

TO: PLANNING & REGULATORY COMMITTEE

DATE: 9 November 2016

BY: PLANNING DEVELOPMENT TEAM MANAGER

DISTRICT(S) Spelthorne Borough Council

ELECTORAL DIVISION(S):

Laleham & Shepperton

Mr Walsh

Staines South & Ashford West

Ms Turner-Stewart

PURPOSE: FOR DECISION

GRID REF: 505413 169922

TITLE: Minerals/Waste SP12/01132/SCD3

APPLICATION DETAILS

**Manor Farm, Ashford Road and land west of Queen Mary Reservoir, Laleham, Surrey
Details of Dust Action Plan and dust monitoring programme submitted pursuant to
Condition 24(a) of planning permission reference SP2012/01132 dated 23 October 2015.**

SUMMARY REPORT

Manor Farm, Ashford Road and land west of Queen Mary Reservoir, Laleham, Surrey

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

The Manor Farm part of the land with planning permission is situated between Staines upon Thames to the north and Laleham to the south. The land uses immediately around the site include residential to the north, east and west, Buckland School to the north, sport and recreation (north, east and west) and public footpaths running to the north and through the centre of the site.

Planning permission ref SP2012/01132 was granted subject to planning conditions in October 2015 for the extraction of sand and gravel from land at Manor Farm, construction of a tunnel under the Ashford Road and a causeway across the lake at QMQ for the conveyor belt system, transport of the extracted mineral by conveyor to QMQ for processing in the existing processing plant, erection of a concrete batching plant and an aggregate bagging plant within the QMQ aggregate processing and stockpiling areas, restoration of the land at Manor Farm to landscaped lakes and a nature conservation afteruse. Some conditions require the submission and approval of more details on a range of matters; to date eight submissions have been made.

This report deals with details of a dust action plan (DAP) and dust monitoring programme submitted to comply with the requirements of condition 24(a) of the permission. The DAP sets out mitigation measures for minimising, controlling and monitoring potential dust emissions for the different activities which have the potential to generate dust; the arrangements for site management, monitoring and inspection of the dust management measures including dust complaint recording and handling; and quantitative dust monitoring involving installation of ten passive dust monitoring stations.

Objections have been received and concerns raised by local residents relating to various matters relevant to the application. These are set out and considered in the report. The final views of Spelthorne Borough Council and the County Air Quality Consultant are awaited on the latest revisions to the submission which address outstanding issues raised by officers and the County Air Quality Consultant.

Having assessed the submissions and considered the views from residents and statutory consultees, subject to the consideration of the views of Spelthorne Borough Council and the County Air Quality Consultant on the latest version of the submission Officers consider the DAP and monitoring scheme submitted by the applicant pursuant to condition 24(a) meets the requirements of the condition and is acceptable and complies with the relevant development policies as listed in the report such that the details submitted pursuant this condition can be approved.

The recommendation is to **APPROVE** the submitted details.

APPLICATION DETAILS

Applicant

Brett Aggregates Ltd

Date application valid

5 April 2016

Period for Determination

31 May 2016

Amending Documents

Dust Action Plan (004) October 2016, Annex 1 DAP and Drawing No. DAP1 RevB Dated March 2012 (revised 10/10/16) Dust Sensitive Receptors and Proposed Dust Monitoring Locations and Wind Sock Locations.

SUMMARY OF PLANNING ISSUES

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

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Air Quality (dust)	Yes	36 – 48

ILLUSTRATIVE MATERIAL

Site Plan

Plan 1 Location Plan

Plan 2 Extraction phases, site compound, conveyor tunnel and causeway (annotated applicant SP2012/01132 drawing no. EIA9.8 Rev B March 2012)

Plan 3 – Dust Sensitive Receptors and Proposed Dust Monitoring Locations and Wind Sock Locations (applicant drawing DAP1 Rev B)

Aerial Photographs

Aerial 1
Aerial 2

Site Photographs

None

BACKGROUND

Site Description

- 1 The Manor Farm/Queen Mary Quarry (QMQ) site, some 43.9 hectares (ha) in total, is in two parts. It includes land at Manor Farm (some 33.4 ha), situated to the east of Staines Road (B376) and Worple Road and west of Ashford Road (B377), Laleham; and at Queen Mary Quarry (QMQ) (including part of the lake and existing processing plant site) to the east of Ashford Road and west of Queen Mary Reservoir, Laleham, Staines upon Thames.
- 2 The Manor Farm part of the land with planning permission is situated between Staines upon Thames to the north and Laleham to the south. To the north lies residential housing, Buckland Primary School and Greenfield Recreation Ground. To the east lies a further part of Greenfield Recreation Ground (with fenced children's play area), residential housing on the Ashford Road, the QMQ and Queen Mary Reservoir. To the south lies the Queen Mary Reservoir water intake channel and Greenscene Nursery and further south lies open farmland and Laleham Village. To the west lies residential housing, a garden centre, and the Staines and Laleham Sports Association Ltd (SALSAL) sports facility, and further to the west and south west the River Thames and Penton Hook Lock/Marina.
- 3 The land at Manor Farm lies within the Spelthorne Borough Air Quality Management Area.

Planning History

- 4 Planning permission ref SP2012/01132 was granted subject to 48 planning conditions on 23 October 2015 for the:
“Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after-use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.”
- 5 The permission is subject to s106 legal agreement (dated 14 October 2015) relating to long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273 and SP07/1275 at the QMQ site to no more than 300 HGV movements (150 two way HGV movements) on any working day.
- 6 The land at Manor Farm is to be worked and restored in four phases, see Plan 2. Phase 1 lies to the east of public right of way (footpath 30) which runs approximately north to south through the site. Phases 2 to 4 lie to the west of the footpath. All mineral extracted

from the site will be transported by conveyor belt to the Queen Mary Quarry (QMQ) processing plant. Processed mineral will leave QMQ via the quarry access onto the A308 (Kingston Road).

- 7 The route of the conveyor to be used to transport sand and gravel extracted at Manor Farm to the existing Queen Mary Quarry (QMQ) processing plant runs across the land at Manor Farm to the Ashford Road and in a tunnel under the Ashford Road. Within the QMQ site the conveyor route would cross the existing lake on a causeway and then run northwards towards the processing plant site following the existing access track. In the southern part of the QMQ site this follows the route permitted under SP13/01003 (which granted planning permission for a partial realignment of the conveyor route from that originally applied for in the SP2012/01132 application). Vehicle access to the land at Manor Farm will be via two accesses, one off Worple Road and one off the Ashford Road. There will be no HGV traffic transporting mineral extracted at Manor Farm using the Worple Road or Ashford Road access.
- 8 Some of the planning conditions require details to be submitted to and approved in writing by Surrey County Council as the County Planning Authority prior to the development commencing. The applicant, Brett Aggregates Limited, is now in the process of seeking approval of the details required by planning conditions imposed on the SP2012/01132 planning permission.
- 9 As well as this application seven other applications, listed below, have been made seeking approval of details pursuant to conditions on a range of matters (some applications deal with more than one planning condition).

Application reference	Proposal
SP12/01132/SCD1 Approved 11 October 2016	Details of noise barriers for the conveyor switch points submitted pursuant to Conditions 22 and a Bird Hazard Management Plan submitted pursuant to Condition 36 of planning permission ref: SP2012/01132 dated 23 October 2015.
SP12/01132/SCD5 Approved 7 October 2016	Details of measures to be taken and facilities to be provided to keep the public highway clean and prevent creation of a dangerous surface submitted pursuant to Condition 12(a), a Construction Management Plan submitted pursuant to Condition 15 and an updated bat survey and biodiversity mitigation strategy submitted pursuant to Condition 38 of planning permission reference SP2012/01132 dated 23 October 2015.
SP12/01132/SCD6 Approved 7 October 2016	Details of the current and proposed design of the Worple Road access; tree and hedgerow removal, protection measures and replanting submitted pursuant to Condition 8(b)(i) of planning permission reference SP/2012/01132 dated 23 October 2015.
SP12/01132/SCD7 Approved 11 October 2016	Details of a Groundwater Monitoring Plan submitted pursuant to Condition 32 of planning permission ref: SP2012/01132 dated 23/10/2015.
SP12/01132/SCD8 Approved 7 October 2016	Details of the design of the temporary Ashford Road access submitted pursuant to Condition 8 (a) and vegetation survey and tree and hedgerow protection plan submitted pursuant to Condition 47 of planning permission ref: SP2012/01132 dated 23 October 2015.
SP12/01132/SCD2 Approved 10 August 2016	Details of archaeology submitted pursuant to Condition 35 of planning permission ref: SP/2012/01132 dated 23 October 2015.
SP12/01132/SCD4	Details of a scheme to ensure that the causeway does not

Application reference	Proposal
Approved 10 August 2016	form a barrier on the flood plain submitted pursuant to Condition 28 of planning permission reference SP2012/01132 dated 23 October 2015.

- 10 The whole of Spelthorne Borough is designated as an Air Quality Management Area (AQMA) due to levels of nitrogen dioxide, mainly attributable to road traffic and Heathrow Airport. The AQMA does not apply to PM₁₀ particulate matter. Air quality from existing mineral workings and landfill sites in the borough are not identified as a source of emissions and concern in terms of air quality.
- 11 Dust impacts from mineral workings are a source of concern to surrounding communities and SMP2011 Core Strategy DPD Policy MC14 requires sufficient information to be submitted in planning applications to enable the authority to be satisfied that there would be no significant adverse dust impacts.
- 12 Dust is a generic term used to describe particulate matter of different sizes, shapes and compositions in the size range 1–75 µm (micrometres) in diameter. Small particles that are less than or equal to (≤) 10 µm in diameter are commonly referred as PM₁₀. There are two issues concerning airborne dust from surface mineral workings: the impact upon residential amenity by causing a nuisance; and the impact upon health. Small particles (PM₁₀) are associated with effects on human health and only make up a small proportion of the dust emitted from most mineral workings. These are deposited slowly and may travel 1000m or more from the source but their concentration will decrease rapidly on moving away from the source due to dispersion and dilution. Larger particles (greater than 30µm (µ = microgram)) make up the greatest proportion of dust emitted from mineral workings, including sand and gravel sites, and will largely deposit within 100m of sources, with intermediate particles (10 - 30µm) being likely to travel up to 200-500m. Large and intermediate particles are often referred to as *nuisance dust*.
- 13 The air quality implications of the development proposed at Manor Farm and Queen Mary Quarry in application SP/2012/01132 were assessed in the planning application and accompanying Environmental Statement. In consultation with the County Air Quality Consultant consideration of air quality impacts arising from traffic was scoped out of the matters to be assessed in connection with the proposal as mineral would be taken to the QMQ for processing and the HGV traffic generated by the export of mineral extracted at Manor Farm (in bulk, as concrete or bagged aggregates) would be replacing HGV traffic exporting mineral excavated from within the reservoir and all HGV movements would remain within the limit set by the extant planning permissions at the QMQ site. Therefore there was no need for an air quality assessment of particulates from traffic from the proposal and the assessment concentrated on potential impact from dust.
- 14 The ES submitted with the SP2012/01132 planning application assessed the health and nuisance dust implications of the proposal on air quality standards and dust sensitive receptors (residential properties and Buckland and Laleham Schools) within 1000 metres/1 km of the site. The assessment followed guidance in Technical Guidance to the National Planning Policy Framework (NPPF) which was current at the time¹.
- 15 The ES concluded that although there were large numbers of dust sensitive receptors within 1km of the site, based on the prevailing PM₁₀ Air Quality in Spelthorne borough, there was no real likelihood of the current PM₁₀ Air Quality Objective being exceeded in which case further assessment work was not required in relation to PM₁₀. The assessment concluded there would be no adverse health impacts on health from any increases in PM₁₀ arising from the development. The ES identified the main potential

¹ [2012 Technical Guidance to the NPPF](#) (see paragraphs 23 to 27) which was withdrawn in March 2014 and replaced by the national [Planning Practice Guidance](#) (see paragraphs 13 and 23 to 29)

sources of airborne dust associated with the different elements of the proposed development (site preparation, mineral extraction and transport to the processing plant, mineral processing and restoration).

- 16 A 100 metre stand-off would be maintained between the limit of extraction and residential properties and the Buckland School, though there would be activity associated with construction and removal of soil bunds and restoration works within the 100 metres standoff. The risk of dust impacts at the identified dust sensitive receptors was considered and the assessment concluded that with the implementation of dust control and mitigation measures appropriate for the potential sources of airborne dust there would be insignificant dust impacts on properties and local schools. The application proposed adoption and implementation of the mitigation measures.
- 17 The County Air Quality Consultant reviewed the applicant's dust assessment study and considered it had covered all of the areas recommended in the NPPF Technical Guidance and the consultant was in broad agreement with the findings of the assessment. In line with the NPPF which states that any unavoidable dust and particle emissions should be controlled, mitigated or removed at source, the consultant advised that, if implemented, the proposed control and mitigation measures (by means of design/layout, management, equipment and other controls) were likely to give a good level of control and avoid significant adverse impacts and that the control and mitigation measures could be secured by planning condition.
- 18 The consultant recommended imposition of condition(s) requiring the implementation of a Dust Action Plan (DAP) (a documented site specific operational plan to prevent or minimise the release of dust from the site) and a Dust Monitoring Plan (DMP) providing for a programme of ongoing dust monitoring to validate the outcome of the dust assessment study and check on the continuing effectiveness of the proposed control and mitigation measures. Details of both the DAP and DMP would need to be submitted to the County Planning Authority for approval.
- 19 Officers were satisfied that an appropriate dust assessment study had been undertaken and sufficient information provided with the planning application to assess the dust implications of the proposed development. A phased programme of working and restoration was proposed with at least a 100m standoff/unworked margin between the extraction residential properties and Buckland School. This distance, together with the dust control and mitigation measures proposed was considered appropriate to ensure there would be no significant adverse impact from nuisance dust on nearby sensitive receptors, or health from suspended dust. As such Officers considered the proposed mineral extraction at Manor Farm was consistent with the aims and objective of national policy and guidance and relevant development plan policy relating to dust and recommended imposition of conditions as recommended by the Air Quality Consultant.

THE PROPOSAL

- 20 Condition 24 and the reason for the condition read as follows:

a) Prior to the commencement of development a Dust Action Plan (documented site specific operational plan to prevent or minimise the release of dust from the site) (DAP); and a programme of ongoing dust monitoring to validate the outcome of the assessment and to check on the continuing effectiveness of control/mitigation measures, shall be submitted to and approved in writing by the County Planning Authority.

b) The dust control and mitigation measures set out in the planning application (including paragraphs 7.23, 7.149 and Table 7.12 of the Planning Supporting Statement and Chapter 12 of the Environmental Statement) shall be implemented and the Dust Action Plan and monitoring scheme approved pursuant to Condition 24

(a) shall be implemented as approved throughout the duration of the development.

Reason

To enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with: Strategic Policy SP6 and Policy EN3 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009 and Policy MC14 of the Surrey Minerals Plan 2011.

21 Details of a Dust Action Plan (DAP) and dust monitoring programme have been submitted pursuant to Condition 24(a). The DAP and monitoring programme identifies the closest dust sensitive receptors to the Manor Farm development (residential properties on Northfield Road, Worple Road, Pavilion Gardens, Brightside Avenue, Abbot Close, Greenway Drive and Ashford Road and Buckland County Infant and Primary School and Laleham Church of England School) and potential dust sources from the different activities which would be undertaken at the site:

- Soil stripping, soil storage bund construction, removal and restoration;
- Mineral extraction and loading of the field hopper (for loading sand and gravel onto the conveyor belt);
- Conveyance of mineral to QMQ by conveyor belt;
- Vehicle/plant movements on unsurfaced roads;
- Vehicle/plant movements on surfaced roads;
- The handling of bulk cement at the batching plant at QMQ; and
- Vehicle/plant movements on the plant site at QMQ.

22 The application states that the measures for minimising, controlling and monitoring potential dust emissions are based on the principle of preventing dust generation through:

- Good site and process design. This includes use of standoff zones, extracting the mineral wet and transporting it on the conveyors when wet and construction of bunds to disrupt dust emission pathways.
- Good operating and management practices to avoid dust emissions. These include having staff with designated responsibilities (for the quarry manager, site supervisor and site operatives), operator training and competence, onsite traffic management (e.g. dampening down of road surfaces and speed limits of 10 miles per hour (mph) on unmade roads and surfaces at Manor Farm and 15mph at QMQ), site monitoring and inspection and the recording and investigation of complaints.
- Provision and use of appropriate dust abatement measures. These include use of water sprays and road sweepers.

The DAP sets out mitigation measures to be taken as baseline measures and additional measures to be taken where necessary for minimising, controlling and monitoring potential dust emissions for each activity; the arrangements for site management, monitoring and inspection of the dust management measures including dust complaint recording and handling; and quantitative dust monitoring involving installation of ten passive dust monitoring stations which would be positioned at the site boundary in locations between the extraction operations and the sensitive receptors, see Plan 3.

23 The monitoring would involve daily inspections and ongoing visual dust monitoring and use actual and forecast weather conditions such as wind direction and moisture levels. Two windsocks would be placed on site, see proposed locations on Plan 3. The passive dust monitoring stations (for quantitative dust monitoring) would have Frisbee type dust gauges (which measure the amount of dust deposited) and directional adhesive strips (which enable the direction of the source of dust to be identified). Monitoring using the Frisbee type dust gauges would be carried out in advance of operations commencing to

provide a baseline for comparison with the operational phase. The advance monitoring would be undertaken for six months, three months in winter and three months in summer preceding the commencement of operations in the relevant phase, see Plan 2 for the phases. Monitoring at the different locations would be phased according to where mineral is being extracted, see table below (source: Table 3 from the October 2016 Dust Action Plan).

Monitoring Locations Operational During Each Phase of Operations		
Monitoring Location	Area 1 (i.e. Application Phase 1, as per the planning application)	Area 2 (i.e. Application Phases 2- 4, as per the planning application)
D1	√	√
D2	√	√
D3	√	√
D4		√
D5	√	√
D6	√	
D7	√	
D8	√	
D9	√	
D10	√	√

- 24 The submission identifies trigger criteria from the weather conditions and ongoing visual dust monitoring to determine whether further dust suppression measures are required or operations suspended. The quantitative dust monitoring results would be assessed and assessment criteria used to determine dust action levels which would trigger increased dust mitigation measures being taken. The submission proposes using the following provisional criteria in accordance with the Environment Agency Technical Guidance Note (Monitoring) M17 Monitoring Particulate Matter in Ambient Air around Waste Facilities Version 2 July 2013:

- Deposited dust (Frisbee dust gauges) – 200mg/m²/day, averaged over a four week period; and
- Surface soiling (directional adhesive strips) – 0.5% Effective Area Coverage (EAC)/day, averaged over a four week period.

The provisional criteria would be reviewed and may be revised depending on the result of the baseline monitoring undertaken at the site to set site specific dust action levels.

- 25 The results of the monitoring and resulting actions would be held by the quarry manager and retained on site for inspection by the county council and other appropriate regulatory authorities (such as Spelthorne Environmental Health). Complaints received by the operator (either direct to the site or via regulators) about dust nuisance would be recorded on a Group Incident Reporting Form (GIRF) in line with the company Integrated Management System (IMS)² procedures, necessary actions taken and recorded and complainants informed of the outcome. The DAP would form part of the site management documentation and reviewed and updated during the life of the site if required following significant changes to the site design or operational practices; investigation of complaints or assessment of monitoring results leading to changes to dust control measures or the ongoing monitoring regime, or requests from the county council for the DAP to be updated.

² The applicant advises that the activities at Manor Farm and Queen Mary Quarry would be managed and operated in accordance with the Brett Aggregates Limited company IMS known as QHEST (Quality, Health, Environment, Safety together) which combines the requirements for quality, occupational health, environment and safety into one comprehensive set of procedures.

CONSULTATIONS AND PUBLICITY

District Council

- 26 Spelthorne Borough Council - Planning: Views awaited. [Officer Note: The Planning Officer had forwarded the initial views from Environmental Health Officer (EHO) which led to the submission being amended in July. The EHO provided comments on the July submission and advised that it had taken account of their original concerns. The EHO comment that the concrete batching plant requires an Environmental Permit (EP) from the borough council and that the mitigation measures for handling of bulk cement would be controlled through the EP and subject to assessment of Best Available Techniques at the time an EP application is made. For the concrete batching plant limits and controls on emissions and dust through the EP would take precedence over the Condition 24(a) DAP and monitoring programme. The borough council have been consulted on the latest version of the submission (October 2016) and views are awaited, deadline for receipt 3 November.]

Consultees (Statutory and Non-Statutory)

- 27 County Air Quality Consultant: Final views awaited. [Officer Note: The consultant provided advice and made a number of recommendations about the proposal. Most of their points had been addressed in the July 2016 submission and the remaining points are now addressed in the October 2016 version on which their further views are awaited, deadline for receipt 3 November.]

Parish/Town Council and Amenity Groups

- 28 Clag2: No views received.
- 29 Laleham Residents' Association: No views received.
- 30 Manor Farm Residents Association: No views received.
- 31 Spelthorne Natural History Society: No views received.

Summary of publicity undertaken and key issues raised by public

- 32 The application was publicised by the posting of nine site notices and a total of 281 of people who had made comments on the SP2012/01132 planning application were directly notified by letter To date written representations have been received from 15 members of the public, with the many of the respondents stating their continued objection to the development permitted by SP2012/01132.
- 33 Issues raised relating to dust and the submission are concerns about the impact of the dust from the development and concerns that it will increase air pollution in the area and impact on health of residents, in particular children and the elderly; queries about how far dust will travel and impact by deposition at properties, the proposed monitoring (how can you do advance monitoring when no activity is taking place, will there be monitoring of background/baseline levels, will it assess against government limits (where they exist), how will the monitoring be done and who will do it? Should the monitoring be independent rather than be done by the site management/operator?); access to monitoring information , what are the enforcement powers if excessive dust is found to be occurring, and how often are enforcement notices used?
- 34 Officer comment: The other points raised include objection to the development permitted under ref SP2012/01132 and details submitted relating to the other seven applications for approval of details (see paragraph 9 and table above). These matters include traffic

and access (to the Ashford Road and Worple Road), use of the accesses, vehicle movements; impact of HGVs on road infrastructure; arrangements for inspections by Surrey Highways and reporting arrangements and repair of potholes and damaged road surfaces by Surrey Highways, hours of operation; noise; flood risk; archaeology; impact on trees and hedgerows; impact on wildlife and visual impact.

- 35 These matters were all assessed and considered in the officer report on the planning application see Item 7 of the [2 September 2015 Planning and Regulatory Committee Agenda](#) and those relevant to the details pursuant applications considered in the officer reports on the applications which were reported to the 3 August and 28 September 2016 meetings of the Planning and Regulatory Committee ([3 August 2016 Agenda](#), [28 September 2016 Agenda](#)). None of the other points raised are considered to be relevant to and impact on the County Planning Authority's determination of this application.

PLANNING CONSIDERATIONS

Introduction

- 36 The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
- 37 In this case the statutory development plan for consideration of the application consists of the Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD) and Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SBCS&P DPD 2009).
- 38 The application has been submitted to comply with the requirements of Condition 24(a) (see paragraph 20 above) which was imposed to secure the proposed control and mitigation measures and implementation of a DAP and DMP (see paragraphs 15 to 19 above). In considering the application the acceptability of the proposal will be assessed against relevant development plan policies and material considerations. It will be necessary to determine whether the proposed action plan and monitoring programme for mitigating the impact of dust associated with the development are appropriate and satisfactory.

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

Policy MC14 Reducing the adverse impacts of mineral development

Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SB Core Strategy and Policies DPD 2009)

Strategic Policy SP6 Maintaining and Improving the Environment

Policy EN3 Air Quality

- 39 SMP 2011 Core Strategy DPD Policy MC14 states that proposals for mineral working will only be permitted where a need has been demonstrated and sufficient information has been submitted to enable the authority to be satisfied that there would be no significant adverse impacts arising from the development and sets out matters to be addressed in planning applications, including:
- adverse effects on neighbouring amenity including noise, dust and transport impacts.
- 40 SB Core Strategy and Policies DPD 2009 Strategic Policy SP6 Maintaining and Improving the Environment seeks to maintain and improve the quality of the environment (including air quality) of the borough. Policy EN3 of the plan states the borough council aims to improve air quality and minimise harm from poor air quality by refusing

development where adverse effects on air quality are of a significant scale, and are not outweighed by other important considerations or effects, and cannot be appropriately or effectively mitigated.

- 41 As set out in paragraph 26 above the Spelthorne Borough Council Environmental Health Officer (EHO) was satisfied with the July 2016 version of the scheme and their views are being sought on the latest version (October 2016). The latest changes clarify the dust monitoring regime (timing and duration of monitoring at the different points) and use of the baseline monitoring information for setting levels for action requested by officers and the County Air Quality Consultant. Officers are not anticipating a change in view of the borough council EHO.
- 42 The County Air Quality Consultant has reviewed the application and benchmarked the original (March 2016) and revised (July 2016) submission against the Institute of Air Quality Management (IAQM) 2016 "*Guidance on the Assessment of Mineral Dust Impacts for Planning*". The final views of the Air Quality Consultant on the October 2016 submission are awaited (see paragraph 27 above).
- 43 The submission provides for quantitative dust monitoring to be undertaken in advance of the commencement of operations on the different phases of the development. The purpose of this is to establish what the existing background levels of dust are in the environment at the site before the operations commence and during the development before the next phase commences. This information would provide a baseline for comparison with the operational phase and as referred to in paragraph 24 above may be used to establish a site specific dust assessment level rather than applying the 200mg/m²/day averaged over a 4 week period custom and practice guideline for deposited dust on Frisbee gauges to determine action trigger levels. Monitoring would continue during operations, see paragraph 23 and table above.
- 44 County Air Quality Consultant does not agree with the position of deposition gauges to measure dust fall at the site boundary of development site and recommended these should be used, where practicable, in a location closer to where dust impacts are likely to cause a concern, such as at or close to the receptors. They consider siting on the site boundary should be a last resort option and recommended the applicant explore off site locations and demonstrate best endeavours had been used to locate the deposition gauges at sensitive receptors. The applicant considers the use of off site locations is not ideal given the need to obtain the agreement of homeowners/landowners for the equipment to be sited on their premises, arranging regular access to the monitoring equipment and the potential for interference (intentional or otherwise) for example by pets or children.
- 45 Officers note the proposed locations for the deposition gauges for the development at Manor Farm are, in the main, close to the planning permission site boundary or boundary of applicant controlled land with sensitive receptors in downwind locations, see Plan 3. Given the proximity of the property boundaries of the sensitive receptors to the proposed locations for siting the monitoring equipment Officers consider the locations proposed by the applicant appropriate in this case, and it is not necessary for further investigation on the part of the applicant to site the equipment on third party land.
- 46 As set out in paragraph 33 above residents have raised concerns and queries about the impact of dust and the proposed monitoring. Paragraphs 11 to 19 above outline how the potential impact of the development in terms of air quality and dust was assessed as part of the consideration of the planning application and led to imposition of Condition 24 to secure the implementation of a DAP and DMP the subject of this application.
- 47 The responsibility for undertaking the quantitative dust monitoring and monitoring as part of the site management and implementation and review of the dust control and mitigation measures to comply with the planning condition lies with the applicant/site operator. The

monitoring data would be held by the applicant. As referred to in paragraph 25 above the applicant proposes making available monitoring information for inspection by the county council or other regulatory authorities. Officers consider it would be appropriate for six monthly monitoring reports to be submitted to the county council for information. Any monitoring reports provided to Surrey County Council would be available to view at the offices of the county planning authority (and on the SP12/01132/SDC3 application record on the Surrey County Council online planning register if made available to view online). In addition the submission refers to the applicant's intention to adopt proactive measures to raise awareness of activities being undertaken at the site. These may include the establishment of a liaison group, open days for visitors; and visits by schools or other groups.

- 48 The site would be monitored by Surrey County Council's Planning Enforcement Team as part of the ongoing regular monitoring of mineral sites to monitor progress and compliance with the terms of the planning permission, with additional visits where appropriate in response to complaints/queries received. Complaints about dust received by the Enforcement Team would be investigated. In the event of failure to comply with a planning condition and where no acceptable remedy is proposed and implemented by the operator of a mineral site formal action³ may be taken. In most instances where a failure to comply with planning conditions in connection with mineral development occurs the breach is remedied without the need for formal action.

HUMAN RIGHTS IMPLICATIONS

- 49 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 50 The proposal involves the approval of details of pursuant to Condition 24(a) of planning permission ref SP2012/0132 dated 23 October 2015. It is the Officer's view that the matter covered by the submission and implementation does not give rise to any potential impacts and therefore would not engage Article 8 of Article 1 of Protocol 1. As such these details are not considered to interfere with any Convention right.

CONCLUSION

- 51 Subject to the consideration of the views of Spelthorne Borough Council and the County Air Quality Consultant on the latest version of the DAP and DMP Officers consider the scheme submitted by the applicant pursuant to Condition 24(a) meets the requirements of the condition and is acceptable and complies with the relevant development policies as listed above such that the details submitted pursuant this condition can be approved subject to the imposition of planning conditions relating to setting of dust action levels and submission of monitoring reports.

RECOMMENDATION

The recommendation is that the details of Dust Action Plan and dust monitoring programme submitted pursuant to Condition 24(a) contained in application ref SP12/01132/SCD3 be **APPROVED** subject to the following conditions and informative.

³ [Information on planning enforcement and dealing with complaints about mineral and waste sites in Surrey.](#)

Conditions

- 1 Prior to the commencement of soil stripping in Phase 1 and subsequent phases 2 to 4, the results of the baseline monitoring information and confirmation of the dust action level assessment criteria to be used (derived from baseline monitoring or custom and practice levels as referred to in Section 6.2 paragraph 6.2.1 of the Dust Action Plan (October 2016) hereby approved), in connection with the monitoring during that operational phase shall be provided to the County Planning Authority.

Submission of monitoring reports

2. Six monthly monitoring reports prepared in accordance Chapter 8 of the Environment Agency Technical Guidance Note (Monitoring) M17 as referred to in Section 6 (paragraph 6.2.3) of the Dust Action Plan (October 2016) hereby approved, shall be submitted to the County Planning Authority for the duration of the mineral extraction and restoration at Manor Farm.

Reasons:

- 1 & 2 To enable the effectiveness of the dust control and mitigation measures and monitoring of the site as required by Condition 24 and any modifications to the approved Dust Action Plan and monitoring programme to be provided to the County Planning Authority in order to maintain planning control over the operations and minimise the impact of the development on the amenities of the local area in accordance with Policy EN3 of the Spelthorne Borough Council Core Strategy and Policies Development Plan Document February 2009 and Policy MC14 of the Surrey Minerals Plan 2011.

Informative

1. The developer/site operator is requested to send to the secretary of the site liaison committee for the Manor Farm and Queen Mary Quarry site (when established and operational), for information purposes, any reports prepared and submitted to the county planning authority in accordance with the scheme approved pursuant to Condition 24(a) (and subsequent amendments to the schemes); and results of any additional monitoring undertaken to ensure/check compliance with the planning conditions.

CONTACT

Susan Waters

TEL. NO.

020 8541 9227

BACKGROUND PAPERS

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

Government Guidance

[National Planning Policy Framework 2012](#)

[Planning Practice Guidance](#)

The Development Plan

[Surrey Minerals Plan Core Strategy Development Plan Document \(DPD\) 2011](#)

[Surrey Minerals Plan Primary Aggregates DPD 2011](#)

[Spelthorne Borough Council Core Strategy and Policies DPD February 2009](#)

Other Documents

-- The deposited application documents and plans and Environmental Statement including those amending or clarifying the proposal, responses to consultations and representations received on the application included in the application file for application ref SP2012/01132.

- The officer report and annexes to the 2 September 2015 Planning and Regulatory Committee (Item 7) for application ref SP2012/01132 ([2 September 2015 Planning and Regulatory Committee Agenda](#))
 - [Environment Agency Technical Guidance Note \(Monitoring\) M17 Monitoring Particulate Matter in Ambient Air around Waste Facilities Version 2 July 2013](#)
 - [IAQM \(2016\) Guidance on the Assessment of Mineral Dust Impacts for Planning](#). Institute of Air Quality Management, London.
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