement of the development, until such time as operations at the quarry cease, a copy of this permission and the approved drawings referred to in Condition 1 and any subsequently approved in accordance with this permission shall always be available for inspection at the site manager's office during normal working hours. Their existence and contents shall be made known to all operatives, including sub-contractors likely to be affected by matters covered by them.

Commencement

3. The development hereby permitted shall begun no later than the expiration of three years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of the implementation of this planning permission.

Pre-Commencement

4. Prior to the commencement of the development hereby permitted, a detailed surface water management scheme shall be submitted to and approved by the County Planning Authority. The surface water management scheme shall:
- a) Follow the principles set out in the submitted Flood Risk application documents / drawings and Drainage Strategy document December 2015,
 - b) Demonstrate that all flood events up to the 1 in 100 year plus 5% Climate change event are able to be contained within the site,
 - c) Provide design details (including levels, long and cross sections, layout etc) of the proposed storage area including bund all other elements of the surface water management scheme,
 - d) Provide an exceedance flow routing plan and mitigation details for key component failure.

The surface water management scheme shall be implemented as approved.

5. Prior to the commencement of the development hereby permitted, a remediation scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of:
- a) 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,

- potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation scheme shall be implemented as approved.

6. Prior to the occupation of the soil treatment facility, a verification report demonstrating completion of works set out in the approved remediation strategy, and the effectiveness of the remediation, shall be submitted to and approved in writing by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The verification report should be undertaken in accordance with the Environment Agency guidance 'Verification of Remediation of Land Contamination'. It shall also include any recommendation for a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.
7. Prior to the occupation of the soil treatment facility, a long-term monitoring and maintenance plan in respect of contamination (if required under condition 6) shall be submitted and approved in writing by the County Planning Authority. The plan shall include:
 - a) a timetable of monitoring and submission of reports to the County Planning Authority,
 - b) the reports are to include details of any necessary contingency action arising from the monitoring,
 - c) any necessary contingency measures shall be carried out in accordance with the details in the reports,
 - d) on completion of the monitoring specified in the plan a final report shall be submitted to the County Planning Authority demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved.

The long-term monitoring and maintenance plan, including reports shall be implemented as approved.

8. Prior to the commencement of the development hereby permitted, a detailed drainage scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include the following:
 - a) disposal of foul drainage
 - b) disposal of surface water
 - c) roof drainage – sealed at ground level

The drainage scheme shall be implemented as approved.

Duration

9. The soil treatment facility shall cease by 13 April 2022 and the plant site shall be restored by 13 April 2023 in accordance with the approved restoration scheme for the Hithermoor Quarry site.
10. All buildings, plant, machinery both fixed and otherwise, vehicular access, internal access roads and surfaced areas subject to this permission shall, together with their foundations and bases, be removed from the site by 13 September 2022.

Limitations

11. The development hereby permitted shall remediate and produce up to a maximum of 75,000 tonnes of remediated soils per year. The operator shall maintain a record of the production tonnage on a monthly basis and shall make the information available to the County Planning Authority on request.
12. The stockpiling of soils within the soil treatment facility shall not exceed 3m in height above the pad ground level

Hours of Operation

13. Except in emergencies to maintain safe site operations which shall be notified to the County Planning Authority as soon as practicable, no lights shall be illuminated nor shall any operations or activities authorised or required by this permission be carried out except between the following times:

0700 – 1730 hours Monday to Friday

0730 – 1300 hours Saturdays

There shall be no operations or related activities carried out on Sundays, Bank Holidays or National Holidays

The exception being the use of essential environmental management systems (aeration and biofilter equipment)

Vehicle Movements, Access and Protection of the Public Highway

14. All vehicles entering and leaving the site will be recorded in respect of size (above and below 20 tonnes) in a log book to be kept at the weighbridge office. The number of HGVs visiting the site and associated with planning permissions SP03/1212, SP12/00483 and SP12/00487, together with any further planning permissions granted at the Hithermoor Quarry site shall not exceed 300 per day (600 movements).
15. The wheel wash facilities as approved under ref. SP09/0611 dated 17 December 2009, as shown on drawing HM/97 Rev A 'Soil Treatment Application Boundary' dated 08/09/2015 shall be retained and used whenever the operations which involve the movement of materials in bulk to or from the site are carried out.

Surface and Groundwater Protection

16. If, during development, contamination not previously identified is found to be present at the site then, the soil treatment facility operations shall cease until a remediation strategy detailing how this unsuspected contamination shall be dealt with, is submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.
17. No infiltration of surface water drainage into the ground at this site is permitted.

18. No penetrative methods shall be utilised in the construction of the lagoon for the treatment areas.

Noise

19. When measured at, or recalculated as at, a point at least 3.5 m from a noise sensitive location, the level of noise emitted as a result of operations hereby permitted shall not exceed 55 LAeq for any 0.5 hour period between 0700 to 1730 hours Monday to Friday and 55 LAeq from 0730 to 1300 hours on Saturdays.
20. When measured at, or recalculated as at, a point at least 3.5 m from a noise sensitive location, the level of noise emitted from the site at night between 1730 and 0700 hours shall not exceed 38 LAeq for any 0.5 hour period or 43 LAmax.

Dust

21. No activity hereby permitted shall emit dust from the application site; should such an emission occur, the activity shall be suspended until it can be resumed without causing emission as a result of different methods of working, the addition of additional dust suppression measures or changed weather conditions. Operations hereby permitted shall be carried out in accordance with the approved Dust Assessment Plan (ref. SP12/00486 dated 17 November 2014).

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.
- 2 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.
- 3 To enable the County Planning Authority to exercise control over the site for the development hereby permitted and comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 4-7 To protect against the pollution of surface and groundwater and to comply with Surrey Waste Plan 2008 Policy DC3.
- 8 To ensure that the proposals put forward are carried out in full and flood risk and surface water management is adequately considered and to protect against the pollution of controlled waters in accordance with Surrey Waste Plan 2008 Policy DC3.
- 9-10 To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at a mineral working site in an area of Metropolitan Green Belt and enable restoration of the land in accordance with the approved restoration scheme to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and to minimise the impact on local amenity in accordance with the Surrey Minerals Plan 2011 Policy MC17.
- 11-12 To safeguard the Metropolitan Green Belt and protect the amenities of the locality in accordance with the terms of Surrey Waste Plan 2008 Policies CW6 and DC3, and Spelthorne Borough Local Plan 2001 Policy GB1.
- 13 To enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with Surrey Waste Plan 2008 Policy DC3, and Spelthorne Borough Local Plan 2001 Policy GB1.

- 14-15 In order that the development should not prejudice highway safety, the free flow of traffic or cause inconvenience to other highway users in accordance with Surrey Waste Plan 2008 Policy DC3.
- 16-18 To protect against the pollution of surface and groundwater and to comply with Surrey Waste Plan 2008 Policy DC3.
- 19-20 To ensure minimum disturbance and to avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
- 21 In the interests of local amenity and to ensure minimum disturbance and to avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.

INFORMATIVES

1. The applicant's attention is drawn to the requirements of the Environmental Permit for this site
2. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to 110% of the capacity of the tank. For multiple tankage, the compound should be at least equivalent to 110% of the volume of the largest tank or 110% of the combined capacity of interconnected tanks. All filling or points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should discharge downwards into the bund.
3. Any fuel lubricant or other potential pollutant shall be handled on the site in such a manner as to prevent the pollution of any watercourse or aquifer.
4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on, or to 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).
5. 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.
6. 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.
7. 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 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:

The Development Plan

Surrey Waste Plan 2008

Surrey Minerals Plan 2011

Spelthorne Borough Core Strategy and Policies DPD February 2009

Spelthorne Borough Local Plan 2001 (saved policy)

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