

TO: PLANNING & REGULATORY COMMITTEE **DATE:** JUNE 2014
BY: PLANNING DEVELOPMENT CONTROL TEAM
 MANAGER
DISTRICT(S) TANDRIDGE DISTRICT COUNCIL **ELECTORAL DIVISION(S):**
 Oxted
 Mr Skellett

PURPOSE: FOR DECISION **GRID REF:** 537177 152244

TITLE: MINERALS AND WASTE APPLICATION TA11/1075

SUMMARY REPORT

Oxted Sandpit, Barrow Green Road, Oxted, Surrey, RH8 0NJ

The infilling of the former quarry void with inert waste as defined in Regulation 7 (4) of the Landfill (England and Wales) Regulations 2002, together with any engineering materials necessary to line and cap the site and soils for restoration without compliance with Condition 3 of planning permission ref: TA94/0980/A3 dated 11 June 2007 for a further eight years.

The application site is a former mineral working measuring some 9ha located on the eastern edge of Oxted. It is situated within the Metropolitan Green Belt. In January 2002 condition 2 of TA94/0980 was varied by notice Ref. TA01/0980A so as to extend the time period for completion of infilling the sandpit to 31 May 2011.

However, restoration of the mineral working has not yet commenced. The applicant has explained that this delay has been due to the absence of an Environmental Permit to undertake such works. In April 2011 the Environment Agency agreed to grant an Environmental Permit for infilling and restoration of the sandpit using inert waste materials subject to, inter alia, the appropriate planning permission being in place.

Consequently, the applicant is seeking to vary condition 3 of planning permission TA94/0980/A3 so as to allow for an extension of time for a further eight years.

The applicant does not seek to amend the hours of operation that have historically been granted for the sandpit (0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays, with no working on Sundays, public, national or bank holidays).

Restoration is to be carried out so as to achieve an agricultural after use. Infilling will be undertaken progressively in an anticlockwise manner beginning with the north eastern corner of the sandpit. The total void space proposed to be filled equates to 490,000m³. This void space is reduced in volume to 338,000m³ when taking account of the 152,000m³ of clay liner and restoration soils necessary to achieve restoration of the sandpit. Accordingly, it would take approximately 507,000 tonnes of inert waste material to fill a void space measuring 338,000m³. The annual filling rate proposed is 75,000 tonnes of inert waste per annum and therefore the void is to be filled over a period ranging from 5.4 to 6.8 years depending upon which conversion rate is applied (a factor of 1.2 or 1.5).

Accordingly, if planning permission is granted for the proposed extension of time the application site will provide for a total of 338,000m³ of landfill void space at a rate of 75,000 tonnes of inert

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waste per annum beyond the 2015 period cited by the Surrey Waste Plan 2008 at which time landfill void in Surrey is unlikely to be in surplus. The inert waste to be landfilled is likely to comprise waste that cannot otherwise be reused, recycled or recovered, as waste materials that can be reused or subjected to recycling or recovery operations would be diverted from landfills due to the commercial tax burden of disposing of such waste materials in that way.

Restoration of the sandpit would generate HGV movements along a stretch of Barrow Green Road. Concern and objection has been raised in this respect by Tandridge District Council, Oxted Parish Council, The British Horse Society, the Oxted and Limpsfield Residents Group, and several members of the public. The three main concerns highlighted in this context are the width of Barrow Green Road between the A25 and the application site's existing access, the direction HGV traffic would enter the application site i.e. the routing of the HGVs, and the safety of non-vehicular traffic using Barrow Green Road.

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The principle of 55 HGV trips or 110 HGV movements per day has been previously established by associated planning permissions as acceptable in relation to the restoration of the sandpit. The applicant anticipates that the filling of the total void space of 490,000m³ would generate about 23 deliveries of material per day or 46 movements per day spread over a 10 hour day. This would equate to approximately 4.5 HGV movements per hour. This predicted traffic movement is an average and it is expected there would be peaks and troughs as material is sourced and delivered by commercial contract(s). The overall limit of 110 movements per day would therefore account for these peaks and troughs.

However, given that the development would increase vehicle movements on Barrow Green Road the applicant is proposing a range of highway mitigation and improvement measures.

It should be noted that the application site subject to this report does not include the existing access to the sandpit as this did not form part of planning permission Ref. TA94/980/A3. As such, the applicant has submitted ancillary planning application Ref. TA13/1653 which seeks temporary planning permission for installation and retention of a bunded fuel storage, wheel wash, site reception offices, weighbridge and hardstanding, and the upgrade to the site access, and temporary use of them in connection with the backfilling of the sandpit with inert waste material and restoration to agriculture. However, for the sake of clarity the measures proposed are:

- I. physical junction improvement at the sandpit's vehicular access point with Barrow Green Road so as to prevent traffic turning left out of and right in to the site from Barrow Green Road. This would be carried out by the construction of a new verge, the use of kerbing or similar to prevent HGVs overrunning and a carriageway widening
- II. the boundary fence to the applicant's ownership boundary along the northern part of Barrow Green Road to be moved back so that it aligns with the line of the visibility splay at the sandpit's vehicular access point thereby providing greater sight lines for HGV drivers leaving the sandpit
- III. widening of the Barrow Green Road carriageway to 7.3 metres where there are currently pinch points and where the width is measured to be less than this
- IV. clearing of any vegetation along Barrow Green Road

Accordingly, the CHA raise no objection to the proposed extension of time or the proposed highway improvement works to Barrow Green Road subject to the imposition of conditions limiting the number of HGVs to 55 trips (110 movements) per day, that measures are in place to ensure no deleterious material fouls the public highway, that the proposed mitigation measures are the subject of a S278 legal agreement and constructed to the satisfaction of the CHA before the infilling operations commence.

A number of concerns have also been raised by the Surrey Bird Club and several members of the public in relation to sand martins who nest within the sandpit. These matters have been considered by Officers in conjunction with statutory consultees and are discussed more fully within this report. In summary however, the County's Ecologist has recommended that, subject to conditions being attached to any planning permission granted to require that the ecological mitigation measures proposed by the applicant including a scheme to mitigate the impacts of the restoration on the nesting sand martin colony, the proposed development would be acceptable in ecological terms. Similarly, The Surrey Wildlife Trust has also raised no objection subject to the same.

The bulk of the sandpit is proposed to be restored to agricultural grassland that can be maintained with through mowing or by grazing. In addition, the applicant proposes to restore and re-establish vegetation in the area of the former borrow pit due north of the sandpit's northern boundary adjacent to Duckpit Wood. This area would be regraded and prepared using soils from the sandpit prior to sowing with the same native grass mix proposed for the sandpit restoration.

The seed mix to be used for the proposed restoration would comprise native flowering grasses and herbs which would provide fodder for bees and habitat for invertebrates and reptiles. Additional habitat would be provided by planting the depression between the sandpit and Coney Hill Landfill with willow, by a surface water attenuation pond, a native hedge, and extensive boundary planting.

The sandpit would be filled to the previously original approved pre-settlement contours associated with planning permission Ref. TA94/0980/A2. As a result, there would be temporary (earthworks, plant, infrastructure, vehicle movements etc.) and permanent effects (the final landscape with changes to the landform and after use) visual and landscape impacts resulting from the proposed infilling and restoration works.

However, these impacts would be transient given that the applicant is intending to complete all works within 8 years of the grant of any permission and mitigated by the existing and established vegetation surrounding the application site. Following restoration of the sandpit the application site would be assimilated into the surrounding landscape. This landscape assimilation together with the ecological enhancements offered by the applicant would enhance the local landscape and biodiversity and as a consequence local visual amenity. It would also provide for a beneficial and positive agricultural after use.

Although there are noise sensitive receptors in close proximity to the sandpit's boundaries no technical objections relating to the environmental noise impact of the proposal have been raised by statutory consultees or any other interested parties. The County's Noise Consultant has confirmed that he is satisfied with the applicant's noise assessment documentation. Accordingly, Officers consider that the application site can operate within the Surrey Noise Guideline limits subject to conditions.

The infilling of the sandpit would be subject to an Environmental Permit regulated by the Environment Agency. This regulatory authority has confirmed that the concerns raised by Sutton and East Surrey Water in relation to ground water pollution which may arise as a result of the proposal can be adequately addressed through this process. Having regard to Government guidance that the County Planning Authority should assume that the Environment Agency would operate effectively in this respect, Officers do not consider that the proposed extension of time would have a significant adverse impact on local water resources such that planning permission should be refused.

Given the location of the application site within Flood Zone 1 and considering the County Hydrogeologist's view that the only potential flooding issue identified relates to surface water run-off which would be controlled by a surface water management plan which the Environment Agency are satisfied with Officers do not consider that the proposal would result in flooding of

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the application site or displacement of surface water elsewhere such that it gives rise to flooding on adjacent land.

The County's Air Quality Consultant considers the measures set out in the applicant's Environmental Statement are consistent with the level of risk associated with the proposal in terms of air quality. However as it has been determined that nuisance dust effects are potentially significant without the implementation of mitigation measures and therefore the Air Quality Consultant has recommended that a dust action plan is formalised by way of a condition.

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Paragraph B46 of the Surrey Waste Plan 2008 states that minerals can be worked only where they are found and extraction need not be inappropriate development, provided that high environmental standards are maintained and that the site is well restored. Landfill is most often the means to that restoration. Neither landfill nor landraising activities need conflict with the purposes of including land in the Green Belt. Both can play a positive role in the objectives of the Green Belt: the after use of a site may provide the opportunities for access to restored open countryside, or improve damaged land around a town.

In this case Officers recognise that the infilling and restoration works will have a localised impact on the landscape and visual amenity. However, this impact would be transient given that the applicant is intending to complete all works within 8 years of the grant of any permission and mitigated by the existing and established vegetation surrounding the application site. Following restoration of the sandpit the application site would be assimilated into the surrounding landscape. This landscape assimilation together with the ecological enhancements offered by the applicant would enhance not only the ecological characteristics of the application site and adjacent land but also the local landscape and therefore local visual amenity. The restoration of the sandpit as proposed would also provide for a beneficial and positive after use of the land.

Officers recommend that planning permission Ref. TA11/1075 be GRANTED subject to the applicant entering into a S106 agreement with the County Planning Authority to secure the routing of HGVs and the provision of road signs along Barrow Green Road, and subject the following conditions:

APPLICATION DETAILS

Applicant

Killoughery Group Ltd.

Date application valid

25 July 2011

Period for Determination

30 May 2014

Amending Documents

Figure 2 "Site Plan" dated July 2011 (updated September 2011 to show PF508 and PB565)
Amended Planning Statement dated June 2013
Updated EIA non-technical summary dated June 2013
Revised Landscape and Visual Impact Assessment dated June 2013
Ecology Addendum 1 dated July 2011
Ecology Addendum 2 dated June 2013
Environmental Statement Addendum dated October 2013
Restoration and Aftercare scheme dated June 2013 revised February 2014
Planting Scheme dated June 2013 revised February 2014

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
Sustainable Waste Management	Yes	109 - 138
Highways, Traffic and Access	Yes	139 – 190
Ecology and Biodiversity	Yes	191 - 253
Visual and Landscape Impact	Yes	254 - 276
Environmental Noise	Yes	277 - 298
Flood Risk, Stability and Pollution	Yes	299 - 321
Air Quality	Yes	322 - 334
Metropolitan Green Belt	Yes	335 - 362

ILLUSTRATIVE MATERIAL

Site Plan

Phasing and Restored Profile Plan
 Site Context Plan
 Site Plan for Access Area
 Proposed Highway Mitigation and Improvement Measures

Aerial Photographs

Aerial 1: Land at Oxted Sandpit, Barrow Green Road, Oxted, Surrey
 Aerial 2: Land at Oxted Sandpit, Barrow Green Road, Oxted, Surrey

Site Photographs

Figure 1 – Western Boundary of the Sandpit
 Figure 2 – Northern Boundary of the Sandpit
 Figure 3 – Looking towards the South from the North West
 Figure 4 – Existing Access Area
 Figure 5 – Existing Access Area
 Figure 6 – Eastern Boundary of the Sandpit with Coney Hill Landfill beyond
 Figure 7 – Access Area in the Foreground with the Sandpit in the Background

SITE DESCRIPTION

1. The application site (“the sandpit”) is a former mineral working measuring some 9ha located on the eastern edge of Oxted. It is situated within the Metropolitan Green Belt. The Surrey Hills Area of Outstanding Natural Beauty boundary is located approximately 580m to the north of the sandpit adjacent to the M25 motorway.
2. The application site is owned by the applicant Killoughrey Waste Management Ltd. It is the final physical extension of historic sand workings in the immediate vicinity. Coney Hill Sandpit, which is located adjacent to the eastern flank of the application site was restored in the 1980’s by the landfilling of domestic and non-hazardous waste materials,

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3. As indicated, the eastern boundary of the application site abuts the restored Coney Hill site with the Palmers Wood Oilfield beyond (about 340m distant). The southern boundary of the sandpit abuts footpath 508 and bridleway 565 with a field and the A25 beyond. The western boundary of the application site is formed by Tandridge Hill Lane with residential properties to the west with fields and Tandridge Golf Course beyond. Immediately north of the sandpit is Duckpit Wood which is designated Ancient Semi-Natural Woodland. This woodland extends eastwards to Priory Shaw. Tandridge Priory Riding Stables is located along Barrow Green Road approximately 320m north east of the application site. Oxted Chalkpit is located some 2.3km north east of the application site off of Chalkpit Lane.
 4. Access to the sandpit is gained via an existing entrance which serves both the sandpit and also Coney Hill landfill. This entrance is gained from Barrow Green Road, a C class road. Barrow Green Road joins with the A25 some 300m to the south at a roundabout.
 5. The nearest dwellings to the application site are some 40m from its boundary on the western side of Tandridge Hill Lane (1 and 2 Tandridge Hill Lane). East Lodge lies approximately 50m to the south west and Surrey Hill House approximately 50m to the north west. Further dwellings are located to the north of the sandpit beyond Duckpit Wood including Greenacres, The Firs and North Model Farm. Three dwellings are situated to the south east on the corner of Barrow Green Road and the A25 (Old School House, 1 and 2 Paygate Cottages) all of which have vehicular access onto Barrow Green Road. Dwellings further to the north along Barrow Green Road include Barrow Green Farm Cottages, Barrow Green Farm, Barrow Green Court, The Farmhouse, Garden Cottages, Brookmead, Coach House, the Grange and Ridgeway Manor Residential Home.
 6. The application site overlies a sandstone aquifer which is designated a Source Protection Zone by the Environment Agency. Some 120m to the north of the application site is an associated public water supply borehole.

Planning History

7. In December 1976 planning permission Ref: TA75/0815 was granted for sand extraction from 8.97ha at Oxted Sandpit was granted as a western extension to the adjacent Coney Hill Landfill. This permission provided for the working of the sandpit for coarse grain silica sand with progressive infilling with inert waste and restoration over a 20-year period. The consent was subject to 27 conditions some of which required the submission of further details for approval.
8. Subsequently, in September 1977 details were approved by notice Ref. TA75815A pursuant to conditions 3, 5, 7, 11, 13, 20, 21 and 25 of permission Ref. TA75/0815. Whilst in October 1978 details of a landscaping scheme were approved by notice Ref. TA75/815B pursuant to condition 10 of the same.
9. In June 1980 planning permission Ref. TA75/0815 was granted for the working programme required by TA75/0815 to be varied so as to allow for a change in the direction of working and the creation of a new phase 1b.
10. In January 1989 planning permission Ref. TA87/1043 was refused for a 0.8ha north western extension to the sandpit.
11. The applicant has explained that because of problems with an unmarked drain which crossed the application site infilling did not commence as required by permission Ref: TA75/0815.

12. Accordingly, in June 1995 planning permission Ref. TA94/0980 was granted to vary conditions 26, 27(I), 27(II), 27(VI) and 27(XI) of permission Ref. TA75/815 so as to enable the site to be filled and restored over a period of 8 years commencing in June 1995. Condition 2 of this permission required that the deposit of waste should cease on or before 31 May 2003 and the site be restored within a period of twelve months following the cessation of filling. The nature of the fill materials was restricted by condition 7 to non-contaminated naturally occurring soils.
13. Planning permission Ref. TA94/0980, by virtue of condition 8, prohibited infilling of the application site until such time as the junction of the A25 and Barrow Green Road had been improved to the reasonable satisfaction of the County Highway Authority.
14. In October 1997 planning permission Ref. TA97/0256 was granted for the variation of condition 26 of permission Ref. TA75/0815 so as to permit working of sand for a further period not exceeding twelve months beyond 14 December 1996.
15. In January 2002 condition 2 of TA94/0980 was varied by notice Ref. TA01/0980A so as to extend the time period for completion of filling to 31 May 2011.
16. The highway improvement works required by condition 8 of planning permission TA94/0980 was discharged by the applicant in December 2002. At this juncture infilling of the application site had still not commenced.
17. In October 2005 condition 3 of TA94/0980 was varied by notice Ref. TA94/0980/A2 to allow for the revision of the approved restoration contours to create a 'V' shaped valley avoiding the need to fill on top of, and adjacent to, the Coney Hill western bund thereby reducing the volume of fill required to restore the sandpit.
18. In June 2007 condition 7 of TA94/980/A2 was varied by notice Ref. TA94/980/A3 so as to allow the infilling of the former quarry void with inert waste as defined in Regulation 7 (4) of the Landfill (England and Wales) Regulations 2002, together with any engineering materials necessary to line and cap the site and soils for restoration. At this juncture infilling of the application site had yet to commence.
19. Permission Ref. TA94/980/A3, by virtue of condition 3, required that the deposit of waste cease on or before 31 May 2011 and the application site be restored within a further period of 12 months i.e. by 31 May 2012.
20. In addition to the time limits imposed by planning permission Ref. TA94/980/A3 in respect of infilling and restoration, condition 28 of this permission required a detailed scheme of tree and shrub planting be submitted to the County Planning Authority for approval, whilst condition 30 of this permission required that an agricultural aftercare scheme be submitted to the County Planning Authority for approval.

THE PROPOSAL

21. Sand extraction has been associated with the sandpit since the 1970's. The original planning permission (Ref. TA75/0815) included not only the sandpit area but also an access to the sandpit located off of Barrow Green Road. Subsequently, a number of variations have been made to the planning permissions associated with the mineral working. However, at some point the sandpit's vehicular access and the area between the sandpit proper and that access point were excluded from the sandpit's planning red line application area. This anomaly was identified by the County Planning Authority during determination of planning application this application (Ref. TA11/1075).
22. Consequently, there is no planning permission associated with the application site's vehicular access area which would allow for its use in association with the infilling and

12 restoration of the sandpit although this area has historically been used for ancillary access and infrastructure relating to the mineral working. Consequently, the rationalisation of the application site which measures some 0.66ha, is necessary in order to facilitate the infill and restoration of the sandpit should the extension of time requested be permitted.

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23. Accordingly, this proposal must be considered in association with planning application Ref. TA13/1653 which seeks planning permission for installation and retention of a bunded fuel storage, wheel wash, site reception offices, weighbridge and hardstanding and the upgrade to the site access; and temporary use of them in connection with the backfilling with inert waste material and restoration to agriculture on land at Oxted Sandpit.
 24. Notwithstanding the above, the applicant has explained that the delay to commencing restoration of the sandpit in accordance with has been due to the need to obtain an Environmental Permit from the Environment Agency which had not been achieved by the time planning permission Ref. TA94/980/A3 required completion of landfilling activities and restoration of the application site i.e. by 31 May 2011 and 2012 respectively. Officers understand that the Environment Agency has now agreed to grant an Environmental Permit for infilling and restoration using inert waste materials subject to, inter alia, the appropriate planning permission being in place.
 25. Consequently, the applicant is seeking to vary condition 3 of planning permission TA94/0980/A3 so as to allow for an extension of time for a further eight years such that the mineral working can be restored using inert waste materials.
 26. In addition to seeking this variation the applicant has submitted detailed schemes of restoration and aftercare and planting so as to satisfy the requirements of conditions 30 and 28 of planning permission TA94/0980/A3 respectively.
 27. Accordingly, the proposal is to fill the sandpit with inert waste materials over a period of six years and to undertake planting and associated restoration activities over an additional year thereafter. However, before infilling could commence the applicant would need to undertake groundwater monitoring for several months in accordance with the requirements of the Environment Agency. Therefore an eight year extension of time is sought to account for groundwater monitoring, infilling, planting and associated restoration activities.
 28. Restoration is to be carried out so as to achieve an agricultural after use. Infilling will be undertaken progressively in an anticlockwise manner beginning with the north eastern corner of the sandpit. The total void space proposed to be filled equates to 490,000m³. This void space is reduced in volume to 338,000m³ when taking account of the 152,000m³ of clay liner and restoration soils necessary to achieve restoration of the sandpit. Accordingly, it would take approximately 507,000 tonnes of inert waste material to fill a void space measuring 338,000m³. The annual filling rate proposed is 75,000 tonnes of inert waste per annum and therefore the void is to be filled over a period ranging from 5.4 to 6.8 years depending upon which conversion rate is applied (a factor of 1.2 or 1.5).
 29. The applicant proposes to restore the application site to mixed species grassland with a five year post restoration aftercare strategy which includes continued maintenance for twenty five years thereafter. The scope of the aftercare scheme includes the sandpit's access from Barrow Green Road and a small borrow pit and vehicle tracks located north west of the sandpit adjacent to Duckpit Wood.

ENVIRONMENTAL IMPACT ASSESSMENT

30. In February 2010 Surrey County Council as the County Planning Authority (“CPA”) received a request for a screening opinion from the Killoughery Group Ltd. for an *“application for the variation of Condition 3 of Planning Permission TA94/0980 for an extension of time to 31 May 2018 to allow for infilling with inert waste and restoration to approved pre-settlement”* in respect of the site known as Oxted Sandpit, Barrow Green Road, Oxted, Surrey. This request was made under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (“the EIA Regulations”).
31. The resulting Screening Opinion adopted on the 19 April 2010 confirmed the CPA’s opinion that the proposed development was *“EIA development”* and advised that any planning application submitted in this respect should be accompanied by an Environmental Statement (“ES”). The applicant did not seek a formal scoping opinion in respect of the proposed development.
32. In July 2011 planning application Ref. TA11/1075 was submitted to the CPA by The Landscape Partnership on behalf of their client Killoughery Waste Management Ltd. in relation to the Oxted Sandpit site for an *“Extension of time for the infilling with inert waste and restoration pursuant to Condition 3 of planning permission TA/94/980/A3”*. This proposal sought an extension of the end date for infilling and restoration of the site from the 31 May 2012 to a date that allows a period of eight years from the commencement of restoration activities. That planning application was accompanied by an ES.
33. On 22 March 2012, the CPA made a request for further information under Regulation 22 of the EIA Regulations 2011 in respect of matters relating to traffic, noise and ecology. On 31 October 2013 further information was submitted in response to this request. A separate planning application Ref. TA13/1653 was also submitted at this time to regularise ancillary development within the site and to make improvements to the access onto Barrow Green Road.
34. The ‘ES Addendum’ submitted in October 2013 covers the original application (TA11/1075) for an extension of time for restoration of the site and the separate planning application (TA13/1653) made in respect of the site access and ancillary development. This addendum provided further information in respect of matters relating to traffic, noise and ecology.
35. In January 2014 the CPA undertook an Environmental Statement Review in relation to both planning applications Refs. TA11/1075 and TA13/1653. This exercise concluded that the ES, as submitted, is of an acceptable standard for the associated planning applications to be determined; as submitted, the ES complies with the minimum information requirements set out in Part II of Schedule 4 of the EIA Regulations 2011; as submitted, the ES provides as much of the information listed under Part I of Schedule 4 of the EIA Regulations 2011 as could be reasonably required for a scheme of the type and scale of the proposed development.

CONSULTATIONS AND PUBLICITY

36. Initial publicity, notification and consultation procedures were undertaken in respect of this application by the CPA in August 2011. In addition to a press release a notice was publicised in the Bromley and Tandridge News on 1 September 2011, two site notices were erected around the perimeter of the application site, 12 notification letters were sent to neighbouring properties and other interested parties, and the views of 26 statutory and non-statutory consultees were requested in writing.
37. Further to a request for further information in accordance with the EIA Regulations made by the CPA in March 2012, the applicant submitted further amending and amplifying information in support of the application in November 2013. At this time the CPA repeated the above described publicity, notification and consultation exercises including

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publication of a notice in the Bromley and Tandridge News on 13 November 2013. Additional amplifying information was also submitted by the applicant in February 2014 which also instigated similar publication, notification and consultation.

38. A synopsis of the views received from statutory and non-statutory and other interested parties in respect of the proposal is given below. Officers have sought to address any concerns raised by consultees and other interested parties throughout the relevant sections of this report:

Statutory and Non-Statutory Consultees

*Tandridge District Council (Planning) - **OBJECT***

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39. Tandridge District Council (“the District Council”) objects to the proposed extension of time. They raise concerns about the cumulative impact of vehicles accessing and egressing the site having regard to vehicle movements associated with Oxted Chalkpit.
40. The District Council consider that HGV traffic to the Chalkpit is already placing considerable pressures on the local highway network and highlight substantial local opposition to the introduction of any more HGV traffic to the area. Even though the access to the sandpit is around 350m north of the roundabout on the A25 and with the physical constraints proposed at the entrance the District Council do not consider that this would stop vehicles coming from the north travelling past the sandpit and on to the roundabout to return north along Barrow Green Road or negate the possibility of laden HGVs leaving the sandpit having to pass other HGVs travelling north along Barrow Green Road to either the sandpit or chalkpit.
41. The District Council considers that the local highway network is inadequate in width for two HGVs to pass and they also consider that there is the potential for conflict between HGVs, whether travelling to the chalkpit or the sandpit, and cyclists and equestrians who would have to share the carriageway. They highlight the fact that Barrow Green Road is part of the Surrey Cycle Network and that there is no dedicated cycle path.
42. The District Council do not consider that their concerns relating to traffic and the local highway network are capable of being overcome by the imposition of planning conditions or legal agreements.
43. In respect of noise the District Council consider that an appropriate noise condition should be imposed if planning permission is granted. In respect of landscape and restoration the District Council would appear not to have any concerns so long as the County Landscape Architect, Natural England and Surrey Wildlife Trust are satisfied with the proposals.

*Tandridge District Council (Environmental Health) – **NO OBJECTION SUBJECT TO CONDITIONS***

44. Tandridge District Council’s Environmental Health Officer has acknowledged the existing permission to infill the sandpit and therefore has not raised any objection to the development provided appropriate conditions are imposed on any permission granted so as to control dust emissions and minimise noise and vibrations. In respect of pollution prevention and control the Environmental Health Officer recognises that the development would be regulated by the Environment Agency.

*The Environment Agency - **NO OBJECTION SUBJECT TO CONDITIONS***

45. The Environment Agency (“EA”) have not raised objection to the proposed extension of time. They have commented that once they have received assurances relating to suitable infrastructure and methods of working are in place to minimise the risks to

controlled waters from any permitted operations at the site in future an Environmental Permit will be issued. Accordingly, their advice under the previous permission would be relevant with regard to groundwater protection.

46. The EA will only accept inert waste to be used to infill the sandpit and have confirmed that they are satisfied with the surface water drainage scheme proposed but would remind the applicant that a separate land drainage consent from the EA may be required for works within existing watercourses.
47. The EA have also confirmed that the draft permit has a pre-operational condition that required groundwater monitoring to establish a baseline condition before any inert waste is deposited at the site. Further, they have confirmed that there will be no commencement of activities until the conditions stated within the permit have been satisfied.
48. The EA have also stated that the responsibility for the protection of the Sand Martin colony lies with Natural England. However, if engineering works will affect the breeding/rearing period of a colony then the Construction Quality Assurance plan/report required as part of the environmental permitting process should reflect this and the work should be delayed or amended accordingly.
49. Additionally the EA have confirmed that on 16 August 2011 the EA was directed to grant a permit for the landfilling of inert waste, in terms of the draft permit dated October 2010. This permit will be issued once the Financial Provision agreement is signed and dated by the applicant but to date this has not been done.
50. Notwithstanding the above, the EA has advised that applicant does not identify if any invasive plants such as Japanese Knotweed is absent or present on site. The EA have stated that if any invasive plants are present then the applicant should propose a course of action for dealing with them. This is to preserve indigenous plants in the location and the surrounding areas. If an invasive plant subsequently appears then it will almost certainly be due to the activities on site. The operator should be aware of guidance relating to invasive plants and ensure that the site operations take them into account. The Wildlife and Countryside Act 1981 states that it is an offence to “plant or otherwise cause to grow in the wild” any plant listed in Schedule Nine, Part II of the Act. This lists over 30 plants including Japanese Knotweed, Giant Hogweed and Parrot’s Feather. The police are responsible for investigating this offence and each police force has a wildlife liaison officer who can be contacted. The EA are responsible for ensuring that knotweed waste is managed and disposed of in accordance with the knotweed code of practice and this is available on their website.

Natural England – NO OBJECTION

51. Natural England (“NE”) is satisfied that the proposed development being carried out in strict accordance with the details of the application would not damage or destroy the interest features of Woldingham and Oxted Downs Site of Special Scientific Interest (“SSSI”) and Godstone Ponds SSSI. Accordingly, they have advised that these two designations do not represent a constraint in determining this application and therefore they have not objected to the proposed extension of time.
52. However NE considers that the development relates to the Surrey Hills Area of Outstanding Natural Beauty (“AONB”) and they have therefore advised that the CPA seek the advice of the Surrey Hills AONB board. Further, NE has recommended that the CPA consider securing measures to enhance the biodiversity of the site in accordance with paragraph 118 of the National Planning Policy Framework.

Surrey Hills AONB Board – NO OBJECTION

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53. The Surrey Hills AONB Board (“the Board”) has not raised objection to the proposed extension of time. They state that the application site lies about 300m south of the AONB. Additionally the Board has confirmed that the sandpit has not been included in an AONB candidate area in connection with the boundary review of the same.
54. Accordingly, the Board considers that the AONB issue is therefore whether the proposed development would harm views to or from the AONB. From a desktop exercise it would appear to the Board that the sandpit does not feature in views out of the AONB because of the contours and intervening woodlands. They have also commented that any views of the proposed development to the AONB would be localised and would be unlikely to feature in significant wider public views.
55. As a consequence the board considers that the CPA’s Landscape Architect’s advice is likely to be more authoritative and detailed than the board can offer in respect of this matter. The board have also acknowledged that the sandpit has been long established and confirmed that restoration to agriculture is welcomed since it is the agricultural use of parts of the landscape, together with woodlands, in the area that makes the most positive contribution to its landscape character.
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*Surrey County Council Landscape Architect – **NO OBJECTION***

56. The County’s Landscape Architect (“LA”) has not objected to the proposed extension of time on the basis that it is not considered that the proposal would result in significant adverse impacts on the area in terms of landscape and visual character.
57. However, the LA has raised concern in respect of the applicant’s proposals to mitigate the impact of infilling on the existing Sand Martin habitat located within the application site.

*Surrey Wildlife Trust – **NO OBJECTION SUBJECT TO CONDITIONS***

58. Surrey Wildlife Trust (“SWT”) does not raise objection to the proposed extension of time. They have commented that should SCC be minded to grant planning permission the applicant should be required to undertake all the recommended actions in section 4.0 of the Ecology Addendum-2 (proposed mitigation) including proposed enhancements as this would help prevent adverse effect to legally protected species. SWT has advised the CPA to ensure that the proposed development does not impact adversely on the important habitat of Duckpit Wood.
59. In respect of the applicant’s Sand Martin Mitigation Proposals Report (Revision B) dated February 2014 the SWT comments that this document contains much useful information for the CPA to be able to assess the status of this legally protected and important species on the proposed development site and the likely effect of the development on them. SWT advises that should planning permission be granted the applicant should be required to undertake all the mitigation and compensation actions in sections 2.2 and 2.3 of this report.
60. SWT also advises that in addition the CPA should ensure that no works take place near the sand martin colony during their breeding season as there may be a risk of an offence being committed under the Wildlife and Countryside Act. Further, SWT recommends that the proposed new artificial nesting facility is constructed outside of the nesting period and made ready for the start of the next nesting season. The existing sand martin colony appears to be within a layer of sand of a consistency which the birds find most suitable for nest tunnel excavation and therefore SWT considers that it is likely to be important to the future of the existing colony that this layer is preserved as part of the proposed retained cliff face and that the new roost facility replicates as closely as possible this stratum. SWT supports the applicant’s intention to monitor the progress of the sand martin colony and invertebrate populations as part of the Restoration and

Aftercare Scheme (report dated June 2013 Section 5) as they consider that this will allow any required modification to the mitigation of the site to be identified and undertaken to help conserve the biodiversity value of the site.

*Sutton and East Surrey Water - **NO OBJECTION***

61. Sutton and East Surrey Water have raised concerns with regards to matters relating to pollution prevention and control which they acknowledge are matters for the environmental permitting process rather than this planning application. The EA have confirmed that the concerns raised by Sutton and East Surrey Water can be addressed through the environmental permitting process.

*Gatwick Airport Safeguarding - **NO OBJECTION***

62. Gatwick Airport has examined the proposals from an aerodrome safeguarding perspective and confirmed that it does not conflict with safeguarding criteria.

*Health and Safety Executive – **NO OBJECTION***

63. The Health and Safety Executive have not objected to the proposed extension of time.
64. They have however stated that surface mineral workings are subject to the provisions of the Health and Safety at Work etc. Act 1974 and the Quarries Regulations 1999, and explained that enforcement in this respect is undertaken by the Quarries Inspectors and the Health and Safety Executive who have knowledge and expertise regarding geotechnical considerations. They have provided further explanation in this respect by stating that under the Quarries Regulations it is the responsibility of the operator to ensure that excavations and tips are designed, constructed and operated and maintained so as to ensure that instability or movement which is likely to give rise to the health and safety of any person is avoided. As the proposed development involves a quarry, the details of the consultation should be forwarded to the HSE's Quarries National Inspection Team. The Health and Safety Executive has advised the CPA that it should seek information from applicants in respect of design and stability reports undertaken by a competent geotechnical specialist, as defined in the Quarries Regulations.

*Surrey County Council Hydrogeologist – **NO OBJECTION***

65. The County's hydrogeologist initially raised concerns with regards to the proposed extension of time due to a lack of sufficient information. However, having reviewed the amending and amplifying information submitted by the applicant in November 2013 it has been confirmed that the applicant's submission addresses the areas of concern with respect to slope stability and that it is no longer considered that this issue remains to be addressed in planning terms. The additional information provides an assessment of the stability of the lining system, particularly that providing the side and basal lining to the site, and have included assessments in both short term and long term scenarios.
66. The County's hydrogeologist has also confirmed that the information has demonstrated adequate factors of safety in accordance with current guidance based on reasonable assumptions on the likely geotechnical parameters of the lining system. However, it is noted by the hydrogeologist that the precise source of materials has yet to be confirmed and therefore should there be a material difference in soil properties then the assessment would need to be readdressed.
67. Accordingly, the hydrogeologist considers that that application and approach to the restoration proposed is adequate. Moreover, the hydrogeologist has acknowledged that the proposed restoration and the construction and precise detail associated with the

12 lining components will be scrutinised by the EA as part of the environmental permitting process.

Surrey County Council Archaeologist – NO OBJECTION

68. The County's archaeologist has not objected to the proposed extension of time as the area of the quarry void will have been destroyed in archaeological terms during the extraction of the sand, and the proposal does not involve any further sand excavation in currently undisturbed areas.

Surrey County Council Environmental Noise – NO OBJECTION SUBJECT TO CONDITIONS

69. The County's noise consultant has not raised objection to the proposed extension of time subject to the following conditions:

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- I. All plant and machinery shall operate only in the permitted hours, except in emergency, and shall be silenced at all times in accordance with the manufacturer's recommendations
 - II. Except for temporary operations the level of noise arising from any operation, plant, or machinery on the site, when measured at, or recalculated as at, a height of 1.2 metres above ground level and 3.6 metres from the facade of a residential property or other noise sensitive building that faces the site shall not exceed 55 LAeq, during any 30 minute period
 - III. For temporary operations such as site final restoration, soil and overburden spreading, bund removal, the level of noise arising when measured at, or recalculated as at, a height of 1.2 metres above ground level and 3.6 metres from the facade of a residential property or other noise sensitive building that faces the site shall not exceed 70 LAeq, during any 30 minute period.

Surrey County Council Air Quality – NO OBJECTION SUBJECT TO CONDITIONS

70. The County's air quality consultant has not objected to the proposed extension of time. The consultant has commented that the measures set out in the applicant's Environmental Statement are consistent with the level of risk associated with the operation of the facility of this scale.
71. However, given that the applicant has determined that nuisance dust effects arising from the proposal would be "potentially significant" without the implementation of mitigation measures, it is recommended that the requirement for a Dust Action Plan is formalised by way of a condition should permission be granted.

Highways Agency – NO OBJECTION

72. The Highways Agency has raised no objection in relation to the proposed extension of time.

The County Highway Authority – NO OBJECTION SUBJECT TO CONDITIONS AND LEGAL AGREEMENTS

73. The County Highway Authority ("CHA") has not objected to the proposed extension of time provided that the applicant enter into a S278 legal agreement to deliver the highway improvements proposed and a S106 legal agreement to secure the routing of HGVs and the provision of road signs along Barrow Green Road. Moreover, the CHA advise that the following conditions and informatives be imposed on any planning permission granted:

Conditions

- I. Work shall not commence unless and until the access modifications, works to Barrow Green Road and wheel washing facilities the subject of TA/13/1653 have been implemented
- II. The means of access to the development shall be from the existing access to Barrow Green Road, as modified, only
- III. The operator shall keep the public highway clean and prevent the creation of a dangerous surface on the public highway. The wheel washing facilities shall be retained and used whenever operations are carried out
- IV. The number of HGV movements to and from the site shall not exceed 110 per day (55 HGVs) Monday to Friday and 60 movements (30 HGVs) on Saturdays. Records of HGV movements on a daily basis to and from the site shall be maintained for up to one year at any one time and shall be made available to the County Planning Authority upon request

Informatives

- I. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council
- II. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a Section 278 Agreement will need to be completed before any works are carried out on the footway, footpath, carriageway, verge or other land forming part of the highway.
- III. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing the highway surfaces and prosecutes persistent offenders.
- IV. The applicant is advised that as part of the detailed design of the highway works, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

*Surrey County Council Ecologist – **NO OBJECTION SUBJECT TO CONDITIONS***

74. SCC's Ecologist has not objected to the proposed extension of time subject to conditions being attached to any planning permission granted to require that the proposed ecological mitigation measures are implemented.
75. However, as with the County's Landscape Architect, the County's Ecologist has raised concerns with regards to the mitigation offered by the applicant in respect of the existing Sand Martin colony present on site.

*Surrey County Council Principal Enhancement Officer – **NO OBJECTION***

76. The County's Principal Enhancement Officer ("PEO") has not objected to the extension of time proposed. The PEO has commented that he is satisfied with the Landscape and Visual Impact Assessment undertaken by the applicant. However, the grassland scheme proposed has been queried as this may not fit with the soils and substrate. The

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PEO has also queried the planting mix proposed but welcomes the offer of a 25 year management scheme. The PEO notes that a 1.8m high sand face for sand martins and hymenoptera is being offered but has raised concern about the justification for and lack of detail in respect of these mitigation measures.

*Surrey County Council Rights of Way – **NO COMMENTS TO MAKE***

77. Following amendment of Figure 2 to show footpath 508 and bridleway 565 the Rights of Way Officer has no comments to make in respect of the proposals.

*English Heritage – **NO COMMENTS TO MAKE***

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78. English Heritage (“EH”) have stated that on the basis of the information provided it appears that the plans are likely to lead to an application for which EH would be a statutory consultee. However, it is not possible or necessary for EH to engage with every proposal which may affect the historic environment. Accordingly, on the basis of EH’s understanding of the present scope of the work we EH has no comment to make in respect of the proposed extension of time.

Parish Councils and Amenity Organisations

*Oxted Parish Council – **OBJECT***

79. The Parish Council objects to the proposed extension of time as it remains concerned that HGV movements into and out of the site will cause noise, congestion and inconvenience to other road users due to narrow, windy roads. Even with road improvements, the Parish Council considers that a commitment would need to be given by the applicant that traffic would only access/egress the site from the roundabout on the A25 and then along Barrow Green Road and Chalkpit Lane. On the issue of access for other road users, the Parish Council are concerned about the danger to users of the bridleway. Finally, clarification is sought that all permission from landowners are in place for the necessary road improvements.

*Limpsfield Parish Council – **NO OBJECTION SUBJECT TO CONDITIONS***

80. Limpsfield Parish Council does not object to the proposed extension of time provided traffic approaching from the north and east only utilise the A25 and do not travel through Limpsfield village on the B269 or down Detillens Lane. Further, the Parish Council would like to see restrictions on the rate of fill per day and the presentation of a routing and timing schedule for lorries entering and leaving the site co-ordinated with those travelling to the Chalk Pit Lane site to the satisfaction of the local community with full details to be agreed before the extension of time is put in place. The Parish Council also consider that any extension of time granted should be on condition that no further applications for extension of time are made in the future.

*Tandridge Parish Council – **NO OBJECTION SUBJECT TO CONDITIONS AND LEGAL AGREEMENTS***

81. The Parish Council considers that the use of the Coney Hill access closer to Tandridge Priory would not be acceptable and that this should be prohibited by condition. The Parish Council also considers that the daily limit of the number of HGV movements should be considerably reduced from 55 to something more reasonable, perhaps 20 per day. There should also be no allowance for HGV movements at the weekend as the road is more heavily used by horse riders, cyclists and other recreational users.

82. In addition, the Parish Council considers that there should be a restriction on the size of the HGVs servicing the site as anything with a load in excess of a 20 tonne load is likely to prevent passing traffic. Whilst the Parish Council welcomes the applicant’s proposals

to widen two corners in Barrow Green Road, to facilitate two way traffic, and the installation of a barrier to prevent HGVs turning right into the site or left out of the site, they do not consider that these measures go far enough to prevent HGVs approaching the site from the other end of Barrow Green Road. The Parish Council considers that there should be more signage for HGVs entering the site, an approved routing plan for all vehicles visiting the site and significant penalties for those who do not comply with them. These need to be binding on the applicant and enforceable by Surrey County Council.

83. Moreover, in view of the close proximity of the stables which is well used by local riders, including Riding for the Disabled, and the need for them to use this stretch of road to access the bridleway, the Parish Council advocates that there should be an enforceable maximum 20mph speed limit imposed on the stretch of Barrow Green Road from the entrance to the site to the A25 and that the applicant should be responsible for the costs associated with its implementation. Moreover, the applicant should be required to ensure that the cleanliness of all HGVs entering and leaving the site is suitably monitored and that any spillages are cleared up promptly and effectively.
84. Furthermore the Parish is concerned that a large number of HGVs using the roundabout at the junction of Barrow Green Road and the A25 are likely to cause damage to the roundabout, particularly to the cobbled surround and consider that there should be a provision within any planning permission that the applicant provide funds up front to allow the Highway Authority to attend to any damage to the roundabout promptly to prevent its deterioration and to ensure that it remains in good repair throughout the period of any permission granted.
85. Additionally, the Parish Council consider that should permission be granted it should be a condition that the site may only be used for infilling and not for other purposes such as screening or crushing operations, and that no further extensions should be granted at any point in the future which might allow for other operations at the site or delay the restoration of the land to its previous landscape.

British Horse Society - OBJECT

86. The British Horse Society's ("BHS") main objection to the proposed extension of time is the disruption to the area and increased danger to horse riders due to the number and size of HGVs on this part of Barrow Green Road. The BHS consider that the proposed changes to the road layout would not address this problem since there is nothing to prevent two HGVs attempting to pass each other between the exit to the site and the A25 whilst there is a horse on the road. The BHS note that there are no "escape routes" for horse riders. Moreover, they consider that from the A25 it is impossible to see if a lorry is leaving the site and the alterations to the road layout will not ameliorate this.
87. However, if permission is granted the BHS consider that there should be no Saturday, Sunday, Bank Holiday working, HGV size should be limited to 32 tonne tippers, there should be a limit on the number of lorries daily, there must be large signs warning drivers of the potential presence of horses both at the junction with the A25 and within the site and drivers must be advised to stop if a rider signals them to do so and switch off their engine. Moreover, the BHS advocates that the stretch of Barrow Green Road from the A25 to the site entrance should have a 20mph speed limit and that the wheel washer should be positioned further away from the road as it startles horses.

Oxted and Limpsfield Residents Group - OBJECT

88. The Oxted and Limpsfield Residents Group ("OLRG") has objected to the proposed extension of time. A summary of their concerns is provided below:
- The application has been made in under Section 73 of the Town and Country Planning Act 1990 however they do not consider this process is lawful and correct

given that the site has been dormant since 1998 and no Environmental Permit is in place for the application site and therefore it is considered that previous planning permission relating to the application site have not been implemented

- Planning permission TA94/0980/A3 expired before the applicant submitted a valid application and therefore the application is incapable of determination and a fresh application for planning permission needs to be made
- The Planning Statement is out of date in terms of regulations referred to
- There have been road traffic incidents involving quarry related vehicles on Barrow Green Road and Chalkpit Lane and there is a history of road safety breaches that have not been considered as part of this application
- Barrow Green Broad does not have the capacity to safely accommodate the additional HGV movements proposed and no measures have been proposed for mitigation nor mechanisms for securing them or monitoring/ reviewing them
- The opinion that the existing site's access is suitable in highway terms was rejected by the Minerals Plan Inspector's report and the application only relates to the existing access and egress arrangements and not the suitability or otherwise of the local highway network to cope with cumulative HGV traffic
- The application fails to adequately assess the impacts including access to and from the motorway and the primary road network
- The baseline period of one week for vehicle movements only represents a snap shot in time and cannot provide a robust basis to forecast a trend over a longer period
- The proposals effect on receptors such as equestrians, cyclists and walkers have not been assessed properly
- The applicant's Transport Statement and Environmental Statement fail to adequately assess and report on alternatives to the proposed development in terms of alternative methods of restoration and alternative periods of time for restoration to be carried out
- The County Planning Authority should require the applicant to submit information as to the financial resource available to the applicant to ensure the restoration is completed
- The speed limit on Barrow Green Road between the sandpit and the A25 should be reduced to 20 miles per hour based on the number of speeding vehicles that drive down this road already, the use of the road by horse riders, cyclists and children and their parents travelling to and from local schools and there should be measures for monitoring this
- If permission is granted the OLRG have requested that the number of HGV movements are reduced to no more than 34 two way movements per week day and prohibition of HGV movements on weekends and public holidays
- Whilst several measures have been provided to ensure highway safety surrounding the site, there has been no consideration of the need to clean up and make good any debris and or damage caused to the highway and or adjacent land by HGV movements or to maintain an incident telephone line during approved hours

- There is no assurance as to how the applicant will carry out the proposed highway mitigation measures
- There is an inconsistency with the end date of the proposed works between the 2011 application and the 2013 application
- The calculation figures for infilling the site would mean it would take 9.8 years to fill and clarification should be sought on this matter
- The number of vehicle numbers should be lowered from 55 inbound movements to mirror the 75,000 tpa figure to 17 inbound movements. HGVs should also be prohibited on Saturdays, Sundays and public holidays

Surrey Bird Club - OBJECT

89. The Surrey Bird Club has objected to the proposed extension of time on the basis that the sandpit has an established colony of Sand Martins which has been successfully active in 2012 and 2013. The club advises that the Sand Martin's conservation status is Amber listed with a European status of "unfavourable declining". They recommend that the best option would be to preserve the colony's current nesting cliff along with sufficient open area to permit unhindered access by the birds.
90. Alternatively it is possible, but not certain, that the birds could be persuaded to move to an alternative cliff face within the sandpit. Another alternative is suggested as being the provision of an artificial nesting site which have sometimes, but not always, been successful elsewhere. Due to the uncertainties associated with these alternatives the club asserts that it could only support them as measures of last resort. The club warns that there has been a steady breeding decline of the Sand Martin species in Surrey, largely due to the infilling of sites and other habitat changes, and the number of colonies in the County is now believed to be in single figures and that loss of this particular colony would thus have a significant adverse effect on the County's avifauna as well as on the biodiversity value of the application site.
91. Moreover the club advises that Regulation 9A of the Conservation of Habitats and Species Regulations requires competent authorities to use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds. The same regulation requires appropriate authorities to preserve and maintain a sufficient diversity of habitat for wild birds.

Summary of publicity undertaken and key issues raised by public

92. A total of 14 public representations have been made in respect of the proposed extension of time. The matters raised by these representations are summarised as follows and Officers have sought to address them throughout this report:
- The developer has had ample opportunity to carry out the landfilling which for commercial reasons they have not chosen to do
 - It would be better for the developers to find another use for the site
 - Residents have suffered years of excessive noise, the physical eyesore that is the application site and the uncertainty of when the trucks would start dumping there
 - There would be problems caused by the HGVs which would result from this development if it were to go ahead
 - There are already a large number of vehicles on Barrow Green Road going to Oxted Chalkpit and this application would make the situation worse

- The HGVs damage the road surface, cause the sinking of manholes in the road and deep rutting of the grass verges
- Barrow Green Road is not constructed to support such heavy loads and highway damage gives rise to safety issues for smaller vehicles
- The most highway damage occurs when lorries have to pass each other when travelling in opposite directions - the proposal would result in this situation
- Barrow Green Road does not have footpaths and any increase in traffic over this end of the road would make pedestrian or cycle use more dangerous and would result in a significant loss of public amenity

- Barrow Green Road is long, winding, tortuous, with many bends, dips and blind summits, and above all some stretches (including those immediately preceding and following the blind spots) which are now so narrow that heavy goods vehicles are unable to keep entirely on the correct side of the road, even if they are well driven. This road is entirely unsuitable for this sort of traffic at all
- The number of HGV movements along Barrow Green Road is simply excessive. The road is already overcrowded and suffering severe damage with the number of movements too and from the Oxted Chalk pit site. We fear that a serious accident involving pedestrians, cyclists or horse riders is inevitable
- There is a safety issue with vehicles associated with this proposal and the stables
- The proposal would generate dust and an increase in noise levels particularly as there is a high incidence of north westerly winds
- Appreciate the site has to be restored at some point but this should be done more sympathetically with using a far fewer vehicle movements, restriction to vehicular access and exit of the site and a reduced speed limit in Barrow Green Road
- Consideration should be given to the fact that Oxted Chalkpit is in close proximity to the application site
- The application should be refused on the basis that the Planning Inspector for the Surrey Minerals Plan expressed concerns regarding the impact from the HGV traffic for both the Chalkpit and the Sandpit and recommended that the scheme to extend the Sandpit for further sand extraction be deleted for this reason
- The application site is home to a colony of Sand Martins and this would be lost should the proposal proceed. Sand Martins are classified in the UK as an amber list species under the Birds of Conservation Concern review because of recent declines in numbers. Consideration should be given to the protection of this colony. According to the latest Surrey Bird Report (2007) there are no other sites close to Oxted Sandpit with Sand Martins. The sand face is a permanent north facing breeding site which is both consistent and stable. Work should be undertaken to discover why the burrows are there and whether there is potential for the colony to expand
- To allow a further eight years is to subject the local residents and community to eight more years of anguish regarding the site

THE DEVELOPMENT PLAN

93. SCC as the CPA has a duty under S38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 (“the 1990 Act”) to determine planning application TA11/1075 (“the application”) in accordance with the Development Plan unless material considerations indicate otherwise.

94. Further, section 70(2) of the 1990 Act requires the CPA, in determining the application, to have regard to (a) the provisions of the Development Plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations.

95. At present in relation to this application the Development Plan comprises the Surrey Waste Plan 2008 (“SWP”), the Tandridge District Core Strategy 2008 (“TDCS”) and saved parts of the Tandridge District Local Plan 2001 (“TDLP”). Moreover, as the proposal concerns the restoration of a former mineral working the Surrey Minerals Plan Core Strategy Development Plan Document 2011 (“SMP”) is considered material to determination of the application.

96. Notwithstanding the above, although the TDCS sets out the key local plan policies for the district, the District Council agreed in September 2012 to commence work on a review of this document. Consequently they are working on Detailed Policies which will replace the Local Plan. A consultation on the District Council's draft preferred approach was carried out between 31 January and 15 March 2013 with its pre-submission consultation carried out from 27 June until 9 August 2013. An examination hearing in relation to the Detailed Policies took place over 7 and 8 January 2014. Following initial feedback from the Inspector the District Council is proposing to make eight “Main Modifications” to the proposed policies in order to address issues of “soundness” identified. Accordingly, where material, Officers have assessed the District Council's Detailed Policies (“emerging policies”) in relation to the proposed extension of time.

97. A further material consideration in respect of the application is The National Planning Policy Framework (“the Framework”) which was adopted in March 2012. This document provides guidance to the CPA in producing local plans and in making decisions on planning applications. It also advocates that these plans and decisions must reflect, and where appropriate promote, relevant European Union obligations and statutory requirements. The Framework is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policies statements and guidance notes, circulates and various letters to Chief Planning Officers.

98. The Framework states that policies in Local Plans should not be considered out of date simply because they were adopted prior to its publication. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies are to the policies in the Framework, the greater the weight that may be given).

99. Although the Framework does contain policies relating to mineral development it does not contain specific waste policies. Instead national waste management policies are contained within the Waste Management Plan for England 2013 (“WMP”) and set out by Planning Policy Statement 10 - Planning for Sustainable Waste Management 2011 (“PPS10”). PPS10 is currently being updated and has been subject to public consultation.

100. The WMP is a high level document which is non-site specific. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of Directive 2008/98/EC otherwise referred to as the Waste Framework Directive. The WMP supersedes the previous waste management plan for England – The Waste Strategy 2007.

101. The WMP explains how we deal with our waste is important for our society. It affects the availability of materials and energy needed for growth as well as our climate change and environmental objectives. It goes on to detail that the Government's commitment in this respect is focused on the sustainable use of materials and on improving services to householders and businesses, while delivering environmental benefits and supporting economic growth. It also advocates working towards moving beyond our current throwaway society to a "zero waste economy" in which material resources are reused, recycled or recovered wherever possible and only disposed of as the option of last resort. This means reducing the amount of waste we produce and ensuring that all material resources are fully valued – financially and environmentally – both during their productive life and at "end of life" as waste.

102. The WMP envisages that the resulting benefits of such sustainable waste management will be realised in a healthier natural environment and reduced impacts on climate change as well as in the competitiveness of our businesses through better resource efficiency and innovation – a truly sustainable economy.

103. PPS10 provides the planning framework to enable local authorities to put forward, through local waste management plans, strategies that identify sites and areas suitable for new or enhanced facilities to meet the waste management needs of their areas. The overall objective of PPS10 is to protect human health and the environment and to encourage more sustainable waste management by moving waste up the waste hierarchy by moving away from landfill towards more sustainable options for waste management.

104. PPS10 acknowledges that some waste proposals that come forward may not be identified within a Development Plan and as such advises that unallocated sites should be considered favourably when consistent with the policies of PPS10 including locational criteria set out in Annex E of PPS10 and the SWP. In the case of waste disposal proposals applicants will be required to demonstrate that the proposal would not undermine the waste planning strategy through prejudicing movement up the waste hierarchy.

105. Once the Updated national waste planning policy: Planning for sustainable waste management ("updated PPS10") document has been finalised, it will replace PPS10 as the national planning policy for sustainable waste management in England.

106. The updated PPS10 follows a similar structure to policies in the Framework, setting out policy which should be considered through local plan making and also when determining the planning application. Appendix A of the updated PPS10 sets out the waste hierarchy which underpins the delivery of sustainable waste development, with Appendix B setting out those factors against which the CPA should consider in assessing the suitability of sites or areas for waste development. Both appendices are largely a carryover from existing policy in PPS10.

107. However the Government's support for stringent protection against inappropriate development in the Green Belt has been reflected in the updated PPS10. The updated policy removes the former reference in PSS10 that the CPA should give significant weight towards locational needs and wider environmental and economic benefits when considering waste planning applications in the Green Belt. This means that, under national planning policy, these planning considerations should not be given more significant weight compared to others when the planning application is determined. However the proposal, which is located in the Green Belt, will still need to be considered by the CPA on its individual planning merits having regard to the Development Plan and other material considerations, with the weight to be given on particular planning considerations being for the decision maker, subject to the circumstances of each particular case.

PLANNING CONSIDERATIONS

108. Given the nature, scale and location of the proposed development, and having regard to the responses of Statutory Consultees, Officers consider that the following planning matters are material to whether the proposed extension of time, restoration and aftercare proposals accord with the Development Plan: (a) waste management issues, (b) highways, traffic and access, (c) ecology and biodiversity, (d) landscape and visual impact, (e) environmental noise, (f) flood risk, pollution and land stability, (i) air quality and (j) green belt considerations.

SUSTAINABLE WASTE MANAGEMENT

National Guidance

Waste Management Plan for England 2013

Planning Policy Statement 10 - Planning for Sustainable Waste Management 2011

Updated national waste planning policy: Planning for sustainable waste management 2013

Development Plan Policies

Surrey Waste Plan 2008

Policy CW4 – Waste Management Capacity

Policy CW5 – Location of Waste Facilities

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

Policy Context

109. In England, the waste hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011 (“The 2011 Regulations”). The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill).
110. The Waste Management Plan for England 2013 (“WMP”) advocates that the dividends of applying the waste hierarchy will not just be environmental and explains that we can save money by making products with fewer natural resources, and we can reduce the costs of waste treatment and disposal.
111. Landfill or incineration should usually be the last resort for waste. Inert waste can and should be recovered or recycled whenever possible. However, the WMP recognises that the disposal of inert waste by landfill remains a valid way of restoring quarries and worn out mineral workings where this is a planning requirement.
112. Similarly, Planning Policy Statement 10 – Planning for Sustainable Waste Management (“PPS10”) is also a strong advocate of the application and promotion of the waste hierarchy. But it also explains, at paragraph 22, that Development Plans form the framework within which decisions on proposals for development are taken.
113. Accordingly, it requires that where proposals are consistent with an up to date Development Plan, the CPA should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal.
114. PPS10 also requires the CPA to consider proposals favourably provided they are consistent with the criteria set out in Annex E of PPS10 and the policies of the SWP. The criteria stipulated in Annex E relate to local environmental and amenity impacts of waste management facilities.
115. As with PPS10 the updated PPS10 document carries over the requirement for the CPA to assess the likely impacts of the proposed extension of time on the local environment and amenity. However, it does acknowledge that modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current

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pollution control techniques and standards should pose little risk to human health. As a consequence the updated PPS10 document advises the CPA to focus on implementing the planning strategy in the local plan and not with the control of processes which are, as noted by Tandridge District Council's Environmental Health Officer and Sutton and East Surrey Water, a matter for the Environment Agency in this particular case.

116. Paragraph 6 of the updated PPS10 document advocates that the CPA should refuse planning permission for waste disposal facilities not in line with the local plan unless the applicants can demonstrate that the facility will not undermine the local waste planning strategy through prejudicing movement up the waste hierarchy.

117. The Surrey Waste Plan 2008 ("SWP") explains at paragraph B30 that the County Council remains committed to achieving net self-sufficiency, enabling appropriate development that implements the waste hierarchy and ensuring that the County delivers its contribution to regional waste management.

118. Paragraph B32 goes on to state that a range of facilities, type, size and mix will be required, located on a range of sites to provide sustainable waste management infrastructure in Surrey. Paragraph B33 expands on this by stating in considering the need for development involving landfilling the County Council will have regard to the remaining capacity of existing and other permitted landfill and landraising facilities in the County or parts of the County, and any information from regional monitoring relating to landfill needs arising from London.

119. Consequently, policy CW4 of the SWP requires planning permissions to be granted to enable sufficient waste management capacity to be provided to:

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- I. manage the equivalent of the waste arising in Surrey, together with a contribution to meeting the declining landfill needs of residual wastes arising in and exported from London
 - II. achieve the regional targets for recycling, composting, recovery and diversion from landfill by ensuring a range of facilities is permitted.

120. Paragraph B36 of the SWP explains that the approach taken in respect of the location of waste management facilities is that, generally, waste management facilities should be suited to development on industrial sites and in urban areas. However, it recognises that opportunities for waste management facilities in urban areas are limited, so land beyond needs to be considered. Here priority is given to the reuse of previously developed, contaminated, derelict and disturbed land; redundant farm buildings and their curtilages; mineral workings and land in waste management use, before Greenfield sites and Green Belt sites.

121. It goes on to state that mineral workings may also provide appropriate locations for development of new or enhanced waste management facilities but acknowledges that this action is likely to extend the life of the mineral working or waste management activity, including landfill sites. Whilst this will result in some negative impacts, these would be outweighed by the benefit of achieving sustainable development in the longer term as many of these sites have supporting infrastructure established including transport, access and landscaping.

122. Accordingly, policy CW5 of the SWP explains that proposals for waste management facilities on unallocated site will be considered in accordance with the following principles:

- 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
 - III. Areas of Outstanding Natural Beauty, Areas of Great Landscape Value, and sites with or close to international and national nature conservation designations should be avoided
 - IV. the larger the scale of the development and traffic generation, the more important is a location well served by the strategic road network or accessible by alternative means of transport
123. Paragraph C28 of the SWP acknowledges that in the waste hierarchy, landfill is the option of last resort. The SWP reflects this so that landfill development is only seen as acceptable for waste that has been demonstrated as reasonably and practicably unable to be reused, recycled, or processed to recover materials. This check is part of the mechanism for encouraging the management of waste further up the hierarchy as advocated by European directives and National waste management policy and guidance. However, it is recognised that inert waste may be beneficially deposited on landfill sites as part of their restoration. Paragraph C29 goes on to explain that landfill is commonly used to fill voids left by mineral working and to achieve restoration of the site.
124. Moreover, paragraph C30 of the SWP explains that landfill activities can also restore previously derelict and disturbed land, to enable a more positive and beneficial use. Examples of which are cited as being a public park or nature reserve.
125. Consequently, Policy WD7 of the SWP states that planning permission will only be granted for waste disposal by landfilling provided:
- I. the waste to be disposed of cannot practicably and reasonably be reused, recycled, or processed (to recover materials; produce compost, soil conditioner, inert residues) or may otherwise be required for the restoration of a mineral working
 - II. the proposed development is both essential for and involves the minimum quantity of waste necessary for (a) the purposes of restoring current or former mineral workings sites; or (b) facilitating a substantial improvement in the quality of the land; or (c) facilitating the establishment of an appropriate afteruse; or (d) improving land damaged or disturbed as a result of previous or existing uses and where no other satisfactory means exists to secure the necessary improvement; or (e) the engineering or other operations
 - III. the proposed development does not prejudice the satisfactory restoration of mineral working sites in the locality, having regard to the supply and availability of appropriate waste materials.
- In granting planning permission for landfilling developments conditions may be imposed limiting both the types and quantities of waste to be deposited in order to conserve capacity for waste that cannot be reused, recycled or processed.
126. Notwithstanding the provisions of the SWP, policy MC17 of the Surrey Minerals Plan Core Strategy Development Plan Document 2011 (“SMP”) states that mineral working will be permitted only where the mineral planning authority is satisfied that the site can be restored and managed to a high standard. Restored sites should be (i) sympathetic to the character and setting of the wider area, and (ii) capable of sustaining an appropriate after-use. It goes on to require that restoration of mineral workings be completed at the earliest opportunity through progressive restoration where

12 appropriate. The applicant will be expected to agree a scheme with the CPA detailing how the land will be restored and managed before, during and after working.

127. Paragraph 8.1 of the SMP explains that the way land which has been subjected to mineral working is restored and its subsequent management offer means to enhance its character. Moreover, it advocates that properly managed restoration will benefit communities and their local environment and ensure that a valuable asset will be passed on to future generations.

The Development

- 10 128. The proposal concerns an extension of time to permitted restoration of a former and long standing mineral working by way of landfilling inert waste material. It includes restoration of the application site to agricultural grassland after use with a 5 year aftercare and 25 year management scheme. The restoration of the sandpit would facilitate assimilation of the application site into the local landscape thereby providing amenity benefits, ecological enhancements and improvements to the quality of the land.
129. The application site is located on the eastern edge of Oxted approximately 350m to the north of the junction of the A25 and Barrow Green Road which comprises a roundabout. Approximately 1.3km to the west of this roundabout is the junction of the A25 and A22. The A22 joins the M25 at junction 6 about 1km to the north of this junction. The A25, A22 and the M25 all form part of the strategic road network in Surrey.
130. Given the application site's location and proximity to this strategic road network Officers are satisfied that no other alternative means of access to the sandpit can be provided other than by the strategic road network by which the sandpit is well served in terms of highway access.
131. The Surrey Hills AONB Board has confirmed that the application site is not in a candidate AONB area and that the sandpit does not feature in views out of the AONB because of the contours and intervening woodlands. They have also commented that any views of the proposed development to the AONB would be localised and would unlikely feature in significant wider public views.
132. The SWP indicates that Surrey has a surplus of landfill void up to 2015 and confirms that the SWP seeks to enable the improved husbandry of existing landfill void (paragraph C34). At the time of formulating the provisions of the SWP the landfill void associated with the application site was taken into account and accepted as being part of the County's waste management infrastructure. The SWP was subsequently adopted in 2008 when permission Ref. TA94/980/A3 had already been granted to extend the time period in which landfilling and restoration works could take place.
133. This permission confirmed Surrey County Council's continued acceptance of the principle that restoration of the sandpit by landfilling inert waste material was necessary in order to manage waste arising in Surrey and residual waste arising from London, and that any harm arising would be outweighed by the resulting amenity and environmental benefits. Officers do not consider that these circumstances have materially changed since the grant of planning permission Ref. TA94/980/A3.
134. The waste management capacity of the application site remains as landfilling is yet to commence. The reason for this is well documented as being the absence of an Environmental Permit to undertake such works. The applicant has now agreed a draft permit with the EA and this authority has confirmed that they will issue such a permit subject to their regulatory requirements being met by the applicant. The EA have not objected to an extension of the time period in which landfilling and restoration works can be completed.

135. Accordingly, if planning permission is granted for an extension of time to undertake landfilling and restoration works the application site will provide for a total of 338,000m³ of landfill void space at a rate of 75,000 tonnes of inert waste per annum beyond the 2015 period cited by the SWP at which time landfill void in Surrey is unlikely to be in surplus. The inert waste to be landfilled is likely to comprise waste that cannot otherwise be reused, recycled or recovered, as waste materials that can be reused or subjected to recycling or recovery operations would be diverted from landfills due to the commercial tax burden of disposing of such waste materials in that way.
136. The waste hierarchy is both a guide to sustainable waste management and a legal requirement enshrined in law through the 2011 Regulations. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill). The WMP, PPS10, the updated PPS10 document and the SWP all echo the requirements of the waste hierarchy in their respective approaches, guidance and policies in relation to sustainable waste management.
137. However, it is recognised that disposal of inert waste by landfill remains a valid way of restoring quarries where this is a planning requirement to enable a more positive and beneficial use of land. In this respect policy MC17 of the SMP advocates that restoration of mineral workings should be completed at the earliest opportunity. It also requires progressive restoration and the applicant will be expected to agree a scheme with the CPA detailing how the land will be restored and managed before, during and after working.
138. Having regard to paragraphs 128 to 137 above, Officers consider that the proposal satisfies the requirements of policies CW4, CW5 and WD7 of the SWP and no material considerations indicate otherwise.

HIGHWAYS, TRAFFIC AND ACCESS

National Guidance

National Planning Policy Framework 2012

Development Plan Policies

Surrey Waste Plan 2008

Policy DC3 – General Considerations

Other Material Considerations

Emerging policy DP5 – Highway Safety and Design

The Surrey Minerals Plan Core Strategy 2011 Policy MC15 – Transport for Minerals

Policy Context

139. The Framework is clear that development should only be refused or prevented on transportation grounds where the residual cumulative impact of development is severe.
140. This guidance also advocates, at paragraph 32, that all development that would generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that decisions should take account of whether (a) opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, (b) safe and suitable access to the site can be achieved for all people, and (c) improvements can be undertaken within the transport network.
141. Annex E of PPS10 states that in testing the suitability of sites the CPA should consider the factors listed in the annex and bear in mind the envisaged waste management facility in terms of type and scale, taking account of best available technologies (not involving excessive costs). In terms of highways, traffic and access, Factor F of Annex

12 E explains that considerations will include the suitability of the road network and the extent to which access would require reliance on local roads.

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142. The SWP also requires information to be submitted in relation to transportation. Paragraph D12 states that consideration of traffic generation characteristics should incorporate an assessment of the level and type of traffic generated and the impact of that traffic, suitability of the access and the highway network in the vicinity of the site including access to and from the primary road network.
143. Accordingly, policy DC3 of the SWP requires that applicants demonstrate, by the provision of adequate supporting information, that any 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 state that the supporting information should include, where appropriate, an assessment of traffic generation, access and suitability of the highway network, and mitigation measures to minimise or avoid material adverse impact and compensate for any loss.
144. The District Council's emerging policy DP5 states that development will be permitted subject to it (a) complying with the necessary Highway Authority's design guidance, (b) does not impede the free flow of traffic on the existing highway network or create hazards to that traffic or other road users, retains existing footpaths and cycle ways, and (c) provides safe and suitable access to the site.
145. The SMP recognises that one of the most significant impacts of mineral working in Surrey and one which causes the most public concern is that of transportation. Paragraph 7.1 of the SMP outlines that the nature of the minerals market in Surrey means that lorries are used for transportation in the overwhelming majority of cases, whilst paragraph 7.7 explains that the nature of the traffic generated by mineral working can require road improvements to be carried out in order to maintain the safety of the road network. It states that, "...this can include junction improvements or road widening, and improvement to visibility around the access to a site so passing traffic can readily see slow moving lorries and vice versa. It is important that mineral development does not compromise highway safety...equally, the needs of pedestrians, cyclists and horse riders should be considered, especially where the highway forms a link in the rights of way network and potential impacts on vulnerable road users might occur".
146. Paragraph 7.10 of the SWP states that the movement of mineral by should as far as possible be confined to the primary route network and the motorway. The SMP recognises that for many mineral sites this direct access may not be possible so attention should be given to the routing of vehicles between the proposed development and the primary road network.
147. Accordingly, policy MC15 of the SMP requires that applications for minerals development should include a transport assessment of potential impacts on highway safety, congestion and demand management. This policy also requires this assessment to include how the movement of minerals within and outside the site will address the issues of emission control, energy efficiency and amenity. It states that mineral development involving transportation of minerals by road will only be permitted where it meets the following criteria:
- I. there is no practical alternative to the use of road based transportation that would have a lower impact on communities
 - II. the highway network is of an appropriate standard for use by the traffic generated by the development or can be suitably improved

- III. arrangements for site access and the traffic generated by the development would not have any significant adverse impacts on highway safety, air quality, residential amenity, the environment or the effective operation of the highway network.

The Development

148. Planning permission Ref: TA01/0980/A1 was granted in 2001 subject to a condition which limited the number of Heavy Goods Vehicle (HGV) movements to and from the site to 55 trips (110 movements) per day. Consequently the principle of 55 trips or 110 movements per day has been established as acceptable in relation to the restoration of the sandpit.
149. However, given the effluxion of time since this permission was granted, and having regard to the number of highway, traffic and access related concerns raised by interested parties in respect of the proposal, Officers consider it necessary to assess the proposal in light of current circumstances.
150. A Regulation 5 Screening Opinion was adopted by the County Planning Authority ("CPA") in respect of the proposal in April 2010. This screening opinion concluded that an Environmental Impact Assessment was required for the proposal but that a detailed chapter relating to Traffic was not required. However, the screening opinion did advise that the applicant include a chapter in the Environmental Statement ("ES") providing justification as to the reasons for the issue of Traffic having been scoped out of the impact assessment. The applicant's ES includes a section on traffic which the CPA considers is of an acceptable standard such that it complies with the minimum information requirements set out in the EIA Regulations 2011.
151. The application site is approximately 350m to the north of the A25 on Barrow Green Road which has a speed limit of 40mph but has no footways along its length. It has already been established in paragraphs 129 to 130 above that the application site is well related to the strategic road network and that no other alternative means of access to the sandpit can be provided other than by the strategic road network.
152. Access to application site is gained via an existing site entrance which is gated and is shared with the adjoining Coney Hill Landfill. This entrance was constructed to serve the sandpit when operating as a quarry. There are three dwellings situated between the application site's access and Barrow Green Road's junction with the A25. Some 285m to the north east of the application site's access a number of buildings are located including Cottage Orchard, Tandridge Priory and Tandridge Priory Riding Centre. The access to the Palmers Wood Oilfield is approximately 185m north east of the application site along Barrow Green Road.
153. In addition to HGVs accessing the application site when it was being worked for mineral, Barrow Green Road has also been used in the past by HGVs accessing the former Bull Pit and Coney Hill quarries when they were worked and restored. Further, HGVs and HGV tankers continue to use Barrow Green Road to access the existing oilfield and Oxted Chalkpit which is some 2.3km north east of the application site.
154. On 14 May 2011 the applicant installed automatic traffic counters on Barrow Green Road to measure road traffic over a period of a week. This traffic data shows the average weekday 12 hour two way flow on Barrow Green Road was 1,160 vehicles northbound and 1,428 vehicles southbound with a peak hour two way flow recorded as being 376 vehicles with 3.4% of this being northbound HGVs and 1.6% being southbound HGVs.
155. In addition, the applicant has conducted an assessment under the Institute of Environmental Assessment ("IEA") guidelines for environmental assessment of road traffic which assesses where increases in HGVs could lead to discernible

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environmental impacts of road traffic including noise, severance and pedestrian delay and intimidation. This assessment compared the impact of the permitted levels of HGV traffic to and from the site of 110 movements per day on Barrow Green Road to periods where existing flows are at their lowest. It concluded that the impact of the development for days with low existing flows would exceed 30%, which is the IEA guideline limit, and therefore mitigation in terms of traffic impact has been offered by the applicant.

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156. The applicant anticipates that the filling of the total void space of 490,000m³ would generate about 23 deliveries of material per day or 46 movements per day spread over a 10 hour day. This would equate to approximately 4.5 HGV movements per hour. This predicted traffic movement is an average and it is expected there would be peaks and troughs as material is sourced and delivered by commercial contract(s). The proposed number of two way vehicle movements would result in an increase of approximately 1.7% in the existing background traffic between the site access and Barrow Green Road's junction with the A25. The permitted daily flow of 110 HGV movements per day would result in an increase of 4.2% in the existing background traffic between the same. These increases in traffic along Barrow Green Road are below the threshold for a discernible operational impact of 5%.
157. Accordingly, the applicant's Transport Statement concludes that the predicted development traffic flow increases would not result in a material change in operating conditions of Barrow Green Road that would necessitate highway capacity or safety improvements. However, given the exceedence of the IEA guideline limit the applicant is proposing to instigate measures which would mitigate the increase in traffic flow.
158. In this respect, the highway related concerns raised in respect of the sandpit by interested parties appear to be based upon those concerns raised during the Surrey Minerals Plan Core Strategy and Primary Aggregates Development Plan Document hearing and by the Inspector in his report dated May 2011. The three main concerns highlighted in this context were the width of Barrow Green Road between the A25 and the application site's existing access, the direction HGV traffic would enter the application site i.e. the routing of the HGVs, and the safety of non-vehicular traffic using Barrow Green Road.
159. The application site subject to this report does not include the existing access to the sandpit as this did not form part of planning permission Ref. TA94/980/A3. As such, the applicant has submitted ancillary planning application Ref. TA13/1653 which seeks temporary planning permission for installation and retention of a bunded fuel storage, wheel wash, site reception offices, weighbridge and hardstanding, and the upgrade to the site access, and temporary use of them in connection with the backfilling of the sandpit with inert waste material and restoration to agriculture.
160. Accordingly, the highway mitigation measures proposed by the applicant forms part of planning application Ref. TA13/1652 rather than the application subject to this report (Ref. TA11/1075). However, for the sake of clarity the mitigation measures proposed are:
- I. physical junction improvement at the sandpit's vehicular access point with Barrow Green Road so as to prevent traffic turning left out of and right in to the site from Barrow Green Road. This would be carried out by the construction of a new verge, the use of kerbing or similar to prevent HGVs overrunning and a carriageway widening
 - II. the boundary fence to the applicant's ownership boundary along the northern part of Barrow Green Road to be moved back so that it aligns with the line of the visibility splay at the sandpit's vehicular access point thereby providing greater sight lines for HGV drivers leaving the sandpit

- III. widening of the Barrow Green Road carriageway to 7.3 metres where there are currently pinch points and where the width is measured to be less than this
 - IV. clearing of any vegetation along Barrow Green Road
161. These mitigation measures would be subject to a Section 278 legal agreement which would be agreed with the County Highway Authority.
162. The County Highway Authority (“CHA”) has reviewed the applicant’s Transport Statement and ES and considers that the applicant has adequately addressed the impact of HGVs associated with the extended period of infilling and restoration proposed. Accordingly, the CHA raise no objection to the proposed extension of time or the proposed highway improvement works to Barrow Green Road subject to the imposition of conditions limiting the number of HGVs to 55 trips (110 movements) per day, that measures are in place to ensure no deleterious material fouls the public highway, that the proposed mitigation measures are the subject of a S278 legal agreement and constructed to the satisfaction of the CHA before the infilling operations commence.
163. A number of highway related concerns have been specifically raised by the Oxted and Limpsfield Residents Group (“OLRG”) in respect of the proposal. Having considered these concerns the CHA has commented that the vast majority of the impacts on the local highway network referred to by OLRG are to the north of the sandpit along Barrow Green Road or Chalkpit Lane off which Oxted Chalkpit is located. The applicant has made a commitment, by way of the proposed mitigation measures, that vehicles will not be permitted to access the sandpit from the north or leave the sandpit in that direction. The strategic road network located to the south of the sandpit would be used to facilitate infilling and restoration operations.
164. The OLRG have also referred to the Surrey Minerals Plan Inspectors report where it was suggested that traffic associated with the proposed extension to the sandpit as well as the permitted infill operations and potential aggregate recycling facility could add further to the environmental and highway problems along Barrow Green Road, and that physical constraints to the entrance at the site would not stop vehicles coming from the north travelling past the sandpit and on to the roundabout to return up Barrow Green Road to the sandpit. Tandridge District Council has raised similar concerns and do not consider that these can be mitigated by condition or legal agreement.
165. The matter of the physical extension to the sandpit to the north west (“Preferred Area Q”) was removed from the SMP. Further, the sandpit is not an identified area within the Secondary Aggregates Development Plan Document for recycling. No proposals for extension of the sandpit or undertaking recycling activities within the sandpit have been received by the CPA. Accordingly, additional traffic movements which may have been generated as a result of these speculative proposals are not considered material to the determination of the proposed extension of time.
166. However, it should be noted that Preferred Area Q was removed from the SMP primarily for transportation reasons. The concerns raised by the relevant Inspector at this time were in respect of vehicle routing, the width of Barrow Green Road and the lack of evidence in relation to the cumulative impact of HGVs using Barrow Green Road. Officers consider that the applicant has adequately addressed these matters as part of the proposal.
167. With regard to HGVs travelling from the north along Barrow Green Road, around the roundabout and then back to the application site in order to avoid the proposed new design at the site entrance, the applicant is willing to enter into a S106 legal agreement which would stipulate the routing of HGVs to and from the sandpit and that HGVs would only be able to access sandpit from the A25.

168. Officers consider that there would be no good reason for HGV drivers to avoid the strategic road network in favour of minor roads. In any event the terms of the proposed S106 legal agreement would only permit HGVs to access the sandpit by way of the A25.
169. The OLRG also refers to the SMP Inspector's concern that bends in Barrow Green Road are of an inadequate width for two HGVs to pass each other such that widening may be required, and that there is potential conflict between HGVs and cyclists and horseriders.
170. As explained in paragraph 160 above, the proposal includes details of how Barrow Green Road would be widened at current pinch points so to allow two HGVs to pass each other without conflict. This mitigation measure would be subject to a S278 legal agreement which would require these works to be undertaken to the satisfaction of the CHA prior to the commencement of infilling operations.
171. Officers acknowledge that horse riders, cyclists and pedestrians utilise Barrow Green Road as a link to the local rights of way network. However, Barrow Green Road is similar in character to many rural lanes where horse riders, cyclists and pedestrians are often encountered and anticipated by drivers of vehicles including HGVs. The County Council has no records of any personal injury accidents along the stretch of Barrow Green Road from the sandpit to the A25 and this indicates that there is not, and has not been, a particular safety issue with non vehicular users along this stretch of road.
172. Officers recognise there conflict could occur between HGVs and horse riders, cyclists and pedestrians along Barrow Green Road. However it is considered that the proposed widening of Barrow Green Road in addition to the erection of road signs warning vehicle drivers of the potential presence of horse riders both at the junction of the A25 and at the sandpit, as suggested by the British Horse Society, would adequately mitigate such potential conflict.
173. The OLRG have also requested that the number of HGV movements associated with the proposal are reduced from that currently permitted (55 trips or 110 movements per day i.e. approximately 5.5 HGVs travelling to the site per hour). The OLRG have also commented that BGR does not have the capacity to take any more HGVs.
174. The applicant's Transport Statement submitted as part of the ES states that based on the void space to be filled this would equate to approximately 23 trips or 46 movements per day which is lower than that currently permitted. However the nature of the fill material would be such that there would be peaks and troughs in procurement and resulting deliveries and therefore the existing permitted number of movements would allow for such variation.
175. The CHA consider that if additional control in terms of movements associated with infilling and restoration of the sandpit was considered necessary, a condition could be imposed on any permission granted requiring that the annual average of HGV movements shall not exceed 46 per operational day and 100 in any single day. However, as there has been no material change in circumstances to warrant this amendment the CHA considers this additional control would be difficult to justify in planning terms.
176. With regard to the OLRG's concerns in respect of the capacity of Barrow Green Road, the proposal does not seek to increase the permitted number of HGVs that has historically been accepted for infilling and restoration activities associated with the sandpit. Further, the sandpit is a long established mineral working on Barrow Green Road and the need to restore the site by landfilling has been established since planning permission was originally granted for working in 1975. The CHA have raised no

concerns with regard to capacity on Barrow Green Road should the proposed extension of time be permitted.

177. A number of interested parties, including Parish Council's, have asked that a 20mph speed limit be imposed in respect of Barrow Green Road. However, the County Council has no records of any recorded personal injury accidents along the stretch of Barrow Green Road from the sandpit's access to the A25. Further, damage only accidents are not reported to the Police and therefore they are not recorded on the County Council's database. The CHA consider that the stretch of road between the sandpit's access and the A25 does not meet the criteria for 20mph zone as these are predominantly in urban areas and in the vicinity of schools.
178. Department for Transport Circular 01/06: Setting Local Speed Limits suggests that 20mph zones are appropriate where mean speeds are below 24 mph or where additional traffic calming is proposed. The mean speed on this stretch of Barrow Green Road is 32/33 mph during times that the sandpit would be operating and therefore additional traffic calming measures would be required to enforce a 20mph speed limit.
179. The 85th percentile speed limit along this stretch of Barrow Green Road is 38/39 mph, indicating that although some vehicles are exceeding the speed limit, it is not a particular problem at this point. 40mph is the norm for rural roads with a predominantly local, access or recreational function or when the road forms part of a recreational route for vulnerable road users. Accordingly, the CHA consider that the current speed limit of 40mph is appropriate for the stretch of Barrow Green Road between the sandpit's access and the A25.
180. The OLRG have also requested that there be a mechanism for monitoring and recording HGVs on Barrow Green Road in addition to a routing agreement and penalty system for those that do not adhere to it. The applicant has offered to enter into a S106 legal agreement for the routing of HGVs to the application site so as to ensure that drivers use the A25 and the roundabout forming the junction of A25 and Barrow Green Road. The CHA and CPA are satisfied that this measure, and the physical barriers to be put in place under the terms of a S278 legal agreement, would ensure HGVs access the application site from the south.
181. Ancillary planning application Ref. TA13/1653 seeks temporary planning permission for installation and retention of, inter alia, a wheel wash and temporary use of this plant in connection with the filling and restoration of the sandpit. Should permission be granted in respect of this application the use of the wheelwash would ensure that HGVs frequenting the sandpit would have their wheels and tyres cleaned before leaving the sandpit and joining Barrow Green Road.
182. Concern has been raised by OLRG with regard to whether the applicant's ES adequately covers cumulative impact of the proposal and that of Oxted Chalkpit which is to the northwest of the application site as they consider that the traffic count data provided by the applicant is not representative of the existing circumstances. The OLRG have referred to traffic count data obtained under a Freedom of Information request from the County Council for trip data collected on Chalkpit Lane.
183. Officers do not consider that consideration of Chalkpit Lane is relevant to this application as HGVs associated with this proposal would use the small stretch of Barrow Green Road between the sandpit's access and the A25 to the south. There would be no need for HGVs frequenting the sandpit to travel to or from the north such that they would use Chalkpit Lane. HGVs associated with Oxted Chalkpit operate a circular route whereby HGVs going to the chalkpit travel from the A25 up Barrow Green Road until the junction with Chalkpit Lane off which the chalkpit is located. HGVs leaving Oxted Chalkpit travel back down Chalkpit Lane but then travel through the

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centre of Oxted to join the A25. They do not travel southwards along Barrow Green Road.

184. The applicant's traffic count was conducted for a week in May 2011 when Oxted Chalkpit was operational. However, the CHA accept that traffic fluctuates on a daily basis but consider that it is accepted practice that a week's worth of traffic counts is used as an approximation of the baseline situation. The applicant's traffic count data shows a reasonably average month in terms of HGV traffic generation and includes HGVs that would be travelling to Oxted Chalkpit.
185. Moreover, the traffic count data presented by OLRG for Chalkpit Lane includes LGVs, MGVs and articulated vehicles whereas the applicant's figures only assesses HGVs. Accordingly, the figures provided by OLRG cannot be compared to those counted on Barrow Green Road by the applicant. Additionally, Officers do not consider it reasonable to assume that the vast majority of HGV traffic on Chalkpit Lane would also utilise Barrow Green Road. The one-way system used by Oxted Chalkpit would mean that the number of HGVs associated with the chalkpit would be at least 50% less on Barrow Green Road than on Chalkpit Lane.
186. Officers consider that the applicant's traffic count data is representative of HGV traffic movements along Barrow Green Road and therefore Officers are satisfied that the potential for a cumulative impact with the operations of the chalkpit in terms of HGV movements has been adequately addressed by the applicant.
187. The OLRG have commented that the highway mitigation measures proposed by the applicant would only benefit the users of the lower part of Barrow Green Road and the sandpit and that there are no proposals to provide mitigation north of the application site which accounts for the majority of Barrow Green Road. Officers consider that as the applicant only intends to use the lower part of Barrow Green Road (from the sandpit's access to the junction of Barrow Green Road and the A25 to the south) there is no reasonable requirement for the applicant to provide any mitigation measures to the north of the application site.

Highways, Traffic and Access Conclusion

188. The CHA have raised no objection to the extension of time proposed or the use of Barrow Green Road by HGVs travelling to/ from the application site. Moreover, the CHA are satisfied with the proposed highway mitigation measures proposed by the applicant and to be secured by a S278 legal agreement. Accordingly, Officers consider the proposal meets the requirements of Policy MC15(ii) in that the highway network is of an appropriate standard for use by the traffic to be generated by the development and can be suitably improved.
189. The CHA raise no concerns with regard to the proposal in terms of impact on pedestrians, equestrian or cyclists using the section of Barrow Green Road between the sandpit and A25 to the south. The applicant will enter into a S106 legal agreement in respect of vehicle routing so as to address the concerns raised by the District Council, Parish Council's and other interested parties. The County's Air Quality and Noise consultants have not objected to the proposal subject to conditions and neither has the County's Landscape Architect or Rights of Way Officer raised concerns with regards to traffic generation associated with the extension of time proposed. Accordingly, Officers consider the proposal meets the requirements of Policy MC15(iii) and for the reasons explained in paragraph 151 above Officers are satisfied the proposal meets the requirements of Policy MC15(i).
190. Having regard to paragraphs 148 to 189 above Officers consider that the proposal satisfies the requirements of policy DC3 of the Surrey Waste Plan 2008 and the District Council's emerging policy DP5. Moreover, Officers are satisfied that the potential for

cumulative impact with Oxted Chalkpit was considered as part of the applicant's ES and that in this respect the applicant has demonstrated that the proposal would not have a significant adverse impact on Barrow Green Road in respect of highways, traffic and access matters.

ECOLOGY AND BIODIVERSITY

National Guidance

National Planning Policy Framework 2012

Waste Management Plan for England 2013

Planning Policy Statement 10 - Planning for Sustainable Waste Management 2011

Updated national waste planning policy: Planning for sustainable waste management 2013

Development Plan Documents

Surrey Waste Plan 2008

Policy DC2 – Planning Designations

Policy DC3 – General Considerations

Tandridge District Core Strategy 2008

Policy CSP17 – Biodiversity

Material Considerations

Policy MC14 of the Surrey Minerals Plan 2001 – Reducing the adverse impacts of mineral development

Tandridge District Council's emerging policy DP19 – Biodiversity, Geological Conservation and Green Infrastructure

Policy Context

191. Section 40 of the Natural Environment and Rural Communities Act 2006 ("NERC") places a duty on Surrey County Council ("SCC") to consider biodiversity in the full range of their activities. It is a legal requirement that *"every public body must, in exercising its functions, have regard so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*. Section 41 of NERC requires the Secretary of State to publish a list of habitats and species which are of principle importance for the conservation of biodiversity in England. Of those species habitats and species listed are ancient woodland and sand martins.
192. Notwithstanding the above, Paragraph 109 of the National Planning Policy Framework ("the Framework") states that the planning system should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes, geological conservation interests and soils, (b) recognising the wider benefits of ecosystem services, and (c) minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
193. Paragraph 111 of the Framework advocates that planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
194. Paragraph 118 requires that the County Planning Authority ("CPA"), determining planning applications, should aim to conserve and enhance biodiversity by applying the following principles:
 - I. if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused
 - II. proposed development on land within or outside a Site of Special Scientific Interest ("SSSI") likely to have an adverse effect on a SSSI (either individually or in

combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSI's

- III. development proposals where the primary objective is to conserve or enhance biodiversity should be permitted
- IV. opportunities to incorporate biodiversity in and around developments should be encouraged
- V. planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss
- VI. the following wildlife sites should be given the same protection as European sites: (a) potential Special Protection Areas ("SPA") and possible Special Areas of Conservation ("SAC"); (b) listed or proposed Ramsar sites; and (c) sites identified, or required, as compensatory measures for adverse effects on European sites, potential SPA's, possible SAC's, and listed or proposed Ramsar sites

195. Paragraph 144 of the Framework states that, in granting planning permission for mineral development, it should be ensured there are no unacceptable adverse impacts on the natural environment.
196. Planning Policy Statement 10 – Planning for Sustainable Waste Management 2011 ("PPS10") requires the CPA to consider proposals favourably provided they are consistent with the criteria set out in Annex E of PPS10 and the policies of the Surrey Waste Plan 2008 ("SWP"). Similarly, the Updated national waste planning policy: Planning for sustainable waste management 2013 ("updated PPS10") carries over the requirement for the CPA to assess the likely impacts of the proposed extension of time on the local environment.
197. Annex E of PPS10 states that in testing the suitability of sites the CPA should consider the factors listed in the annex and bear in mind the envisaged waste management facility in terms of type and scale, taking account of best available technologies (not involving excessive costs). In terms of biodiversity Factor D of Annex E explains that considerations will include any adverse effect on a site of international importance for nature conservation (SPA's, SAC's and RAMSAR sites) or a site with a nationally recognised designation (SSSI's or National Nature Reserves). This position is reiterated by the updated PPS10 document.
198. Policy DC2 of the SWP makes clear that planning permission will not be granted for waste related development where this would endanger or have a significant adverse impact on the character, quality, interest or setting of Ramsar sites; SAC's; candidate SAC's; SPA's; potential SPA's; National Nature Reserves or SSSI's; ancient semi-natural woodlands; Sites of Nature Conservation Importance ("SNCI"); local nature reserves and non-statutory nature reserves; or Biodiversity Action Plan habitat and species.
199. This policy then goes on to state that in assessing each development proposal, due regard will be paid to prevailing national policy and guidance appropriate both to the areas and features of acknowledged importance and to the proposed means of dealing with waste. The assessment will also take into account whether any significant adverse impact identified could be controlled to acceptable levels.

200. Policy DC3 of the SWP 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 include, where relevant, assessment of the following matters and where necessary, appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss: (xii) the loss or damage to flora and fauna and their respective habitats at the site or on adjoin land including linear or other features which facilitate dispersal of species.
201. Policy CSP17 of the Tandridge District Core Strategy 2008 (“TDCS”) states that development proposals should protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan.
202. Policy MC14 of the Surrey Minerals Plan Core Strategy 2011 requires that sufficient information be provided for minerals related development proposals to demonstrate that there would not be a significant adverse impact arising from the development. The policy goes on to set out a number of criteria that should be considered as part of minerals related development including the natural environment, biodiversity and geological conservation.
203. Further, emerging policy DP19 states there is a presumption in favour of applications which seek to enhance biodiversity and seeks to conserve and enhance the natural environment by ensuring that proposals that would adversely affect local, national or statutory designated sites of biological importance are refused.

The Development

204. The application site is not covered by any particular nature conservation or biodiversity designations. However, immediately north of the application site lies the Ancient Semi-natural Woodland of Duckpit Wood which extends eastwards into Priory Shaw which is also designated the same.
205. In March 2012 the CPA wrote to the applicant explaining that, *“The Ecologist and Biodiversity Team Manager considers the submitted EIA does not adequately assess the impact on protected species. Paragraph 2.4 of the Ecology Chapter is inadequate for an EIA and the proposal to cover these deficiencies by condition for European Protected Species is unlawful as set out in Planning Policy Statement 9. The CPA therefore requests that the EIA is reviewed to comply with Natural England’s Standing Advice on protected species and requests that protected species surveys are carried out prior to the determination of this planning application. In accordance with Natural England’s standing advice for protected species the optimum time of year for carrying out these surveys is from April – September/October therefore I would advise these surveys are carried out imminently to make use of this. Based on the comments above from the Ecologist and Biodiversity Team Manager, I request the above information under Regulation 22 of the EIA Regulations in order to address the shortage of information on the above points.”*
206. Subsequently, on 31 October 2013, the applicant submitted new information in response to the Regulation 22 request which included the required protected species survey reports and assessments for invertebrates, great crested newts, reptiles and dormice.

207. Following assessment of this information the CPA's ecologist (in correspondence dated 4 December 2013) recommended that, subject to conditions being attached to any planning permission granted to require that the proposed ecological mitigation measures including a scheme to mitigate the impacts of the restoration on the nesting sand martin colony, the proposed development would be acceptable in ecological terms. The Surrey Wildlife Trust have also raised no objection to the extension of time but have requested that the mitigation measures set out for invertebrates and reptiles are conditioned should planning permission be granted.

Invertebrates

208. A survey was conducted in relation to invertebrates between April and October 2012 with particular reference to aculeate Hymenoptera and ground beetles. A total of 493 species of invertebrate were recorded on site including 7 Red Data Book Species (and a provisional Red Data Book species) and a further 22 Nationally Notable species. Five species of invertebrate identified are UK BAP Priority Species. One species of bee (*Colletes cunicularius*) was also discovered which is new to England. The invertebrates identified are considered important at the County scale.
209. The application site provides habitat features such as vertical banks of sand and loose, sparsely vegetated areas that are more typical of coastal sites than heathland and so is of considerable local importance in terms of invertebrates. Apart from the area of the sand martin colony, the survey found vertical cliffs seemed to be poorly utilised by insects such as mining bees and wasps, although this may be because many areas of the application site were inaccessible to the surveyor because of the scale of the cliffs. The survey recorded that the main area of interest for invertebrates were the banks of topsoil along the western rim, a bank of sand north of the access track and other small mounds and slopes, partly man-made and partly due to natural erosion of the cliffs.
210. The survey suggests that invertebrate interest in the application site is somewhat transient on the basis that bare ground will naturally be colonised by plants, and there is already a problem with goat's-rue in the floor of the pit and sycamore scrub on the rim. The timescale for the loss of the described habitats for invertebrates caused by the proposed restoration is likely to be perhaps a decade earlier than the loss of these habitats by natural vegetation growth. Accordingly, the survey concludes that some active management will be required to maintain favourable conditions in respect of invertebrates and in the absence of the proposed restoration the application site is likely to deteriorate in invertebrate value.
211. Consequently, the survey states that mitigation is required to minimise the impact of the loss of bare or lightly vegetated sandy soil which is required for several of the more important invertebrate species identified. The aim of this mitigation is to ensure the continuity on site of lightly vegetated ground with bare soil patches so as to provide suitable habitat. In addition, ensuring a good population of willow will provide a pollen source for those insects which fully or partly require this resource.
212. The applicant has stated that the soils for the restored pit have been chosen to be lightly acidic and sandy, with low nutrients. Grassland wildflower seed will be sown at half the manufacturer's recommended rate to ensure that the grassland will develop a lightly-vegetated flower-rich sward with plenty of bare soil for invertebrates, and will be implemented by mowing or grazing by sheep and/or cattle. A pond, native hedge and woodland planting are also proposed.

Great Crested Newts

213. The survey conducted by the applicant in respect of great crested newts found that the value of the application site is considered negligible as the one record of the solitary adult is very likely to be a wandering individual a long way from its breeding pond and

unlikely to be part of a local population. However, great crested newts are known to be in the area and therefore the proposal to create a small pond as part of the restoration of the sandpit would benefit this species in the longer term and the mitigation proposed in respect of reptiles would in any case ensure protection of great crested newts if isolated individuals are still present on the application site. No further mitigation is proposed in this respect as the applicant's survey concludes that the unmitigated impact of the proposed restoration in respect of great crested newts is considered to be negligible.

Reptiles

214. Similarly, the value of the application site for reptiles is considered important at the Parish/Neighbourhood scale as there were a few records of grass snake only. The unmitigated impact of the proposed restoration is considered minor/negative with a low risk of killing or injury to grass snakes in each phase of the infilling as it rotates around the pit. However, completed phases will be available for recolonisation from reptiles around the margin of the application site. Consequently, the applicant's survey in respect of reptiles concludes that the long-term unmitigated impact of the proposed restoration would be neutral as the restored site would be available for colonisation by grass snakes. Further, the proposed restoration to grassland, woodland, hedge and pond habitats are considered to be enhanced in value to reptiles compared to the pre-development habitats. Therefore, mitigation is required to minimise the impact of the risk of killing grass snakes during infilling and restoration.

215. Accordingly, prior to commencement of works in any phase, reptiles will be removed from the work phase using the following methodology: (a) search refugia on site by hand, capture any reptiles present and release the reptiles immediately on the margin of the site and then remove refugia from the work phase; (b) mow vegetation within the work phase to 75mm height, working from the centre of the site towards the edge of the site, so that reptiles are encouraged to move to the edge of the pit and after mowing, hand search the edge of the pit for any reptiles, capture any reptiles present and release the reptiles immediately on the margin of the application site; (c) two days after mowing to 75mm, mow again in a similar manner but to a height of 25mm to encourage remaining reptiles to move to the edge of the pit, capture any reptiles present and release the reptiles immediately on the margin of the application site; and (d) start the development works within two days of the final mowing to reduce the timescale for reptiles to move back into the site.

Dormice

216. Again, in respect of dormice the applicant's survey considers the value of the site to be negligible with this species found to be absent. Accordingly, the survey concludes that the unmitigated impact of the development in respect of dormice is considered to be neutral. However the applicant's intention to provide a hedge and native woodland planting will provide a potential breeding habitat for dormice, although this may not be colonised by the same.

Sand Martins

217. Having regard to the proposal to infill and restore the sandpit a number of interested parties, including the Surrey Wildlife Trust, have raised concerns with regard to the presence of sand martins colonising the southern face of the quarry.

218. In the United Kingdom the sand martin's conservation status is Amber listed with a European status of unfavourable declining. Sand martins and their nests are protected under the Wildlife and Countryside Act 1981. Under this act it is an offence to intentionally kill, injure or take any wild bird. It is also an offence to damage the nests of sand martins while it is in use or is being built.

219. Moreover, the Conservation of Habitats and Species (Amendment) Regulations 2012 requires competent authorities to use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds and to preserve and maintain a sufficient diversity of habitat for wild birds.

220. Sand martins often live in sand quarries tunnelling into the sand face. They are trans-migratory in nature travelling to the United Kingdom around March from sub-Saharan Africa and returning in September. Sand martins do not tend to live within the same location in perpetuity. This is because after some time, their nests become invested with mites so the birds move on to a new location within the sand face or a new sand face altogether. Sand martins can be seen at a number of mineral workings located throughout Surrey.

221. However some objectors have suggested that the large number of burrows present within the southern face of the sandpit means that the structure of this face is highly desirable for sand martins. One objector observed, over three days in June 2013, approximately 27 occupied holes within the southern face of the sandpit. The President of the Surrey Bird Club suggests that there has been a steady breeding decline of sand martins in Surrey and that the number of colonies in the County has fallen to single figures. Accordingly, it is asserted that loss of the colony present within the application site would have a significant adverse affect on the County's avifauna.

222. The restoration and aftercare schemes submitted as part of the proposal shows that the sandpit is to be restored in 4 phases. The part of the sandpit which houses the sand martin nests is situated on the south western boundary within phase 3. Within this area the sandpit is to be filled to 2m below the top of the pit face. The applicant submits that it would not be possible to fill the sandpit to a lower level due to an economic loss of landfill volume and due to landscape reasons.

223. In order to minimise the risk that sand martins would occupy the existing holes before infilling operations commence within phase 3, the applicant is proposing to reduce the gradient of that part of the cliff face by piling material against the face to create a 45 degree smooth slope. This work would be undertaken outside of the bird nesting season. The resulting slope would allow predators access to the holes thereby making the face less attractive to sand martins before the following nesting season.

224. Alternatively, the applicant suggests that if this method proves impracticable then the holes will be netted by the end of February with a fine mesh net so as to prevent tunnelling activities from commencing. The applicant is clear that where nesting activities are commenced within the sandpit site activities will be set back far enough so that nests are not disturbed during the nesting season (March to September).

225. Further, the applicant is also proposing to mitigate the impact of the proposed restoration on sand martins. In order to achieve a total height of 4m for sand martin nesting (2m of which is proposed to be provided by retaining part of the southern face) a 2m high artificial nesting facility will be erected above the retained pit face to achieve a total vertical height of 4m. The applicant is proposing to submit details of the design of this nesting facility to the CPA for approval prior to commencement of works.

226. Surrey County Council's Ecologist, Landscape Architect and Principal Enhancement Officer have all raised concerns with regards to the applicant's Sand Martin mitigation proposals in so far as detail, justification, and effectiveness are concerned.

227. Officers note that the applicant's submission in this respect contains contradictory and factually incorrect information about the impacts on nest holes and the nesting season of the birds. For example in paragraph 2.2.2 it is suggested that the majority of holes will be retained following infilling but paragraph 2.2.3 suggests that no existing holes

would remain; and in paragraph 2.2.1 it is suggested that the nesting season of the birds runs from April to July when in fact it takes place between March and September.

228. The proposed mitigation measures do not have any associated timescales nor do they provide detail in respect of how many nesting holes are present on site, how many of these holes are currently occupied, how many holes would remain following infilling, or the dimensions of the face currently occupied by sand martins.
229. Doubt has been raised by the Surrey Bird Club and Surrey County Council's Ecologist and Principal Enhancement Officer as to the effectiveness of an artificial Sand Martin habitat. The County's experience of such artificial provision is that they are often expensive to establish and maintain and often unused by the birds. Accordingly, if the artificial habitat proposed is not used in the future by sand martins then no mitigation would have been achieved by the applicant.
230. On this basis the County has expressed a preference for the section of the southern face of the sandpit occupied by sand martins to be retained without the need to resort to the provision of an artificial habitat. This would require the applicant to amend the proposed restoration profile and surface water drainage design so as to accommodate a larger exposed area of the southern face of the sandpit.
231. However, the applicant has explained that substantial changes to the land profile cannot be made without recourse to the draft environmental permit which has been already been agreed in principal with the Environment Agency. Moreover, the applicant suggests that more than 2m of the face cannot be retained due to economic loss of landfill and landscape reasons. Although Officers attribute some weight to the applicant's position in respect of the Environment Agency, it is not accepted that the applicant has justified the economic and landscape arguments put forward.
232. In respect of landscape impact the applicant has not provided an assessment of the visual and landscape impact the proposed artificial nesting habitat would have. Consequently, it cannot be said that retaining only 2m of the southern face and erecting an artificial structure would have a lesser impact on the local landscape than retaining 4m of the southern face of the sandpit. To the contrary, the County's Landscape Architect and Ecologist have confirmed that retaining 4m of the southern face would not only resolve the sand martin issue satisfactory but would also have the added benefit of reducing the visual impact of the proposal on the foot path to the south. In respect of the economic argument advanced by the applicant no pro rata loss/gain figures have been provided by the applicant which compare the costs on the loss of void space versus the cost of constructing and maintaining the artificial habitat proposed.
233. However, despite this position the applicant has committed to agree to do whatever is practical to retain the sand martin nests within the constraints of the proposed site drainage and draft environmental permit details, and to avoid disturbance in nesting time. In this respect the applicant is optimistic that a compromise can be reached with the CPA that safeguards the sand martins.
234. Irrespective of the County's expressed preference to retain the existing sand martin nesting holes, and in light of the applicant's insistence that no substantial changes to the proposed restoration profile will be made, Officers consider that the lack of detail in respect the proposed mitigation measures can be addressed by requiring the applicant to submit a Sand Martin Mitigation Scheme to the CPA for approval before any infilling operations commence. In this respect Officers will be able to specify the exact details of the proposed artificial nesting habitat required to be submitted for approval. However, this would not guarantee that any artificial structure would be inhabited by sand martins.

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235. Immediately north of the sandpit is Duckpit Wood which is designated Ancient Semi-Natural Woodland. This woodland extends eastwards to Priory Shaw. Part of this ancient woodland is within the applicants control although it does not form part of the application site. Part of the area within the applicant's control has been worked at some stage for minerals but not restored and left to naturally regenerate.
236. Natural England's Standing Advice for ancient woodland states that ancient woodland is an irreplaceable resource of great importance and local planning authorities have a vital role in ensuring its conservation to protect it from damage or loss by development. The standing advice recognises that the effects of development on ancient woodland can be both within the woodland and from development of adjacent land.
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237. Appendix 5 of the standing advice sets out mitigation and compensation measures which could be used to mitigate or negate the impacts upon the ancient woodland. These include translocation of ancient woodland and new woodland planting however it is accepted that both these methods do not provide a direct replacement for the conditions found in ancient woodland. In this case, the filling of the quarry void is beyond the ancient woodland boundary. Filling would take place and remain within the quarry void and the applicant has stated that on completion of landfilling and restoration, fencing could be provided along the northern perimeter boundary of the quarry and the applicant's ownership to delineate between the ancient woodland and the application site including the previously worked borrow pit so as to offer some protection to the ancient woodland. The applicant has stated that they do not intend on replanting the borrow pit area with trees. Instead the applicant proposes to seed the area with the same grass seed mix as proposed as part of the quarry restoration and to allow for natural succession to take place in this area. The County's Ecologist and Landscape Architect are satisfied with this approach.

Ecological Enhancements

238. In addition to the ecological enhancements and mitigations detailed in paragraphs 208 to 216 above, the proposal includes a Planting and Restoration and Aftercare Scheme which would provide further enhancements to the local area.
239. The applicant is proposing to undertake extensive planting along the sandpit's western and southern boundaries and site access area. Planting along the western and southern boundaries would comprise native hawthorn and blackthorn at a rate of 2 plants ranging from 40 to 60cm in height per square metre. Planting around the site access area would comprise native hazel, field maple, hawthorn and blackthorn. Similarly, this planting would be undertaken at a rate of 2 plants ranging from 40 to 60cm in height per square metre. All the species proposed to be planted by the applicant produce flowers and berries, nuts and seeds which are attractive to invertebrates and birds and are therefore used as shelter and for foraging.
240. The proposed planting would be carried out in the first planting season prior to or immediately after commencement of infilling operations. It would be actively managed by way of a five year post restoration aftercare strategy which includes continued maintenance for a subsequent twenty five years. The management details provided by the applicant are considered satisfactory and could be secured by way of planning condition. Further, the applicant is proposing to retain all existing trees and shrubs along the boundaries of the sandpit and in this respect has detailed acceptable measures for protection of these trees and shrubs during infilling and restoration works.
241. The bulk of the sandpit is proposed to be restored to agricultural grassland that can be maintained with through mowing or by grazing. In addition, the applicant proposes to restore and re-establish vegetation in the area of the former borrow pit due north of the

sandpit's northern boundary adjacent to Duckpit Wood. This area would be regraded and prepared using soils from the sandpit prior to sowing with the same native grass mix proposed for the sandpit restoration.

242. The seed mix to be used for the proposed restoration would comprise native flowering grasses and herbs which would provide fodder for bees and habitat for invertebrates and reptiles. Additional habitat would be provided by planting the depression between the sandpit and Coney Hill Landfill with willow, by a surface water attenuation pond, and a native hedge.
243. The proposed attenuation pond is to be established within the sandpit site during the period of year 6 to year 7. Its margins would be seeded with an appropriate pond grass seed mix so as to stabilise its edges. The proposed native hedge would be established along the boundary of the sandpit and the Coney Hill Landfill and following completion of infilling operations. It would comprise field maple, hawthorn, holly, and blackthorn thereby providing further shelter and food sources for birds and invertebrates.

Ecology and Biodiversity Conclusion

244. The County's Ecologist and Principal Enhancement Officer have not raised objection to the proposed extension of time subject to conditions. Similarly, Surrey Wildlife Trust, Natural England and the Environment Agency have not objected to the proposal. Although the District Council have objected to the proposed extension of time they have not raised any ecological concerns in relation to the proposals.
245. The County's Ecologist advises that the ecological mitigation measures proposed by the applicant be secured by way of planning condition. Similarly, the SWT advises that the applicant should be required to undertake all the recommended actions in section 4.0 of the Ecology Addendum-2 (proposed mitigation) including proposed enhancements as this would help prevent adverse effect to legally protected species.
246. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application would not damage or destroy the interest features of Woldingham and Oxted Downs Site of Special Scientific Interest ("SSSI") and Godstone Ponds SSSI. Accordingly, they have advised that these two designations do not represent a constraint in determining this application.
247. The EA has advised that applicant does not identify if any invasive plants such as Japanese Knotweed are absent or present on the application site. The EA have stated that if any invasive plants are present then the applicant should propose a course of action for dealing with them. This is to preserve indigenous plants in the location and the surrounding areas which would have an adverse impact on local flora and fauna. Officers are satisfied that the concern raised by the EA in this respect can be adequately addressed by requiring the applicant to undertake an Invasive Species Survey by way of planning condition prior to commencement of the development. This information would be submitted to the CPA for approval in consultation with the EA.
248. The sand martin's conservation status is Amber listed with a European status of "unfavourable declining". Further, the Conservation of Habitats and Species Regulations require competent authorities to use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds. The same regulation requires appropriate authorities to preserve and maintain a sufficient diversity of habitat for wild birds.
249. The Surrey Bird Club and several interested parties have raised concern about the impact of the proposed infilling on the existing Sand Martin nesting holes located within the southern face of the sandpit. In this regard, Officers have encouraged the applicant

12 to retain this face as existing so as to minimise or negate the impact of infilling and restoration activities on the birds.

250. The applicant has offered to retain a 2m section of the face in addition to providing further 2m high artificial nesting habitat. The detail of this artificial structure proposed could be secured by way of a planning condition before infilling operations commence. This would at least ensure that the applicant is bound by planning condition to provide the most effective means of such compensation before and existing nesting holes are disturbed. However, Officers are uncertain as to whether any artificial structure would act as an adequate substitution to the existing natural quarry face which appears to be popular with sand martins. Compounding this uncertainty is the fact that the applicant has provided no assessment as to whether the nesting holes to be preserved within the top 2m of the quarry face would remain viable nesting habitats following infilling operations.

10 251. It is certain that the infilling operations as proposed would have an adverse impact on existing sand martin nesting holes. However, it is not certain whether the applicant's proposal to provide an artificial nesting habitat would adequately compensate for this impact. Paragraph 118 of the Framework is clear that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

252. There is an existing planning permission which allows for the infilling of the sandpit. This principal has previously been established. Moreover, having regard to the migratory nature of sand martins, taking into account the condition proposed by Officers to secure details of the proposed artificial nesting structure and the range of ecological enhancements proposed including the five year post restoration aftercare strategy and the subsequent 25 year maintenance programme, Officers do not consider that the extension of time proposed, on balance, would result in significant harm to local fauna and flora such that refusing planning permission would be justifiable in planning terms.

253. Accordingly, having regard to paragraphs 204 to 252 above and subject to the planning conditions discussed, Officers consider that the proposed development satisfies the requirements of policies DC2 and DC3 of the Surrey Waste Plan 2008 and policy CSP17 of the Tandridge District Core Strategy 2008 and no material considerations indicate otherwise.

VISUAL AND LANDSCAPE IMPACT

National Guidance

National Planning Policy Framework 2012

Planning Policy Statement 10 - Planning for Sustainable Waste Management 2011

Updated national waste planning policy: Planning for sustainable waste management 2013

Development Plan Documents

Surrey Waste Plan 2008

Policy DC2 – Planning Designations

Policy DC3 – General Considerations

Tandridge District Local Plan 2001

Saved policy BE2 – Development on the Edge of Built-up Areas and Villages

Saved policy BE4 – Landscape Design of New Developments

Tandridge District Core Strategy 2008

Policy CSP20 – Areas of Outstanding Natural Beauty

Policy CSP21 – Landscape and Countryside

Material Considerations

Policy MC14 of the Surrey Minerals Plan 2001 – Reducing the adverse impacts of mineral development

Tandridge District Council's emerging policy DP19 – Biodiversity, Geological Conservation and Green Infrastructure

254. Paragraph 109 of the National Planning Policy Framework (the Framework) requires that the planning system contribute to and enhance the natural and local environment by protecting and enhancing landscapes whilst paragraph 111 encourages the effective use of land by re-using land that has been previously developed (brown field land), provided that it is not of high environmental value.
255. Annex E of PPS10 states that in testing the suitability of sites the CPA should consider the factors listed in the annex and bear in mind the envisaged waste management facility in terms of type and scale, taking account of best available technologies (not involving excessive costs). In terms of landscape and visual impact Factor C of Annex E explains that considerations will include (i) the setting of the proposed location and the potential for design-led solutions to produce acceptable development; and (ii) the need to protect landscapes of national importance such as the Surrey Hills Area of Outstanding Natural Beauty (“AONB”).
256. Policy DC2 of the SWP states that planning permission will not be granted for waste related development where this would endanger, or have significant adverse impact, on the character, quality, interest or setting of the AONB, Areas of Great Landscape Value (“AGLV”) or Ancient semi-natural woodlands.
257. Policy DC3 of the same seeks the protection of landscapes and woodland and the provision of mitigation measures where appropriate. Similarly, policy MC14 of the SMP seeks to protect the appearance, quality and character of the landscape and any features that contribute to its distinctiveness by requiring information to be submitted on these matters to accompany a planning application for minerals development.
258. Saved policy BE2 of the Tandridge District Local Plan 2001 (“TDLP”) asserts that the visual amenities of the Green Belt should not be injured by proposals for development conspicuous from the Green Belt that would be visually detrimental by reason of their siting, materials or design requiring particular attention in respect of the retention and reinforcement of landscaping including forest, tree and woodland screening in such locations.
259. Saved policy BE4 of the TDLP requires that proposals for development should demonstrate that particular care has been taken that the landscape design is suitable for the site and form of development. Existing trees of significant public amenity value should be considered as part of the initial design process to ensure they can be retained as an integral part of the scheme. Where trees are felled prior to permission for development being sought, the CPA may require replacement planting as part of any permission granted.
260. Policy TSP20 of the Tandridge District Core Strategy 2008 (“TDCS”) advocates that the conservation and enhancement of the natural beauty of the landscape is of primary importance within the AONB, reflecting their national status and therefore the principles to be followed in the area are to (a) conserve and enhance the special landscape character, heritage, distinctiveness and sense of place of the locality, (b) conserve and enhance important viewpoints, protect the setting and safeguard views out of and into the AONB, (c) protect prominent locations on skylines and slopes and for development to take advantage of existing landscape features and tree screening, (d) support suitable located sustainable development necessary to facilitate the environmental, economic and social well being of the AONBs and their communities, (e) promote access to, particularly by means other than the car, recreation within and enjoyment of the area, and (f) apply the highest environmental design standards to development.
261. This policy goes on to confirm that the same principles will be applied in the associated AGLV which will be retained for its own sake as a buffer to the AONB and to protect

12 views from and into the AONB. Further, policy CSP21 of the same seeks protection of the character and distinctiveness of the District's landscapes and countryside for their own sake with new development being required to conserve and enhance landscape character.

The Development

- 10
262. The application site does not fall within any landscape designations. However, the AONB and an AGLV lies some 610m to the north of the sandpit beyond the M25 motorway. Immediately north of the application site is Duckpit Wood which extends eastwards toward Priory Shaw both of which are designated Ancient Semi-natural Woodland.
263. The site is located within the Wealden Greensand Landscape Character Area ("LCA") as set out within Surrey County Council's 1997 publication "The future of Surrey's landscape and woodlands". The Wealden greensand cuts across Surrey from Kent to Hampshire and is between the North Downs and the Low Weald. Some of the key characteristics of this LCA are identified as small villages with a pastoral farmed landscape with some woodland. More specifically, the sandpit is situated within the Reigate Greensand - Greensand Hills Character Area which is a narrow band of low, sandy hills supporting a large extensive scale, open, undulating landscape. The key characteristics of this local landscape are many settlements straddling the hills giving the area a more urban character, small areas of farmland having large fields divided by a strong pattern of shaws and low-cut hedges, common land and remnant parks and parkland features.
264. "The future of Surrey's landscape and woodlands" document recognises that there have been a number of mineral workings in this landscape which can tend to appear as "*splashes of orange sand in distant views*". The document also goes on to confirm that woodland is often Ancient semi-natural healthy oak-birch woodland with some oak-bracken-bramble woodland.
265. To support the proposed extension of time the applicant submitted as part of the original ES a Landscape and Visual Impact Assessment ("LVIA"). This LVIA was updated by the applicant again in 2013.
266. The LVIA comprised an assessment of the sensitivity and magnitude of the local landscape resource and the visual receptors surrounding the sandpit in the context of the likely impacts arising from infilling and restoration and the significance of these. In doing the LVIA recognised that the local area is predominantly rural despite the absence of prominent agricultural land usage. The LVIA outlines that the adjacent land uses include Coney Hill Landfill, woodland, a golf course and land in horse keep. The LVIA states that the combination of landform and land cover result in the potential visibility of the site being contained within a limited spectrum due to the screening bunds to the west and south and the woodland to the north. Coney Hill to the east precludes longer distance views.
267. The sandpit would be filled to the previously original approved pre-settlement contours associated with planning permission Ref. TA94/0980/A2. As a result, the LVIA recognises there would be temporary (earthworks, plant, infrastructure, vehicle movements etc.) and permanent effects (the final landscape with changes to the landform and after use) landscape impacts resulting from the proposed infilling and restoration works. In this respect the LVIA concludes that the effect on the landscape resource would be moderately positive with additional hedges, shrub and woodland planting and other landscape enhancements such as the pond. With regard to visual amenity, the LVIA concludes that whilst there would be an adverse effect during the operational phase of the development, over time this would turn slightly positive due to the return of views across the rural landscape and the provision of features including

trees and shrubs. Overall the applicant's LVIA concludes that there would be no residual negative effects on the landscape resources or visual amenity as a result of the development.

268. The planting and restoration schemes proposed by the applicant are discussed in paragraphs 204 to 252 above.

Landscape and Visual Amenity Conclusion

269. The applicant seeks an extension of time to undertake infilling and restoration of the existing and longstanding mineral working to previously approved contours but with an amended restoration scheme. In this respect there have been no concerns or objections raised by statutory consultees or other interested parties in respect of the landscape or visual impact of the proposal.
270. In respect of landscape and restoration the District Council would appear not to have any concerns in respect of the proposal when it concerns the visual or landscape impact of infilling and restoration so long as the County Landscape Architect, Natural England and Surrey Wildlife Trust are satisfied with the proposals.
271. Surrey Wildlife Trust does not raise objection to the proposed extension of time. They have commented that should the CPA be minded to grant planning permission the applicant should be required to undertake all the recommended actions in section 4.0 of the Ecology Addendum-2 (proposed mitigation) including proposed enhancements as this would help prevent adverse effect to legally protected species.
272. Natural England considers that the development relates to the AONB and they have therefore advised that the CPA seek the advice of the Surrey Hills AONB board.
273. The Surrey Hills AONB Board has not raised objection to the proposal. They confirm that the sandpit does not feature in views out of the AONB because of the contours and intervening woodlands and that any views of the proposed development to the AONB would be localised and would unlikely feature in significant wider public views. The board have also acknowledged that the sandpit has been long established and confirmed that restoration to agriculture is welcomed since it is the agricultural use of parts of the landscape, together with woodlands, in the area that makes the most positive contribution to its landscape character.
274. The County's Landscape Architect has not objected to the proposed extension of time on the basis that it is not considered that the proposal would result in significant adverse impacts on the area in terms of landscape and visual character. Similarly, the County's Principal Enhancement Officer has not objected to the proposed extension of time.
275. Officers recognise that the infilling and restoration works will have a localised impact on the landscape and visual amenity. However, this impact would be transient given that the applicant is intending to complete all works within 8 years of the grant of any permission and mitigated by the existing and established vegetation surrounding the application site. Following restoration of the sandpit the application site would be assimilated into the surrounding landscape. This landscape assimilation together with the ecological enhancements offered by the applicant would enhance the local landscape and as a consequence local visual amenity. It would also provide for a beneficial and positive agricultural afteruse.
276. Having regard to paragraphs 262 to 275 above, Officers consider that the proposal satisfies the requirements of policies DC2 and DC3 of the Surrey Waste Plan 2008, saved policies BE2 and BE4 of the Tandridge District Local Plan 2001, and policies TSP20 and TSP21 of the Tandridge District Core Strategy 2008 and no material considerations indicate otherwise.

ENVIRONMENTAL NOISE

National Guidance

National Planning Policy Framework 2012 and its Technical Guidance

Planning Policy Statement 10 - Planning for Sustainable Waste Management 2011

Updated national waste planning policy: Planning for sustainable waste management 2013

Development Plan Documents

Surrey Waste Plan 2008

Policy DC3 – General Considerations

Tandridge District Local Plan 2001

Saved policy EV10 – Noise

Material Considerations

Policy MC14 of the Surrey Minerals Plan 2001 – Reducing the adverse impacts of mineral development

Tandridge District Council's emerging policy DP22 – Minimising Contamination, Hazards and Pollution

Policy Context

277. Paragraph 120 of the National Planning Policy Framework (“the Framework”) states that in seeking to prevent unacceptable risks from noise pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from noise pollution, should be taken into account.
278. Paragraph 122 of the Framework advocates that in ensuring that the site is suitable for its new use local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It goes on to state that the CPA should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
279. Paragraph 123 of the Framework states that planning decisions should aim to: (a) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and (b) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise.
280. Paragraph 144 of the Framework specifically relates to decision making on planning applications for minerals development. It states that in determining planning applications for minerals development the CPA should ensure that the impacts of unavoidable noise are controlled, mitigated or removed at source. This is repeated again within the Framework’s Technical Guidance, at paragraph 28, which states that the CPA should establish appropriate noise limits for extraction in proximity to noise sensitive properties.
281. Paragraph 30 of this guidance states that subject to a maximum of 55 dB(A), the CPA should, when considering mineral development proposals, set a noise limit at noise sensitive properties that does not exceed the background noise level by more than 10dB(A). The guidance does go on to state that “*in many circumstances it will be difficult to not exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator*” and in such circumstances the limit set should be as near as practicable during normal working hours and should not exceed 55dB(A) Leq. The guidance also states that where there are tonal noises which contribute to the overall site noise it may be appropriate to set specific noise limits for these tonal elements.

282. Paragraph 31 of the guidance note discusses short term noisy activities associated with minerals development such as site preparation, the construction of noise bunds and aspects of road construction. This paragraph outlines that as these are temporary and often short term activities, a higher day time noise limit can be adopted of 70 dB(A) Leq for periods of up to 8 weeks.
283. PPS10 Annex E criteria (j) requires consideration to be given to the proximity of sensitive receptors, type of noise, whether the noise is intermittent or sustained and keeping noise at to acceptable levels when considering development proposals. Both Surrey Minerals Plan 2011 Core Strategy policy MC14 and the Surrey Waste Plan 2008 policy DC3 require consideration of noise impacts from minerals and waste development proposals respectively.
284. Policy EV10 of the Tandridge District Local Plan 2001 states that development will not be permitted where it would generate an unacceptable level of noise and which would affect noise sensitive development. The policy requires adequate information to be provided in order to assess the proposal in terms of noise.
285. Tandridge District Council's emerging policy DP22 states that for noise generating forms of development that would affect noise-sensitive development to be accompanied by a statement detailing potential noise generation levels and mitigation measures proposed to ensure noise is reduced to acceptable levels. Where a development proposal does so, the policy says it will be supported.
286. Surrey County Council has produced its own document "Guidelines for Noise Control: Minerals and Waste Disposal". These guidelines recommend that every effort should be made to undertake the proposed infilling and restoration activities so as to minimise noise at all times perhaps by working below a face and towards houses. The guidelines set out noise levels in Table 3 that are appropriate where noise cannot be reduced further. These criteria allows for a noise level of the background plus 10dBA:

	Free field Laeq dB(A)¹	LA01 dB(A)
Monday – Friday		
0700 – 0830	LA90 +5	LA90 + 10
0830 – 1700	LA90 +10	LA90 +15
1700 – 1830	LA90 +5	LA90 +10
Saturday		
0730 – 0900	La90 +5	LA90 +10
0900 - 1300	LA90 +10	LA90 +15
Other times*	LA90	LA90
Short term noise (Max 2 weeks)		
Monday – Friday		
0830 – 1700	LA90 +15	LA90 +20
Saturday		
0900 – 1300	LA90 +15	LA90+20

Table.3.

287. Notwithstanding the criteria specified in Table 3, the guidelines also provide advice on noise levels from the final restoration activities of mineral sites which would include the placement of restoration soils and the removal of any screening bunds around the perimeter of the application site. The guidelines recognise that machinery used during this stage can be large and powerful and consequently noise levels may be quite high but that noise exposure would be limited to a short period. Table 1 of the guidelines

¹ Where existing background levels are above LA90 = 45 dB(A) the noise from the working will be limited as if the LA90 was 45 dB(A)

provide noise limits specifically for the restoration component of mineral development as follows:

	Max free field LAeq (1/2 hour) dB(A) ground Floor Level	Max LA01 dB(A) free field
Monday – Friday 0800 – 1700	70	75
Monday – Friday 0700 – 0800 1700 – 1830	60	65
All days 1830 – 0700 Saturday to 0730 ²	45	50
Saturday 0730 – 0900 ³	60	65
0900 – 1300	65	70
1300 – 1830 ⁴	50	55

Table 1.

The Development

288. The proposal seeks to restore a former mineral working through the landfilling of inert waste materials. The applicant does not seek to amend the hours of operation that have historically been granted for the sandpit (0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays, with no working on Sundays, public, national or bank holidays).
289. The nearest dwellings to the application site are some 40m from its boundary on the western side of Tandridge Hill Lane (1 and 2 Tandridge Hill Lane). East Lodge lies approximately 50m to the south west and Surrey Hill House approximately 50m to the north west.
290. The County Noise Consultant (“CNC”) reviewed the planning application in 2011 and, having visited the site, established that the background noise was just below 50 LA90. Moreover, the CNC has reviewed the applicant’s Noise Assessment and has confirmed that he is satisfied with it. Accordingly it was considered that the appropriate site noise limit should be 55 LAeq in accordance with Table 3 of the Surrey Noise Guidelines.
291. However, noise conditions previously imposed for the application site sought compliance with a noise limit of 50 dB(A) Leq during the hours of 0730 to 0830 and 1700 to 1800 hours, and 55 dB(A) Leq during the hours 0830 to 1700.
292. The area to be filled is some depth below the surrounding ground level and the pit edge, this would reduce noise emissions from the site therefore initial working at the application site would not cause a significant adverse impact with regard to noise. However, as the filling approaches the final restoration levels there would be some impact of noise on the few dwellings surrounding the sandpit.
293. Currently there is a 3m high bund along the western boundary of the sandpit adjacent to Tandridge Hill Lane. The CNC considers that this bund, maintained at a height of 3m, would give sufficient protection to allow working up to 20m from the properties located off this lane. However during the final restoration phases, this bund would be insufficient to provide the same continued protection as infilling reaches approximately 122m AOD (the final restoration level is around 125m AOD). Consequently, final restoration activities may exceed the 55 LAeq noise limit. However, the final 1m deep

² Measured at bedroom level (free field)

³ Such work will only be permitted in exceptional circumstances

⁴ such work will only be permitted in exceptional circumstances

layer of restoration material would be considered final restoration in accordance with the Surrey Noise Guidelines and would therefore be subject to a higher limit for a limited period.

294. The CNC recognises that to raise the bund in height for the duration of the works maybe unwelcomed to the possible visual impact, but recommends that the bund should be raised at least for the final phase of restoration. Once infilling works have been completed this bund would be removed and the soil used for restoration activities. The CNC considers that the noise levels associated with the temporary restoration phase of the proposal would fall within the limits set out in Table 1 of the guidelines.
295. Consequently, there would be a period when the noise may exceed the limit by up to 2 LAeq but if the bund is raised by 1m to 4m in height before final restoration works commence the limit of 55 LAeq would be met. Accordingly, the CNC recommends that the western perimeter bund be raised by 1m in height later during the filling process. Officers consider that this mitigation measure can be secured by way of the imposition of a planning condition.

Environmental Noise Conclusion

296. No technical objections relating to the environmental noise impact of the proposal have been raised by statutory consultees or any other interested parties. The CNC has confirmed that he is satisfied with the applicant's noise assessment documentation.
297. Having regard to the above and given that the CNC considers the application site can operate within the Surrey Noise Guideline limits subject to conditions, Officers consider that the extension of time proposed would not generate any significant adverse harm to the local environment or amenity as a result of noise.
298. Accordingly, Officers consider that the proposal therefore meets the requirements of policy DC3 of the Surrey Waste Plan 2008 and policy EV10 of the Tandridge District Local Plan 2001 and no material considerations indicate otherwise.

FLOOD RISK, STABILTY AND POLLUTION

National Guidance

National Planning Policy Framework 2012

Planning Policy Statement 10 - Planning for Sustainable Waste Management 2011

Updated national waste planning policy: Planning for sustainable waste management 2013

Development Plan Documents

Surrey Waste Plan 2008

Policy DC2 – Planning Designations

Policy DC3 – General Considerations

Tandridge District Local Plan 2001

Saved policy EV3 – Development in Flood Plains

Saved policy EV6 – Water Quality

Saved policy EV7 – Contaminated Land

Material Considerations

Policy MC14 of the Surrey Minerals Plan 2001 – Reducing the adverse impacts of mineral development

Policy Context

299. The National Planning Policy Framework (“the Framework”) asserts that planning plays a key role in helping shape places to minimise vulnerability and providing resilience to the impacts of climate change. It advocates that this is central to achieving sustainable development. The Framework also provides technical guidance on flood risk which replaces Planning Policy Statement 25 – Development and Flood Risk.

300. Paragraph 100 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.
301. Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by (a) preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability, and (b) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
302. Consequently, paragraph 120 of the Framework states that in order to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
303. In explaining the separate but complementary relationship between the land-use planning and pollution control regimes Planning Policy Statement 10 – Planning for Sustainable Waste Management 2011 (“PPS10”), at paragraph 27, clarifies that, *“...pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of land.”*
304. Paragraph 32 of PPS10 provides further clarification in this respect by stating that, *“It should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority. In some cases, however, it may be appropriate to use planning conditions to control other aspects of the development. For example, planning conditions could be used in respect of transport modes, the hours of operation where these may have an impact on neighbouring land use, landscaping, plant and buildings, the timescale of the operations, and impacts such as noise, vibrations, odour, and dust from certain phases of the development such as demolition and construction.”*
305. Annex E of PPS10 states that in testing the suitability of sites the CPA should consider the factors listed in the annex and bear in mind the envisaged waste management facility in terms of type and scale, taking account of best available technologies (not involving excessive costs). In terms of water resources and land stability, Factors A and B of Annex E explains that considerations will include (a) the proximity of vulnerable surface and groundwater – for landfill the geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area and the suitability of locations subject to flooding will also need particular care, and (b) locations, and/or the environs of locations, that are liable to be affected by land instability will not normally be suitable for waste management facilities.
306. Policy DC2 of the Surrey Waste Plan 2008 (“SWP”) states that planning permission will not be granted for waste related development where this would endanger, or have a

significant adverse impact, on the setting of land liable to flood. This policy goes on to explain that in assessing each development proposal, due regard will be paid to prevailing national policy and guidance appropriate both to the areas and features of acknowledged importance and the proposed means of dealing with waste, and that this assessment will also take into account whether any significant adverse impact identified could be controlled to acceptable levels.

307. Policy DC3 of the SWP is clear that planning permissions 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. In this particular case the information supporting the proposal must include assessment of (i) the release of polluting substances to the atmosphere or land arising from facilities or transport, (iv) the drainage of the application site and the adjoining land and the risk of flooding, (v) groundwater conditions and the hydrogeology of the locality, and (xvi) any health impacts.
308. Saved policy EV3 of the Tandridge District Local Plan 2001 states that in areas liable to flood, development will not be permitted unless it can be demonstrated to the satisfaction of the CPA, in consultation with the Environment Agency, that by itself or cumulatively with other development, it will not (i) impede the flow of flood water, or (ii) reduce the capacity of the flood plain to store water, or (iii) increase the number of people or properties at risk from flooding. It goes on to state that any proposed flood protection measures should not harm the character, appearance or nature conservation value of the area.
309. Saved policy EV6 of the same states that, in consultation with the Environment Agency, the CPA will resist development that would adversely affect the quality of surface water or ground water or the environment of water courses or water bodies and goes on to confirm that the CPA will generally support initiative that lead to restoration, conservation or enhancement of the water environment and improvement in water quality. Whilst saved policy EV7 is clear that where the CPA is aware that land is or may be contaminated, it will consult with the Environment Agency and other pollution control authorities and that development will be permitted provided that there will be no risk to health or the environment and provided adequate remedial measures are proposed which would mitigate the effect of any contamination and render the site suitable for use.

The Development

310. The application site is located within Flood Zone 1 (land with the lowest probability of flooding). However, it is situated on land designated by the Environment Agency ("EA") as a groundwater Source Protection Zone.
311. There have been no technical objections to an extension of time to undertake infilling and restoration of the sandpit in relation to flooding, pollution prevention and control or stability matters.
312. The District Council's Environmental Health Officer recognises that the development would be regulated by the EAy and have therefore not raised objection to the proposed extension of time. However, Sutton and East Surrey Water have raised concerns with regards to matters relating to pollution prevention and control which they too acknowledge are matters for the environmental permitting process rather than the planning process. The EA have confirmed that the concerns voiced by Sutton and East Surrey Water can be addressed through the environmental permitting process.

313. The EA have commented that once they have received assurances relating to suitable infrastructure and methods of working are in place to minimise the risks to controlled waters from any permitted operations at the site in future an Environmental Permit will be issued. Accordingly, their advice under the previous permissions would be relevant with regard to groundwater protection. The EA will only accept inert waste to be used to infill the sandpit.

314. The EA have also confirmed that the draft permit has a pre-operational condition that required groundwater monitoring to establish a baseline condition before any inert waste is deposited at the site. Further, they have confirmed that there will be no commencement of activities until the conditions stated within the permit have been satisfied.

315. The County's hydrogeologist initially raised concerns with regards to the proposed extension of time due to a lack of sufficient information in respect of site stability and pollution prevention and control matters. However, having reviewed the amending and amplifying information submitted by the applicant in November 2013 it has been confirmed that the applicant's submission addresses the areas of concern with respect to slope stability and that it is no longer considered that this issue remains to be addressed in planning terms.

316. The County's hydrogeologist has also confirmed that the information has demonstrated adequate factors of safety in accordance with current guidance based on reasonable assumptions on the likely geotechnical parameters of the lining system. However, it is noted by the hydrogeologist that the precise source of materials has yet to be confirmed and therefore should there be a material difference in soil properties then the assessment would need to be readdressed.

317. Accordingly, the County's hydrogeologist considers that that application and approach to the restoration proposed is adequate. Moreover, the hydrogeologist has acknowledged that the proposed restoration and the construction and precise detail associated with the lining components will be scrutinised by the EA as part of the environmental permitting process.

318. In terms of flood risk, the County's hydrogeologist has confirmed that the applicant's Flood Risk Assessment is satisfactory and that the only potential flooding issue identified relates to surface water run-off which would be controlled by a surface water management plan. The EA have confirmed that they are satisfied with surface water drainage scheme proposed but would remind the applicant that a separate land drainage consent from the EA may be required for works within existing watercourses.

Flood Risk, Stability and Pollution Conclusion

319. Having regard to the separate but complementary relationship between the land-use planning and pollution control regimes as discussed in PPS10, taking into consideration that the infilling of the sandpit would be subject to an Environmental Permit regulated by the EA and that any concerns raised by Sutton and East Surrey Water can be adequately addressed through this process, Officers do not consider that the proposed extension of time would have a significant adverse impact on local water resources such that planning permission should be refused.

320. Further, given the location of the application site within Flood Zone 1 and considering the County's hydrogeologist's view that the only potential flooding issue identified relates to surface water run-off which would be controlled by a surface water management plan which the EA are satisfied with Officers do not consider that the proposal would result in flooding of the application site or displacement of surface water elsewhere such that it gives rise to flooding on adjacent land.

321. Accordingly, Officers consider that the proposal satisfies the requirements of policies DC2 and DC3 of the Surrey Waste Plan 2008 and saved policies EV3, EV6 and EV7 of the Tandridge District Local Plan 2001 and no material considerations indicate otherwise.

AIR QUALITY

National Guidance

National Planning Policy Framework 2012

Planning Policy Statement 10 - Planning for Sustainable Waste Management 2011

Updated national waste planning policy: Planning for sustainable waste management 2013

Development Plan Documents

Surrey Waste Plan 2008

Policy DC3 – General Considerations

Tandridge District Local Plan 2001

Saved policy EV120 – Environmental Pollution and New Development

Material Considerations

Policy MC14 of the Surrey Minerals Plan 2001 – Reducing the adverse impacts of mineral development

Policy Context

322. Paragraph 109 of the National Planning Policy Framework (“the Framework”) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from levels of air pollution.
323. Paragraph 122 of the Framework goes on to advise that when considering development proposals the CPA should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The CPA should assume that these regimes will operate effectively.
324. Paragraph 124 of the Framework discusses air quality specifically in relation to Air Quality Management Areas but it does confirm that the cumulative impacts on air quality from individual sites in local areas should be considered.
325. PPS10 Annex E criteria G requires that in decision making consideration should be given to the proximity of sensitive receptors and the extent to which adverse atmospheric emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.
326. Both Surrey Minerals Plan 2011 Core Strategy policy MC14 and the Surrey Waste Plan 2008 policy DC3 require consideration of air quality impacts from minerals and waste development proposals respectively.
327. Saved policy EV12 of the Tandridge District Local Plan 2001 states that permission will not be granted for sensitive development where the occupiers would suffer significantly from fumes, smell or other forms of pollution unless practical measures can be taken and maintained to reduce the effects to an acceptable level where they would not be significant or intrusive to those occupiers.

The Development

328. There are residential receptors within 14m of the application site. The applicant has submitted as part of this application a risk-based qualitative approach which focuses on nuisance dust risks associated with emission from the application site. The assessment concludes that magnitude of risk of dust to receptors is ‘high’.

329. The County's Air Quality Consultant ("AQC") has reviewed the air quality section of the Environmental Statement and has confirmed that the correct key sources of air quality effects such as vehicle exhaust emissions and emission of fugitive dust have been identified by the applicant.
330. The AQC has confirmed that proposals generating less than 200 HGV movements per day are not likely to affect air quality to a degree that would require detailed risk assessment. As the proposal does not seek to generate HGV movements above that already permitted for the site, i.e. 120 two way movement per day (60 total trips), the AQC does not consider the air quality effects associated with the proposal to extend the time in which infilling and restoration is to take place to be significant.
331. The applicant's Environmental Statement identifies that receptor exposure to nuisance dust is considered likely and potentially significant. The AQC concurs that the risk of nuisance dust effects is medium to high based on the proximity of sensitive receptors to dust generating activities and that with the implementation of the applicant's proposed mitigation measures the residual risk of nuisance dust effects would be low.
332. The mitigation offered by the applicant in this respect include: (a) water spray bowser to be used on reception area and haul roads during dry conditions, (b) road sweeping at the site entrance and on Barrow Green Road, (c) on site speed restrictions including a speed limit, (d) use of a wheel wash, and (e) all HGVs to be covered when accessing the site.
333. Accordingly, the AQC considers the measures set out in the Environmental Statement are consistent with the level of risk associated with the proposal. However as it has been determined that nuisance dust effects are potentially significant without the implementation of mitigation measures and therefore the AQC recommends that a dust action plan is formalised by way of a condition.

Air Quality Conclusion

334. In the absence of technical objections to the proposed extension of time, and having regard to paragraphs 328 to 333 above, Officers consider that the development satisfies the requirements of policies DC2 and DC3 of the Surrey Waste Plan 2008 and saved policy EV12 of the Tandridge District Local Plan 2001 and no material considerations indicate otherwise.

METROPOLITAN GREEN BELT

National Guidance

National Planning Policy Framework 2012 and its Technical Guidance

Planning Policy Statement 10 - Planning for Sustainable Waste Management 2011

Updated national waste planning policy: Planning for sustainable waste management 2013

Development Plan Documents

Surrey Waste Plan 2008

Policy CW6 – Development in the Green Belt

Tandridge District Local Plan 2001

Saved policy RE2 – Development in the Green Belt outside the settlements

Material Considerations

Policy MC3 of the Surrey Minerals Plan 2011 – Mineral development in the Green Belt

Policy MC17 of the Surrey Minerals Plan 2011 – Restoring mineral workings

Policy Context

335. Paragraph 79 of the National Planning Policy Framework ("the Framework") explains that the fundamental aim of Green Belt policy is to keep land permanently open, whilst

paragraph 80 lists the five purposes of Green Belts: to check unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling or derelict and other urban land.

336. Paragraph 81 of the Framework requires local planning authorities to plan positively to enhance the beneficial use of the Green Belt such as looking for opportunities to provide access to and opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity or to improve damaged and derelict land.
337. Paragraph 88 advocates that in considering any planning application the CPA should ensure that substantial weight is given to any harm to the Green Belt, and that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
338. Paragraphs 89 and 90 of the Framework discuss what types of developments are 'appropriate' in Green Belt locations. Waste related development is not included in paragraphs 89 and 90 and therefore, as with previous Green Belt Policy (Planning Policy Guidance 2 – Green Belts), waste related development is 'inappropriate development' in the Green Belt. All development is considered inappropriate in the Green Belt unless falling within the categories set out in paragraphs 89 and 90 of the Framework.
339. Paragraph 90 of the Framework confirms that mineral extraction is not inappropriate development in the Green Belt and paragraph 144 states that where mineral development takes place restoration and aftercare should be provided for at the earliest opportunity and to be carried out to high environmental standards.
340. PPS10 states that planning authorities should protect Green Belts but recognise the particular locational needs of some types of waste management facilities in determining planning applications that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.
341. However the Government's support for stringent protection against inappropriate development in the Green Belt has been reflected in the updated PPS10 document. The updated policy removes the reference in PPS10 that the CPA should give significant weight towards locational needs and wider environmental and economic benefits when considering waste planning applications in the Green Belt. This means that, under national planning policy, these planning considerations should not be given more significant weight compared to others when the planning application is determined. However the proposal, which is located in the Green Belt, will still need to be considered by the CPA on its individual planning merits having regard to the Development Plan and other material considerations, with the weight to be given on particular planning considerations being for the decision maker, subject to the circumstances of each particular case.
342. Policy CW6 of the Surrey Waste Plan 2008 states that there is a presumption against inappropriate waste related development in the Green Belt except in very special circumstances. Very special circumstances to justify inappropriate development in the Green Belt will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. However, paragraph B46 of the Surrey Waste Plan confirms that minerals can be worked only where they are found and extraction need not be inappropriate development, provided that high environmental standards are maintained and that the site is well restored. Landfill is

most often the means to that restoration. Neither landfill nor landraising activities need conflict with the purposes of including land in the Green Belt. Both can play a positive role in the objectives of the Green Belt: the after use of a site may provide the opportunities for access to restored open countryside, or improve damaged land around a town.

343. Saved policy RE2 of the Tandridge District Local Plan 2001 states that outside the settlements there will be a presumption against inappropriate development that would be harmful to the Green Belt and goes on to confirm that proposals for inappropriate development may be justified if very special circumstances that outweigh the harm by reason of inappropriateness or any other harm can be shown to exist. It clarifies that engineering or other operations and the making of a material change in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.
344. Policy MC17 of the Surrey Minerals Plan 2011 Core Strategy directs that mineral working will only be permitted where the CPA is satisfied that the site can be restored and managed to a high standard. The policy requires that restored sites should be sympathetic to the character and setting of the wider area and capable of sustaining an appropriate after use. The policy also goes on to state that restoration of mineral workings should be completed at the earliest opportunity and progressive restoration will be required where appropriate. The commentary text to policy MC17 identifies that the majority of mineral workings lie in the Green Belt and after use needs to be appropriate to the designation. Whilst policy MC3 states that proposals for mineral development, other than extraction and primary treatment, will only be permitted where the applicant has demonstrated very special circumstances that clearly outweigh the harm by reason of its inappropriateness and any other harm.

The Development

345. The application site is situated within the Metropolitan Green Belt. The proposal concerns an extension of time for filling a former mineral working with inert waste material so as to facilitate restoration. The principle of restoring the sandpit has previously been established as documented by the planning history associated with the application site.

Harm

346. The extraction of minerals is not inappropriate development in the Green Belt. However, the proposal seeks an extension of time to restore the sandpit by way of landfilling inert waste material. The applicant has submitted that it is this aspect of the proposal that is inappropriate development in the Green Belt and therefore planning policy requires the applicant to demonstrate factors which either alone or in combination amount to very special circumstances which clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and any other harm.
347. Openness of the Green Belt relates to the absence of development. Officers consider that the proposal would harm the openness of the Green Belt by the siting and operation of plant and machinery, vehicle movements, site infrastructure and landfilling activities where there were previously none. Although temporary and transient, these activities would be industrial in nature and scale. They would also impact upon the local environment and amenity principally by noise and increased vehicle movements.
348. In addition to the operational impacts of the proposed extension of time, Officers consider that the proposal would give rise to harm in so far as existing sand martin nesting holes are concerned.

349. The applicant has proposed measures to control, mitigate, and compensate for the effects of the proposal in terms of ecology, air quality, highways and traffic and visual and landscape impact. Officers are proposing to impose a range of conditions on any permission granted which would provide for further control and mitigation in respect of the effects of infilling and restoration activities. These controls and measures should be taken into account when attributing weight to the harm that would be caused by the proposal.

Very Special Circumstances

350. The application site will provide for a total of 338,000m³ of landfill void space at a rate of 75,000 tonnes of inert waste per annum beyond the 2015 period cited by the Surrey Waste Plan 2008 at which time landfill void in Surrey is unlikely to be in surplus.
351. The inert waste to be landfilled is likely to comprise waste that cannot otherwise be reused, recycled or recovered, as waste materials that can be reused or subjected to recycling or recovery operations would be diverted from landfills due to the commercial tax burden of disposing of such waste materials in that way.
352. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill). The Waste Management Plan for England, PPS10, the updated PPS10 document and the Surrey Waste Plan 2008 all echo the requirements of the waste hierarchy. However, it is recognised that disposal of inert waste by landfill remains a valid way of restoring quarries where this is a planning requirement to enable a more positive and beneficial use of land.
353. In this respect policy MC17 of the Surrey Minerals Plan advocates that restoration of mineral workings should be completed at the earliest opportunity. This policy also requires progressive restoration and the applicant will be expected to agree a scheme with the CPA detailing how the land will be restored and managed before, during and after working.
354. The highway mitigation measures proposed by the applicant in respect of planning application Ref. TA13/1652 include (a) physical junction improvement at the sandpit's vehicular access point with Barrow Green Road, (b) moving the boundary fence to the applicant's land back so that it aligns with the line of the visibility splay at the sandpit's vehicular access point thereby providing greater sight lines, (c) widening of the Barrow Green Road carriageway to 7.3 metres where there are currently pinch points and where the width is measured to be less than this, and (d) clearing of any vegetation along Barrow Green Road. These mitigation measures would be subject to a Section 278 legal agreement which would be agreed with the County Highway Authority and constructed to the satisfaction of the same before any infilling takes place. The highway improvements would remain in place following restoration of the sandpit.
355. The bulk of the sandpit is proposed to be restored to agricultural grassland that can be maintained with through mowing or by grazing. The proposed restoration scheme includes a five year post restoration aftercare strategy and the subsequent 25 year maintenance programme. In addition, the applicant proposes to restore and re-establish vegetation in the area of the former borrow pit due north of the sandpit's northern boundary adjacent to Duckpit Wood. Officers consider that the after use proposed, in conjunction with the ecological enhancement measures offered by the applicant, would be a beneficial and positive use of the restored sandpit.
356. Additional habitat would also be provided by planting the depression between the sandpit and Coney Hill Landfill with willow, by a surface water attenuation pond, and a native hedge. The applicant is also proposing to undertake extensive planting along

12 the sandpit's western and southern boundaries and site access area which would be attractive to invertebrates and birds and are therefore used as shelter and for foraging.

357. These measures would enhance the ecological characteristics of the application site and adjoining land, and facilitate assimilation of the restored sandpit into the local landscape.

358. Officers consider that the above factors, in combination, amount to very special circumstances.

Green Belt Conclusion

10 359. The infilling of the former mineral working would have an adverse impact on the openness of the Green Belt by virtue of the industrial scale and nature of the proposal. However, this impact would be temporary and transient following which a substantial improvement in the quality of the application site would be brought about by its assimilation into the local landscape, the ecological enhancements offered by the applicant, and the beneficial and positive agricultural after use proposed.

360. In addition, the sandpit would provide the County with continued sustainable waste management infrastructure beyond 2015 in accordance with the Surrey Waste Plan 2008. This would facilitate the sustainable management of waste arising from within the County's borders and residual waste arisings from London.

361. The mitigation and compensatory measures offered by the applicant and the conditions to be imposed by Officers on any permission granted would temper any harm caused by the proposal as discussed throughout this report.

362. However, Officers consider that the infilling of the sandpit need not be inappropriate development in the Green Belt as it involves the restoration of a former mineral working. For this reason Officers consider that the proposal satisfied policies DC3 of the Surrey Waste Plan 2008 and RE2 of the Tandridge District Local Plan 2001.

HUMAN RIGHTS IMPLICATIONS

363. 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.

364. Officers do not consider that the proposal engages any Convention rights afforded to the applicant.

CONCLUSION

365. The application site, which is an existing and long standing mineral working, lies within the Metropolitan Green Belt where policies of constraint apply in relation to the development of land. The mineral working remains to be restored. The applicant has explained that in the absence of an Environmental Permit infilling of the sandpit could not have commenced. The Environment Agency has now agreed to issue such a permit should, inter alia, the appropriate planning permission be in place. Accordingly, the applicant is seeking planning permission for an 8-year extension to the time frame in which infilling and associated restoration activities can take place. This 8-year period would commence on the day that any planning permission is granted in this respect.

366. The principle of restoring the sandpit by way of landfilling inert waste has already been established by planning permission Ref. TA94/980/A3. However the County Council needs to ensure that the further period of time requested is appropriate and that the effects of a further 8 year extension would not significantly adversely affect the local environment and local amenity.

367. The total void space proposed to be filled equates to 490,000m³. This void space is reduced in volume to 338,000m³ when taking account of the 152,000m³ of clay liner and restoration soils necessary to achieve restoration of the sandpit. Accordingly, it would take approximately 507,000 tonnes of inert waste material to fill a void space measuring 338,000m³. The annual filling rate proposed is 75,000 tonnes of inert waste per annum and therefore the void is to be filled over a period ranging from 5.4 to 6.8 years depending upon which conversion rate is applied (a factor of 1.2 or 1.5).
368. Consequently, if planning permission is granted for an extension of time to undertake landfilling and restoration works the application site will provide for a total of 338,000m³ of landfill void space at a rate of 75,000 tonnes of inert waste per annum beyond the 2015 period cited by the Surrey Waste Plan 2008 at which time landfill void in Surrey is unlikely to be in surplus.
369. The disposal of inert waste by landfill remains a valid way of restoring quarries where this is a planning requirement to enable a more positive and beneficial use of land. In this respect policy MC17 of the Surrey Minerals Plan 2011 ("SMP") advocates that restoration of mineral workings should be completed at the earliest opportunity.
370. Planning permission Ref: TA01/0980/A1 was granted in 2001 for an extension of time for completion of landfilling the sandpit until May 2011. Forming part of that permission was a condition which limited the number of Heavy Goods Vehicle (HGV) movements to and from the site to 55 trips (110 movements) per day. Consequently the principle of restoring the sandpit facilitated by 55 HGV trips or 110 HGV movements per day has been established as acceptable.
371. The CHA have raised no objection to the extension of time proposed or the use of Barrow Green Road by HGVs travelling to/ from the application site. Moreover, the CHA are satisfied with the proposed highway mitigation measures proposed by the applicant and to be secured by a S278 legal agreement. The CHA raise no concerns with regard to the proposal in terms of impact on pedestrians, equestrian or cyclists using the section of Barrow Green Road between the sandpit and A25 to the south. The applicant will enter into a S106 legal agreement in respect of vehicle routing so as to address the concerns raised by the District Council, Parish Council's and other interested parties.
372. It is certain that the infilling operations as proposed would have an adverse impact on existing sand martin nesting holes. However, considering that there is an existing planning permission which allows for the infilling of the sandpit, having regard to the migratory nature of sand martins, taking into account the condition proposed by Officers to secure details of the proposed artificial nesting structure and the range of ecological enhancements proposed including the five year post restoration aftercare strategy and the subsequent 25 year maintenance programme, Officers do not consider that the extension of time proposed, on balance, would result in significant harm to local fauna and flora such that refusing planning permission would be justifiable in planning terms.
373. Officers recognise that the infilling and restoration works will have a localised impact on the landscape and visual amenity. However, this impact would be transient given that the applicant is intending to complete all works within 8 years of the grant of any permission and mitigated by the existing and established vegetation surrounding the application site. Following restoration of the sandpit the application site would be assimilated into the surrounding landscape. This landscape assimilation together with the ecological enhancements offered by the applicant would enhance not only the ecological characteristics of the application site and adjacent land but also the local landscape and therefore local visual amenity. The restoration of the sandpit as proposed would also provide for a beneficial and positive after use of the land.

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374. No technical objections relating to the environmental noise, air quality, surface water, stability, or water quality impacts of the proposal have been raised by statutory consultees or any other interested parties subject to conditions.

375. Paragraph B46 of the Surrey Waste Plan 2008 states that minerals can be worked only where they are found and extraction need not be inappropriate development, provided that high environmental standards are maintained and that the site is well restored. Landfill is most often the means to that restoration. Neither landfill nor landraising activities need conflict with the purposes of including land in the Green Belt. Both can play a positive role in the objectives of the Green Belt: the after use of a site may provide the opportunities for access to restored open countryside, or improve damaged land around a town.

RECOMMENDATION

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376. Officers recommend that planning permission Ref. TA11/1075 be **GRANTED** subject to the applicant entering into a S106 agreement with the County Planning Authority to secure the routing of HGVs and the provision of road signs along Barrow Green Road, and subject the following conditions:

Conditions:

1. The development hereby approved shall be carried out and maintained in all respects strictly in accordance with the following plans, drawings and documents:

Drawing: ES-01 General Site Area dated May 2011
Drawing: ES-02 Location Plan dated May 2011
Drawing: ES-03 Site Plan dated May 2011
Drawing: ES-04 Restoration Plan with Pre-settlement Contours dated May 2011
Drawing: ES-05 Local Sensitive Receptors dated May 2011
Drawing: Figure 06 Area Sensitive Receptors - Landscape Designations dated May 2011
Drawing: Figure 13 Phase 1 Habitat Survey dated May 2011
Drawing: PS-S-1 Location Plan dated June 2013
Drawing: PS-S-2 Site Plan dated June 2013
Drawing: P-S-1 Planting Plan (shown on existing profile) dated April 2013
Drawing: R-S-1 Restoration Scheme Site Location (aerial) dated June 2013
Drawing: R-S-3 Restoration Scheme Site Preparation dated June 2013
Drawing: R-S-4 Indicative Progressice Restoration dated June 2013
Drawing: R-S-5 Restoration Plan Stage 2 (post infilling and surface planting) dated June 2013
Drawing: LVIA-1 Environmental Statement LVIA Aerial View dated April 2013
Drawing: LVIA-3 Environmental Statement LVIA Existing Profile dated June 2013
Drawing: B.1 Area Plan Showing Site Location
Drawing: B.2 Plan of Site and Receiver Locations
Drawing: B.3 Noise Model Calculation Locations and Bund Location
Drawing: Figure 01 Sand Martin Nests in April 2012 dated December 2013
Drawing: Location of Dormouse Nest-Tubes dated January 2012
Drawing: Reptile Survey Location of Refugia Under Forthcoming National Guidance dated January 2012
Drawing: Great Crested Newt and Invertebrate Survey dated January 2012
Document: Section 4 Proposed Mitigation and Mitigated Impact Assessment of the Environmental Statement Ecology Addendum-2 dated June 2013
Document: Section 2.2 Proposed Avoidance of Harm to Nesting Sand Martins of Sand Martin Mitigation Proposals dated February 2014
Document: Section 2.2 Surface Preparation Following Infill of Void of Restoration and Aftercare Scheme dated February 2014
Document: Section 2.3 Agricultural After Use (Unimproved Mixed Species Grassland) of Restoration and Aftercare Scheme dated February 2014

Document: Section 2.4 Woodland 'Shaw' and Shrub Planting of Restoration and Aftercare Scheme dated February 2014

Document: Section 2.5 Water Body Wetland Area of Restoration and Aftercare Scheme dated February 2014

Document: Section 2.7 Soil Management and Storage of Restoration and Aftercare Scheme dated February 2014

Document: Section 2.8 Retention, Protection and Maintenance of Existing Trees and Shrubs Including Removal of Undesirable Species of Restoration and Aftercare Scheme dated February 2014

Document: Section 3 Phasing and Progressive Restoration of Restoration and Aftercare Scheme dated February 2014

Document: Section 4 Aftercare Management of Restoration and Aftercare Scheme dated February 2014

Document: Section 5 Ecological Monitoring of Restoration and Aftercare Scheme dated February 2014

Document: Section 2 Pre Restoration Planting Proposal of Revised Planting Scheme dated February 2014

Document: Section 3 Management of Proposed Planting of Revised Planting Scheme dated February 2014

Document: Section 4 Retention, Protection and Maintenance of Existing Trees and Shrubs of Revised Planting Scheme dated February 2014

Document: Section 5 Responsibilities and Timescales of Revised Planting Scheme dated February 2014

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that Order with or without modification), no plant, buildings, structures or machinery (other than those expressly authorised by this permission), whether fixed or moveable, shall be stationed, erected, or constructed on the application site without the prior written approval of the County Planning Authority.
3. Infilling and restoration of the sandpit shall be completed in all respects within 8 years from the date of the permission hereby granted following which all plant, machinery, buildings, structures and their respective foundations not required in connection with the aftercare and management of the restored sandpit shall be removed within 3 months.
4. No machinery shall be operated, no process shall be carried out, and no deliveries shall be taken at or dispatched from the application site outside 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays, nor at any time on Sundays, Bank, National or Public Holidays. This condition shall not prevent the carrying out of emergency operations but these are to be notified to the County Planning Authority in writing within 5 working days.
5. The number of HGV movements to and from the application site shall not exceed 110 per day (55 HGVs) Monday to Friday and 60 per day (30 HGVs) on Saturdays. Records of HGV movements on a daily basis to and from the application site shall be maintained for up to one year at any one time and shall be made available to the County Planning Authority on request.
6. The operator shall keep the public highway clean and prevent the creation of a dangerous surface on the public highway. The wheel washing facilities shall be retained and used whenever operations are carried out.
7. The means of access to the development shall be from the existing access to Barrow Green Road, as modified, only.

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8. Works shall not commence unless and until the access modifications, works to Barrow Green Road and wheel washing facilities the subject of TA/13/1692 have been implemented to the satisfaction of the County Highway Authority.
 9. Prior to commencement of infilling operations, a Dust Action Plan is to be submitted to the County Planning Authority for approval. The Dust Action Plan shall be implemented as approved and maintained for the duration of the development.
 10. No activity hereby permitted shall emit dust, which causes a nuisance beyond the boundaries of the site, due to either inappropriate working or adverse weather conditions. If such an emission should occur appropriate measures shall be taken to abate the problem, but if unsuccessful 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.

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 11. Prior to commencement of infilling operations the applicant shall submit details of invasive plant species to the County Planning Authority for approval including whether any invasive plant species are present within the boundaries of the application site and the measures to be put in place to deal with them during the course of the development. The details as approved shall be implemented and maintained by the applicant for the duration of the development hereby permitted.
 12. All plant and machinery shall operate only in the permitted hours, except in emergency and shall be silenced at all times in accordance with the manufacturer's recommendations.
 13. Except for temporary operations, the level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2m above any noise sensitive building that faces the site shall not exceed 55 LAeq during any 30 minute period.
 14. For temporary operations such as final restoration, the level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2m above ground level and 3.5m from the façade of a residential property or other noise sensitive building that faces the site shall not exceed 70 LAeq during any 30 minute period between 0700 and 1800 hours Monday to Friday and 0700 to 1300 hours on a Saturday.
 15. Within 12 months of the date of this planning permission the applicant shall submit a scheme for the raising of the height of the western boundary bund by 1m during final restoration activities to the County Planning Authority for approval. The approved details shall be implemented and maintained for the duration of the development hereby permitted.
 16. No working shall take place lower than 0.61m above the level of the normal February water table or above a southward sloping floor between 102.1 and 103.6m AOD whichever is the greater.
 17. Apart from the dewatering permitted under planning permission Ref. TA/75/815 dated 20 July 1983, no dewatering or pumping from the sub-strata shall take place without prior permission of the County Planning Authority.
 18. No watercourse shall be incorporated into or be allowed to discharge into the working, nor shall there be any direct connection between the pit and any watercourse other than the connection permitted under planning permission Ref. TA/75/815 dated 20 July 1983. All possible steps shall be taken to prevent any suspended matter or sand passing into any watercourse from the infilling operations. There shall be no discharge of water, sand, oil, grease or any other offensive or injurious matter into any watercourse.

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is a multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.
20. Adequate drip trays shall be provided for static plant and machinery and any materials accidentally contaminated by oil spillage shall be removed immediately. A parking area for all moveable plant and machinery shall be provided on site to be agreed in writing by the County Planning Authority where precautions shall be taken to prevent oil drippings contaminating the soil or subsoil. All moveable plant and machinery shall be parked within this area outside the normal working day.
21. Prior to commencement of infilling and restoration works details of Sand Martin Compensatory Measures shall be submitted to the County Planning Authority for approval. The details shall include a detailed design of the proposed artificial nesting structure proposed together with documentary evidence to support its effectiveness, a time table for its construction and any maintenance measures. The approved details shall be implemented as approved and maintained for the duration of the development hereby permitted.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of local amenity and to protect the amenities of neighbouring dwellings in accordance with Policy DC3 of the Surrey Waste Plan 2008.
3. So as to comply with the terms of the application.
4. So as to comply with the terms of the application and in the interests of local amenity and to protect the amenities of neighbouring dwellings in accordance with Policy DC3 of the Surrey Waste Plan 2008.
5. So that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy DC3 of the Surrey Waste Plan 2008.
6. So that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy DC3 of the Surrey Waste Plan 2008.
7. So that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy DC3 of the Surrey Waste Plan 2008.
8. So that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy DC3 of the Surrey Waste Plan 2008.
9. In the interests of the local environment and amenity in accordance with Policy DC3 of the Surrey Waste Plan 2008.
10. In the interests of the local environment and amenity in accordance with Policy DC3 of the Surrey Waste Plan 2008.
11. In the interests of the local environment in accordance with Policy DC3 of the Surrey Waste Plan 2008.

12. In the interests of the local environment and amenity in accordance with Policy DC3 of the Surrey Waste Plan 2008.
13. In the interests of the local environment and amenity in accordance with Policy DC3 of the Surrey Waste Plan 2008.
14. In the interests of the local environment and amenity in accordance with Policy DC3 of the Surrey Waste Plan 2008.
15. In the interests of the local environment and amenity in accordance with Policy DC3 of the Surrey Waste Plan 2008.
16. To ensure the availability and purity of the underground water which is within a water borehole aquifer and to protect the free flow and purity of surface water in accordance with policies DC2 and DC3 of the Surrey Waste Plan 2008.
17. To ensure the availability and purity of the underground water which is within a water borehole aquifer and to protect the free flow and purity of surface water in accordance with policies DC2 and DC3 of the Surrey Waste Plan 2008.
18. To ensure the availability and purity of the underground water which is within a water borehole aquifer and to protect the free flow and purity of surface water in accordance with policies DC2 and DC3 of the Surrey Waste Plan 2008.
19. To ensure the availability and purity of the underground water which is within a water borehole aquifer and to protect the free flow and purity of surface water in accordance with policies DC2 and DC3 of the Surrey Waste Plan 2008.
20. To ensure the availability and purity of the underground water which is within a water borehole aquifer and to protect the free flow and purity of surface water in accordance with policies DC2 and DC3 of the Surrey Waste Plan 2008.
21. In the interests of local biodiversity in accordance with paragraph 118 of the National Planning Policy Framework and policies DC2 and DC3 of the Surrey Waste Plan 2008.

Informatives:

1. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
2. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.
3. The applicant is advised that as part of the detailed design of the highway works, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The County Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders.

5. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a Section 278 Agreement will need to be completed before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
6. The applicant should note that the Wildlife and Countryside Act 1981 makes it an offence to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 Part 2 of this Act.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended) it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present.
8. Any watercourse within the boundary of the site would be classed as an 'ordinary watercourse' and comes under the terms of the Land drainage Act 1991, whereupon any culvert, diversion, weir dam or like obstruction to the flow of the watercourse requires the consent of the Environment Agency, under the Land Drainage Act 1991. For nature conservation reasons, the Environment Agency seeks to avoid culverting and will not normally consent such works except for access. In the absence of any agreement to the contrary, maintenance of the watercourse is the responsibility of the riparian owner. Application for consent should be made to the Environment Agency's Development and Flood Risk team (tel. 01732 223151).

CONTACT

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BACKGROUND PAPERS

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

Government Guidance

National Planning Policy Framework 2012 and its Technical Guidance

Waste Management Plan for England 2013

Planning Policy Statement 10 – Planning for Sustainable Waste Management 2011

Updated national waste planning policy: Planning for sustainable waste management 2013

The Development Plan

The Surrey Waste Plan 2008

Saved policies of the Tandridge District Local Plan 2001

Tandridge District Core Strategy 2008

Other Documents

Surrey Minerals Plan 2011

Tandridge District Council's emerging policy

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