

TO: PLANNING & REGULATORY COMMITTEE

DATE: 12 JULY 2017

BY: PLANNING DEVELOPMENT TEAM MANAGER

DISTRICT(S) SPELTHORNE BOROUGH COUNCIL

ELECTORAL DIVISION(S):

Stanwell & Stanwell Moor
Mr Robert Evans

PURPOSE: FOR DECISION

GRID REF: 505096 174526

TITLE: MINERALS REF. SP17/00118/SCC - STANWELL QUARRY, STANWELL MOOR ROAD, STANWELL, SURREY TW19 6AB

SUMMARY REPORT

Stanwell Quarry, Stanwell Moor Road, Stanwell, Surrey TW19 6AB

Non-compliance with Conditions 1 and 2 of planning permission ref: SP10/0594 dated 26 October 2011 in order to extend the time taken for restoration until 26 October 2027 and to change the restoration and phasing plans previously approved.

The application which is the subject of this report seeks to amend the restoration scheme previously approved for the quarry, extend the management plan area, and extend the period of time to complete the restoration of the quarry for a further 10-years.

Mineral extraction from the application site has ceased and to date about 1/3 of the quarry has been restored using locally sourced inert waste material. The restored areas include a large area of agricultural land to the east, an area of wetland ecological restoration to the south and further agricultural land in the west adjoining the A3044.

Insufficient restoration soils were retained on site in the initial phases of the quarry to complete restoration. Consequently, in order to resolve the shortage of restoration materials planning permission was granted in 2011 by Surrey County Council for a temporary five-year recycling operation on 2.9ha of the site for the production of restoration materials and recycled aggregates for export.

The applicant explains that this recycling operation has been very successful and has produced materials to fill the void space and see restoration progress. Since 2011 some 105,000m³ of restoration material has been placed in the quarry void. However, the recovery of soil forming materials has been slower than expected, due predominantly to the success of the recycling operation and its ability to recover recycled aggregates for reuse elsewhere off-site and in particular at Heathrow Airport. Based on an average manufacturing rate of restoration material of between 10,000m³ to 15,000m³ per annum, and a remaining restoration requirement of some 115,000m³, restoration of the quarry should be completed within 10-years.

In order to compensate for the delay in restoration the applicant is now proposing enhanced nature conservation areas and to create and manage priority biodiversity habitats. The proposed schemes also seek to provide a new public footpath through the western half of the restored site and improved parkland landscaping for historic and amenity reasons. The management scheme offers a 25-year management plan area covering an area of 15ha which is to be secured by way of a revised s106 legal agreement. The proposed restoration and management schemes are supplemented by a 5-year Agricultural Aftercare Scheme, Boundary Vegetation Management Scheme and a Bird Management Plan.

Although Officers are disappointed that restoration of the mineral working has not been completed as previously envisaged, the application site should not be left unrestored and therefore in a degraded state. Similarly, having regard to the Waste Hierarchy, it would not be sustainable and therefore acceptable to simply dispose of inert waste into the remaining void for the sake of a swift restoration.

The applicant has provided a reasonable explanation as to why the previously permitted timetable for restoration has not been achieved, demonstrated why a further 10-year period for completion of restoration works is reasonably necessary, and committed to only disposing residual inert waste which could not otherwise be prepared for reuse, recycled or recovered for the purposes of restoration. Consequently, Officers consider that 26 October 2027 would be the earliest opportunity for full and proper restoration of the quarry having regard to the volume of restoration material to be produced annually and the complexity and diversity of the proposed restoration scheme.

Further, Officers consider that in assessing the proposed changes to the restoration scheme as a whole, the enhanced restoration scheme and the significantly large management plan area that will be subject to a 25-year aftercare and management scheme and secured by legal agreement, would be of greater benefit to the local community and environment, including the openness of the Green Belt, than the previously approved restoration and management scheme. Officers also consider that the extended management area and enhanced restoration scheme compensate for the delay in fully restoring the mineral working within previously approved timescales.

Statutory consultees have not raised any technical objections to the proposal subject to conditions in the case of surface water management, and limited concern has been raised by interested parties none of which concern the delay to restoration of the quarry. One interested party is fully supportive of the revised scheme.

The recommendation is that planning application Ref. SP17/00118/SCC be PERMITTED subject to a revised s106 legal agreement and conditions.

APPLICATION DETAILS

Applicant

CEMEX UK Operations Limited

Date application valid

13 January 2017

Period for Determination

19 July 2017

Amending Documents

Drawing Ref. P5/227/7A Interim Restoration and Phasing dated 24 April 2017

Drawing Ref. P5/227/8A Revised Restoration and Potential Enhancements dated 29 March 2017

Drawing Ref. P5/227/13A Boundary Vegetation Management Scheme dated 24 April 2017
Bird Management Plan dated April 2017

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
Need for Extension of Time	Yes	40 - 54
Restoration and Management	Yes	55 - 84

ILLUSTRATIVE MATERIAL

Site Plan

Drawing Ref. P5/227/7A Interim Restoration and Phasing dated 24 April 2017

Drawing Ref. P5/227/8A Revised Restoration and Potential Enhancements dated 29 March 2017

Drawing Ref. P5/227/13A Boundary Vegetation Management Scheme dated 24 April 2017

Aerial Photographs

Aerial 1 – Stanwell Quarry

Aerial 2 – Stanwell Quarry

Aerial 3 – Stanwell Quarry

Site Photographs

Figure 1 – Phase 1A and 1B looking South East

Figure 2 – Looking across the quarry to the South West

Figure 3 – Looking North towards Phases 3A and 3B

Figure 4 – Looking South West towards Phases 2B and 2C

Figure 5 – South Eastern boundary of quarry

BACKGROUND

Site Description

1. The application site is a partly restored sand and gravel quarry to the south of the Southern Perimeter Road which feeds Heathrow Airport. It is located to the east of the A3044 Stanwell Moor Road (with Stanwell Moor beyond), north of Staines and King George VI Reservoirs, and north-west of Stanwell village serviced by Park Road and the High Street. To the east the quarry is bounded by open amenity land beyond which are parts of Stanwell village.
2. The application site measures some 32.3 ha and is located in the Metropolitan Green Belt. Both Staines and King George VI Reservoirs are designated Ramsar Sites¹ and a Special Protection Area (SPA). The reservoirs also form part of the Staines Moor Site of Special Scientific Interest (SSSI)². Moreover, there are two small Sites of Nature Conservation Importance (SNCI) within the quarry³ - one in the northwest corner and the

¹ Ramsar sites are wetlands of international importance designated under the Ramsar Convention

² Staines Moor represents the largest area of alluvial meadows in Surrey and supports a rich flora while the reservoirs hold nationally important populations of wintering wildfowl. A pond at the site carries an aquatic flora which is of national importance; this flora includes one plant which is extremely rare in Britain

³ Mosaic of gravel pits and ditches supporting a range of marginal vegetation including fen

other in southwest corner. The southern SNCI lies within an area of the quarry that has been largely unworked.

3. The Stanwell Conservation Area is located to the south-east of the quarry at a distance of about 150m but with intervening urban development including Heathrow Airport car parking services. Within this Conservation Area are a number of listed buildings. There are further Heritage Assets within and in close proximity to the boundary of the quarry including the Grade II Listed Gate piers and Gates to Stanwell Place⁴ and the remnants of the formal gardens of Stanwell Place⁵. Moreover, a 0.85ha strip of land along the southern boundary of the application site parallel with Gibson Place and Park Road is designated as an Area of High Archaeological Potential.
4. A group of trees on the western boundary of the application site are covered by Tree Preservation Orders and reflect the site's parkland garden past.
5. An existing public footpath (Ref. FP4) and cycleway run along the southern boundary of the application site from Stanwell Moor Road to Park Road.

Planning History

6. Permission to extract gravel from the application site was allowed on appeal in 1964⁶. In 1967 permission was granted for an extension of the application site to the north⁷ and in 1971 on appeal for a second area to the south⁸.
7. Mineral extraction from the application site has ceased and to date about 1/3 of the quarry has been restored using locally sourced inert waste material. The restored areas include a large area of agricultural land to the east, an area of wetland ecological restoration to the south and further agricultural land in the west adjoining the A3044. However, insufficient restoration soils were retained on site in the initial phases of the quarry to complete restoration.
8. Consequently, in order to resolve the shortage of restoration materials planning permission was granted in 2011 by Surrey County Council (SCC) for a temporary five-year recycling operation on 2.9ha of the site for the production of restoration materials and recycled aggregates for export⁹.
9. The approved recycling operation was permitted at the same time as amended details of restoration were approved by SCC in 2011 which provided for an enhanced final landscape¹⁰. This permission requires that restoration of the quarry be completed by 26 October 2017, and is tied into a Section 106 legal agreement for twenty-five year management of a 7.1ha area of the restored quarry.

THE PROPOSAL

10. Having regard to paragraphs 8 and 9 above, this report should be read in conjunction with the Officers report relating to planning application Ref. SP17/00113/SCC¹¹ which seeks permission for the retention of the existing recycling operation undertaken on the application site until 26 October 2026.

⁴ Historic Environment Record Ref. 10752

⁵ Historic Environment Record Ref. 15237

⁶ Consent Ref. STA 16/3

⁷ Consent Ref. STA 9191

⁸ Consent Ref. STA 11250

⁹ Planning permission Ref. SP08/0337

¹⁰ Planning permission Ref. SP10/0594 and Drawing Ref. P1/227/11/C

¹¹ Retention of an existing recycling operation on a site of some 5.3ha for the processing of construction and demolition waste for the production of restoration materials for use in the former Stanwell Quarry and recycled aggregates for export for a period of 10 years with restoration of the recycling site to agriculture.

11. The application which is the subject of this report seeks to vary conditions 1 and 2 of planning permission Ref. SP10/0594 dated 26 October 2011 in order amend the restoration scheme previously approved for the quarry, extend the management plan area, and extend the period of time to complete the restoration of the quarry. The proposal also includes new phasing plans to tie the filling phases with the new restoration details.
12. The applicant explains that the recycling operation¹² has been very successful and has produced suitable restoration materials to fill the void space and see restoration progress. However, the recovery of soil forming materials has been slower than expected, due predominantly to the success of the recycling operation and its ability to recover recycled aggregates for reuse elsewhere off-site and in particular at Heathrow Airport. Accordingly, the applicant anticipates, based on the rates of recycling and restoration over the past five years or so, that the remaining restoration works would take an additional ten years to secure.
13. In respect of the proposed change to the restoration and management schemes the applicant is now proposing enhanced nature conservation areas, in mitigation for parts of the lost SNCI area in the north of the site, and to create and manage priority biodiversity habitats. The proposed schemes also seek to provide a new public footpath through the western half of the restored site and improved parkland landscaping for historic and amenity reasons. The management scheme offers a 25-year management plan area covering an increased area of 15ha¹³ which is to be secured by way of a revised legal agreement¹⁴. The proposed restoration and management schemes are supplemented by a Boundary Vegetation Management Scheme and a Bird Management Plan¹⁵.
14. The application also includes details of a 5-year agricultural aftercare scheme for the areas restored to agriculture outside of the existing and proposed management plan areas pursuant to condition 6 of planning permission Ref. SP10/0594. This scheme provides details of soil depths and handling; an aftercare programme and site records; cultivation and cropping; secondary treatments and land drainage; buffer strips and amenity grassland; wetland areas; landscaping scheme: tree, shrub and hedgerow planting; and control of invasive species during the life of the site; annual aftercare table and annual programme of management.
15. The enhanced restoration scheme and larger management plan area proposed by the applicant is part of the justification for very special circumstances for retaining the aggregate recycling operations in the northern part of the quarry until 26 October 2026¹⁶, and the delay in restoration of the quarry.

CONSULTATIONS AND PUBLICITY

Consultees (Statutory and Non-Statutory)

16. Spelthorne Borough Council - No views received at the time of writing this report.
17. The Environment Agency - No objection subject to an informative. Request that hydrogeological risk assessment and Surface Water Monitoring Plan be updated as necessary to reflect the new restoration scheme.

¹² Planning permission Ref. SP08/0337

¹³ A 51% increase in area compared to the existing management area

¹⁴ Draft Heads of Agreement provided at Annex 1

¹⁵ Due to the proximity of Heathrow Airport and the consequent risk of bird strike

¹⁶ See the Officers report relating to planning application Ref. SP17/00113/SCC

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| 18. Natural England | - No comments to make. |
| 19. Surrey Wildlife Trust | - No views received. |
| 20. County Highway Authority | - No objection. |
| 21. English Heritage | - No comments to make. |
| 22. Heathrow Airport Safeguarding | - No objection. |
| 23. Lead Flood Authority | - No objection subject to conditions. |
| 24. SCC Archaeologist | - No objection. |
| 25. SCC Historic Buildings Officer | - No objection. |
| 26. SCC Landscape Architect | - There would be no significant additional adverse landscape effects as a result of the extension of time. It would not affect the quality and scope of the proposed restoration, and the additional information provides surety on the management of the retained landscape over the extended period, so mitigation remains effective. No objection. |
| 27. SCC Ecologist | - No objection. |
| 28. SCC Enhancement Officer | - No objection. |
| 29. SCC Rights of Way | - No views received. |
| 30. Thames Water | - No views received. |

Parish/Town Council and Amenity Groups

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| 31. Hawthorne Court Residents' Association | - No views received. |
| 32. Stanwell Moor Residents' Association | - No views received. |
| 33. Spelthorne Natural History Society | - No views received. |

Summary of publicity undertaken and key issues raised by public

34. The application was publicised by the posting of two site notices and an advert placed in the Surrey Advertiser on 10 February 2017. A total of 228 owner/occupiers of neighbouring properties were directly notified by letter on 7 February 2017. A further round of public notification was undertaken on 30 May 2017 as a result of amendments made to the proposed restoration scheme including a revised Bird Management Plan and addition of a Boundary Vegetation Management Scheme. The County Planning Authority (CPA) has received 6 representations in respect of the proposal. A summary of the material planning considerations raised in these representations is provided below:

- The restoration proposed is a sweetener for the local community that will never happen;
- Over the years permission has been granted and goalposts moved;
- I have been monitoring and watching developments of this site and nothing has been done in the last 3 years to reinstate infill and restore the land;
- Basically, the land is now used as a recycling depot;
- How many people would use the proposed footpath?;
- The proposed footpath is a security risk to local residents;
- If the site was reinstated and people were allowed in to enjoy a nice park where would the entrance be and where would the cars all go?
- We have enough factories and recycling plants around here without another ten years;
- There are too many gravel extraction areas around here. The dust, noise and air pollution are health and safety concerns;
- I wholeheartedly support this excellent plan which will greatly benefit the local community of Stanwell.

PLANNING CONSIDERATIONS

Introduction

35. The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
36. In this case the statutory development plan for consideration of the application comprises the [Surrey Minerals Plan Core Strategy Development Plan Document 2011 \(MCS\)](#), the [Surrey Minerals Plan Minerals Site Restoration Supplementary Planning Document 2011 \(MRS\)](#), the [Aggregates Recycling Joint Development Plan Document for the Minerals and Waste Plans 2013 \(ARD\)](#), [saved policies of the Spelthorne Local Plan 2001 \(SLP\)](#), and the [Spelthorne Core Strategy and Policies Development Plan Document 2009 \(SPD\)](#).
37. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations.
38. In assessing proposals against development plan policy it is necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. However, in this case the main planning considerations are: (a) the need for the extension of time sought, and (b) whether the revised restoration and general management schemes are acceptable.
39. As mineral extraction is no longer taking place, the predominant environmental and amenity impacts of the quarry, and the restoration thereof, fall to the permitted recycling operations taking place on the application site. Accordingly, these matters are discussed in the Officers report relating to planning application Ref. SP17/00113/SCC¹⁷ which should be read in conjunction with this report. SCC records reveal that there have been no complaints about the application site since before 2011. Should permission be granted Officers will seek to re-impose any existing planning controls on any consent issued.

NEED FOR EXTENSION OF TIME

Development Plan Policy

¹⁷ Retention of an existing recycling operation on a site of some 5.3ha for the processing of construction and demolition waste for the production of restoration materials for use in the former Stanwell Quarry and recycled aggregates for export for a period of 10 years with restoration of the recycling site to agriculture.

Surrey Minerals Core Strategy 2011 (MCS)

Policy MC17 – Restoring Mineral Workings

Policy MC18 – Restoration and Enhancement

Aggregates Recycling Development Plan Document 2013 (ARD)

Policy AR1 – Presumption in Favour of Sustainable Development

Spelthorne Core Strategy and Policies Development Plan Document 2009 (SPD)

Policy SP6 – Maintaining and Improving the Environment

Policy Context

40. The National Planning Policy Framework (the Framework) advocates that minerals are essential to support sustainable economic growth and our quality of life. It states that it is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation¹⁸.
41. In respect of mineral development the Framework goes on to prescribe that when determining planning applications the County Planning Authority (CPA) should: (a) give great weight to the benefits of the mineral extraction, including to the economy; (b) ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; (c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and (d) provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances¹⁹.
42. Policy MC17 of the MCS provides that mineral working will be permitted only where the CPA is satisfied that the site can be restored and managed to a high standard²⁰. This policy also requires that restoration of mineral workings should be completed at the earliest opportunity and progressive restoration will be required where appropriate.
43. Policy MC18 of the MCS states that the CPA will encourage and work with mineral operators and landowners to deliver benefits such as enhancement of biodiversity interests, improved public access and provision of climate change mitigation such as greater flood storage capacity. Where appropriate, a wider area enhancement approach should be developed, linking restoration proposals for mineral sites or linking site restoration to other green infrastructure initiatives.
44. Policy AR1 of the ARD explains that when considering development proposals the CPA will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (the Framework). The CPA will always work proactively with applicants jointly to find solutions which mean that proposals can be permitted wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This policy also echoes paragraph 14 of the Framework in advocating that planning applications that accord with the policies in the ARD, and with relevant policies in other plans, will be permitted without delay unless material considerations indicate otherwise.

¹⁸ Paragraph 142 of the National Planning Policy Framework

¹⁹ Paragraph 144 of the National Planning Policy Framework

²⁰ (i) Sympathetic to the character and setting of the wider area; (ii) and capable of sustaining an appropriate after-use

45. Policy SP6 of the SPD seeks to maintain and improve the quality of the environment of the Borough by: (a) ensuring that the design and layout of new development incorporates principles of sustainable development, creates an environment that is inclusive, safe and secure, is attractive with its own distinct identity and respects the environment of the area in which it is situated; (b) contributing to improving air quality in the Borough; (c) protecting and enhancing areas of existing environmental character; and (d) promoting the improvement of poor quality environments both within the urban area and in the Green Belt.

The Development

46. Planning permission Ref. SP10/0594²¹ required that the application site be restored by 26 October 2017. This requirement will not been met. As set out in the preceding paragraphs there is a policy imperative that all mineral workings are restored at the earliest opportunity and that any such restoration is to a high environmental standard. Officers consider it unfortunate that the quarry will not be fully restored within the previously prescribed timescale.
47. The applicant has explained that in 2011 the volume of material required to deliver full restoration of the quarry was around 250,000m³ i.e. an ambitious fill rate of about 50,000m³ per annum over the relevant 5-year period. Since 2011 some 105,000m³ of restoration material has been placed in the quarry void. Consequently, some 145,000m³ of material is still required to complete the restoration of the quarry. About 30,000m³ of this presently forms the base of and bunds for the recycling area which would ultimately be used in the restoration of the quarry. In effect therefore about 115,000m³ of material is required to fully restore the quarry.
48. In the absence of site-derived restoration materials, the remaining materials necessary will need to be sourced from some form of recycling operation on or off the application site. It would not be acceptable from a sustainability perspective to simply complete restoration of the quarry by landfilling available or imported inert waste which could otherwise be prepared for reuse, recovered or recycled. Neither would it be acceptable to leave the quarry unrestored as set out in the policy context section above.
49. As the ARD²² explains, the way in which mineral workings have traditionally been restored has changed since 1996 when the Government introduced a tax on the disposal of waste by landfilling. This tax, which has increased annually, had steadily discouraged the disposal of waste by landfilling (including the restoration of mineral workings by infilling) thereby incentivising its reuse, recycling and recovery over its disposal. This approach to the management of waste is consistent with the Waste Hierarchy which is a guide to sustainable waste management, a material planning consideration, and a legal requirement enshrined in law by the Waste (England and Wales) Regulations 2011.
50. The recycling operations undertaken at the quarry have been able to recover a significant proportion of material for re-use elsewhere²³ and this has meant that the timetable for restoration of the mineral working has been disrupted. Based on an average manufacturing rate of restoration material of between 10,000m³ to 15,000m³per annum, and a remaining restoration requirement of some 115,000m³, restoration of the quarry should be completed within 10-years.
51. Although surface restoration and landscaping/maintenance works are unlikely to take all 10-years, Officers consider a degree of flexibility is necessary so as to provide certainty and to negate the need for any further formal requests for extension to the time-period in

²¹ Planning permission for amended details of restoration

²² Paragraphs 60 to 68 on pages 19 and 20

²³ Between 85 to 90% of total volume imported

which the quarry is to be restored. Moreover, the enhanced restoration proposed by the applicant is complex in nature and would apply to some two-thirds of a 32.3 ha site. As such, Officers consider that a further 10-year period is reasonable and proportionate in the circumstances.

Conclusion

52. Officers cannot countenance any reason why the application site should be left unrestored and therefore in a degraded state. Similarly, having regard to the Waste Hierarchy, it would not be sustainable and therefore acceptable to simply dispose of inert waste into the remaining void for the sake of restoration. The applicant has provided a reasonable explanation as to why the previously permitted timetable for restoration has not been achieved, demonstrated why a further 10-year period for completion of restoration works is necessary, and committed to only disposing residual inert waste which could not otherwise be prepared for reuse, recycled or recovered for the purposes of restoration. Consequently, Officers consider that 26 October 2027 would be the earliest opportunity for full and proper restoration of the quarry. A fully restored quarry to high environmental standards would result in an enhanced local environment and amenity for the local community.
53. Although the applicant has provided an updated phasing plan²⁴ for the outstanding restoration works Officers consider it necessary to impose a planning condition on any consent granted requiring the submission of a phasing plan which is tied to definitive timescales. This would ensure that progressive restoration works are carried out as proposed and that the phases of restoration and their respective timings can be effectively monitored and, if necessary, enforced by the CPA.
54. Subject to such a condition therefore Officers consider that the development proposed satisfies policies MC17 and MC18 of the Surrey Minerals Core Strategy 2011, policy AR1 of the Aggregates Recycling Development Plan Document 2013, and policy SP6 of the Spelthorne Core Strategy and Policies Development Plan Document 2009.

RESTORATION AND MANAGEMENT

Development Plan Policy

Surrey Minerals Core Strategy 2011 (MCS)

Policy MC3 – Mineral Development in the Green Belt

Policy MC14 – Reducing the Adverse Impacts of Mineral Development

Policy MC17 – Restoring Mineral Workings

Policy MC18 – Restoration and Enhancement

Spelthorne Core Strategy and Policies Development Plan Document 2009 (SPD)

Policy SP6 – Maintaining and Improving the Environment

Policy EN6 – Conservation Areas, Historic Landscapes, Parks and Gardens

Policy EN7 – Tree Protection

Policy EN8 – Protecting and Improving Landscape and Biodiversity

Saved Policies of the Spelthorne Local Plan 2001 (SLP)

Policy GB1 – Green Belt

Policy RU11 – Sites of Nature Conservation Importance

Policy RU14 – Nature Conservation Interests

Policy Context

55. Parts of the Framework relevant to the determination of this application are set out in paragraphs 40 and 41 above. Similarly, policies MC17 and MC18 of the MCS are set out in paragraphs 42 and 43 above respectively, whilst policy SP6 of the SPD is set out in paragraph 45 above.

²⁴ Drawing Ref. P5/227/71 Interim Restoration and Phasing dated 24 April 2017

56. In respect of the Green Belt, policy MC3 of the MCS advocates that mineral extraction will only be permitted where the highest of environmental standards of operation are maintained and that the land restored to beneficial after-uses consistent with Green Belt objectives within agreed time limits. Similarly, policy GB1 of the SLP states that development will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness. Subject to the above, development will not be permitted except for uses and operations appropriate to the Green Belt comprising amongst others: appropriate engineering and other operations.
57. Notwithstanding the above, the law²⁵ places a duty on Surrey County Council to consider biodiversity in the full range of their activities including determining planning applications. In this context paragraphs 109 and 118 of the Framework explain that the planning system should contribute to and enhance the natural and local environment, and in determining planning applications the CPA should aim to conserve and enhance biodiversity by applying the following principles: (a) If significant harm resulting from a development cannot be avoided²⁶, adequately mitigated, or as a last resort compensated for, then planning permission should be refused; (b) proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI²⁷ should not normally be permitted; (c) opportunities to incorporate biodiversity in and around developments should be encouraged; and (d) 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.
58. In relation to local landscape paragraph 56 of the Framework explains that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. To this end paragraphs 63 and 64 state that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area, and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Ultimately therefore paragraph 109 of the Framework requires that the planning system contribute to and enhance the natural and local environment by protecting and enhancing landscapes.
59. Moreover, the Framework explains at paragraph 126 that heritage assets²⁸ are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 of the Framework is clear that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the SCC should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Whilst paragraph 134 outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
60. In these regards policy MC14 of the MCS explains that in determining applications for mineral development the potential impacts in relation to (i) the appearance, quality and character of the landscape and any features that contribute to its distinctiveness; (ii) the

²⁵ Section 40 of the [Natural Environment and Rural Communities Act 2006](#)

²⁶ Through locating on an alternative site with less harmful impacts

²⁷ Either individually or in combination with other developments

²⁸ Including archaeological resources

natural environment and biodiversity interests; (iii) the historic landscape and the interest and settings of heritage assets; (iv) public open space, the rights of way network, and outdoor recreation facilities; and (v) the need to manage the risk of birds striking aircraft will be considered.

61. Policy RU11 of the SLP states that Sites of Nature Conservation Importance (SNCIs) will be safeguarded and will development will only be permitted within these sites where there will be no adverse effect, either directly or indirectly on their ecological interest. Additionally, policy RU14 of the SLP explains that where a development proposal would destroy or damage the nature conservation interest of a site, the applicant will be required to demonstrate that the benefits of the proposed development outweigh the decrease in the nature conservation value of the site, that any such decrease has been kept to a minimum, that mitigation or compensation to provide for species protection and/or habitat creation or enhancement has been made within the area, and that appropriate measures to monitor the effectiveness of the mitigation have been established.
62. Policy EN6 of the SPD states that the character of conservation areas will be preserved and enhanced by: (a) requiring the retention of buildings, trees and other features, including open spaces, views and vistas, which are important to the character of the area; (b) encouraging private owners to carry out appropriate improvements to buildings and land in conservation areas, by the use of advice, guidance and statutory powers where appropriate; and (c) applying the planning policies in a more flexible way where justified to ensure the preservation and enhancement of a conservation area. This policy goes on to explain that new development should maintain and enhance areas of historic landscape value and gardens of special historic interest and seek to ensure that it does not detract from its character or appearance.
63. Policy EN7 of the SPD seeks to safeguard healthy trees of amenity value, giving priority to the protection of those known to be under threat.
64. Policy EN8 of the SPD advocates protection and improvement of landscape and biodiversity by: (a) safeguarding sites of international and national importance; (b) working with partners in the public, private and voluntary sectors to develop and secure the implementation of projects to enhance the landscape and create or improve habitats of nature conservation value, and to secure the more effective management of land in the Borough; (c) ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest; and (d) refusing permission where development would have a significant harmful impact on the landscape or features of nature conservation value.

Restoration Phasing

65. The phasing plan²⁹ for the revised restoration scheme shows the existing areas of the quarry which have been restored³⁰ and those which require infilling or additional enhancement and management. There are no explicit timescales associated with the proposed phasing of progressive restoration works. However, as discussed in paragraph 54 above, Officers seek to address this deficiency by way of a condition requiring the submission of detailed timescales for approval should consent be granted for the proposal.
66. The eastern and north-western parts of the quarry have largely been restored with Phase 1A having been returned to agricultural use. Phase 1B has also been restored to agriculture but the current landform requires regarding to meet the levels set out in the

²⁹ Drawing Ref. P5/227/7a Interim Restoration and Phasing dated 24 April 2017

³⁰ About 1/3 of the former mineral working to date

proposed restoration scheme³¹. Similarly, Phase 1C to the south of the quarry has been restored to woodland with parkland ponds but requires vegetation management and repair to built structures³². Phase 1D on the western edge of the quarry has not been subject to mineral extraction but requires vegetation management, dredging and the repair of built structures.

67. The restoration phases in the central western parts of the quarry require additional infilling. Phase 2A has partly been filled and requires additional materials to finish off the proposed arable and woodland restoration. Phase 2B requires infill and restoration to parkland, Phase 2C is the former silt lagoon area and requires vegetation clearance and reinstatement to parkland. Phase 2D requires scrub clearance and infilling and will be restored to an orchard and pond. Phase 2E in the north of the quarry also requires infilling and restoration to woodland and meadow.
68. Finally, Phases 3A and 3B in the central northern area of the application site would be restored once the aggregate recycling operation ceases and the associated plant is removed. This area of the quarry will be regarded and restored predominantly to agriculture. Overall for re-instatement of the aggregate recycling land restoration is expected to be completed by 26 October 2027, but it is anticipated that Phases 1 and those within the southern half of the quarry could be delivered into aftercare within the next 5-years or so allowing parts of the site to be opened up to public access.

Biodiversity and Habitat Creation

69. The key habitat creation objectives for the restored quarry are to: (a) provide a compensatory and an additional complimentary area for the existing northern SNCI partly infilled; and (b) to increase the biodiversity of the site thereby contributing to Surrey's Biodiversity Action (BAP) Programme and Habitat Action Plans.
70. The key habitats will be for 'standing open water', 'reedbed', 'lowland meadow', and 'lowland mixed deciduous woodland'. These are all priority habitats for Surrey and will be apportioned as follows: 1.2ha of reedbed; 1.8ha of ponds; 5ha of lowland meadow, and 2.1ha of deciduous woodland. Moreover, within the lowland meadow area an apple and plum orchard will be established with varieties of fruit associated with Surrey, Middlesex and Buckinghamshire. The remainder of the management area would be 1.4ha of 'wet woodland' and 1.3ha of 'deciduous woodland'.

Protection of the SNCI Designation

71. The amended restoration scheme seeks to protect the SNCI value of the application site. The two existing SNCI designations on site total an area of some 5ha³³. The amended restoration scheme involves the retention of the remaining section of the northern most SNCI³⁴ and provision of an equivalent sized water area and habitat and additional complimentary habitat.

Amenity and Recreation

72. The area of the application site to be governed by the proposed 25-year Aftercare and Management Plan³⁵ will also provide value for local amenity and low-key recreation. The reinstatement and re-creation of the former garden and parkland features i.e. ponds, meadows, tree avenues and an orchard, including the provision of a new public right of way.

³¹ See Drawing Ref. P5/227/8A Revised Restoration and Potential Enhancements dated 29 March 2017

³² Weir, walls, grotto etc.

³³ See paragraph 2 above

³⁴ Now succeeded to wet woodland

³⁵ See Drawing Ref. Plan A Management Plan Area dated October 2016

73. Public access is to be provided to the south of the application site to the wetland area via a permissive path. This path³⁶ would link through the application site from Stanwell Road to Stanwell Lodge and Stanwell Moor Road to the north. Additional paths are also proposed to link the southern path through to the Southern Perimeter Road and to Stanwell Moor Road to the north-east.

Historic Parkland Enhancement

74. The application site previously formed parkland to Stanwell Place house and parkland. In the late 1950s the house and parkland fell into disrepair and became derelict. The site was sold, the house demolished and parkland excavated as part of the quarry's development. Nothing remains of the house and little remains of the garden. Although along the western boundary of the application site a number of trees, many of which are former parkland specimen trees, have been protected by preservation orders. The proposed restoration scheme seeks to protect and enhance these parkland specimen trees.
75. The Victorian lake within the southern part of the quarry will be supplemented with a new channel, re-instated in part along the original line of a 17th century channel.
76. The walled garden area in the south of the quarry will be included within the boundaries of the extended Aftercare and Management Plan area so as to ensure conservation of the reinstated garden until such time as its long-term future can be secured.
77. Further reference to the application site's previous historic garden and parkland setting has been made in the proposed restoration by inclusion of an orchard area in the south of the restored quarry.

Aftercare and Management Plan

78. The overall restoration concept for the amended restoration scheme³⁷ and management plan seeks to deliver biodiversity habitats and species whilst at the same time conserving and enhancing existing features of importance such as the SNCI value and the parkland garden history of the application site. The overall long-term objectives of the Aftercare and Management Plan are to:
- Establish, implement and resource an effective mechanism for aftercare and management of the site;
 - Contribute to delivering the CEMEX UK biodiversity strategy 2010-2020 and targets and any similar strategy thereafter;
 - Create a species rich area with a variety of priority habitats to maintain and enhance the overall biodiversity value of the restored site;
 - Complement the existing South West London Waterbodies Ramsar site and SPA having particular regard to protected species;
 - Provide an area of water equivalent in area and quality to replace the SNCI designated water body infilled in the north-east of the quarry and to provide additional complimentary habitat;
 - Conserve and make reference to the remaining historic parkland features of Stanwell Place;
 - Contribute to green infrastructure with the creation of a new footpath link, which will provide a low key amenity resource for the local community;
 - Manage the nature conservation value of the restored site with an acceptable birdstrike risk; and

³⁶ To be fenced off to limit access to wetland areas and to zone conservation and amenity interests

³⁷ As shown on Drawing Ref. P5/227/8A Revised Restoration and Potential Enhancements dated 29 March 2017

- Review of the management of the site every five years.

79. The Aftercare and Management Plan is supplemented by an Agricultural Aftercare scheme specific to the part of the site to be returned to agriculture, and Boundary Vegetation Management Scheme³⁸.

Surface Water Management

80. There is an existing approved scheme of surface water management for the restored quarry³⁹. Having regard to the proposed amendments to the restoration scheme the Lead Local Flood Authority, and the Environment Agency, has requested that this scheme be updated, where necessary, to reflect any revised restoration. Officers can secure such details by way of planning conditions.

Evaluation

81. About two-thirds of the existing quarry remains largely unrestored. There is a policy imperative for the mineral working to be restored at the earliest opportunity to high environmental standards. The applicant has put forward an amended restoration plan for the quarry which seeks to protect and enhance the two SNCI's within the site; enhance the biodiversity value of the land particularly in respect of priority habitats; protect and enhance the remaining features of the historic parkland, including the protection of existing specimen parkland trees; provide opportunities for public access and leisure; and secure the long-term aftercare and management of the restored site which in turn would protect and enhance the local landscape and heritage assets within the vicinity.
82. Officers consider that in assessing the proposed changes to the restoration scheme as a whole, the enhanced restoration scheme and the significantly large management plan area that will be subject to a 25-year aftercare and management scheme and secured by legal agreement, would be of greater benefit to the local community and environment, including the openness of the Green Belt, than the previously approved restoration and management scheme. Officers also consider that the extended management area and enhanced restoration scheme compensate for the delay in fully restoring the mineral working within previously approved timescales.
83. Statutory consultees have not raised any technical objections to the proposal subject to conditions in the case of surface water management, and limited concern has been raised by interested parties none of which concern the delay to restoration of the quarry. One interested party is fully supportive of the revised scheme.
84. Accordingly, having regard to paragraphs 65 to 83 above Officers consider that the proposal, subject to conditions, satisfies policies MC3, MC14, MC17, and MC18 of the Surrey Minerals Core Strategy 2011; policies SP6, EN6, EN7, and EN8 of the Spelthorne Core Strategy and Policies Development Plan Document 2009; and policies GB1, RU11 and RU14 of the Saved Policies of the Spelthorne Local Plan 2001.

HUMAN RIGHTS IMPLICATIONS

85. 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.
86. Officers do not consider that the proposal engages any Convention rights.
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³⁸ See Drawing Ref. P5/227/13A Boundary Vegetation Management Scheme dated 24 April 2017

³⁹ See approval notice Ref. Sp12/00528 dated 28 September 2012

CONCLUSION

87. Planning permission Ref. SP10/0594⁴⁰ required the application site be restored by 26 October 2017. This timescale will not been met as a result of a waste recycling operation which has achieved a higher rate of recycling than the applicant originally anticipated. This resulted in a lack of a suitable quantity of restoration material to fully complete restoration of the quarry as previously envisaged. The application site is absent any indigenous restoration materials but its position adjacent to Heathrow Airport close to the M25 makes it an ideal location for the manufacturing suitable restoration materials from imported inert waste. The applicant has set out that it will be further 10-years before the quarry is fully restored with public access being provided to some restored parts of the same within 5-years.
88. As set out in the preceding paragraphs there is a policy imperative that all mineral workings are restored at the earliest opportunity and that any such restoration is to a high environmental standard. Officers consider it unfortunate that the quarry will not be fully restored within the previously prescribed timescale. However, Officers also consider that the applicant has offered proportionate compensation for this delay comprising an extended 25-year management plan area which is to be secured by a revised s106 legal agreement, and an enhanced overall restoration scheme sympathetic to the heritage of the application site with enhanced public access and biodiversity benefits. These schemes would be complimented by a new boundary vegetation management scheme and an updated bird management plan and agricultural management plan. Additionally, Officers recognise the benefits a successful inert waste recycling operation in the context of sustainable waste management and the Waste Hierarchy. Further considerations in respect of the existing and proposed recycling operation are provided in the Officers report relating to planning application Ref. SP17/00113/SCC⁴¹.
89. The application site should not be left unrestored and therefore in a degraded state. Similarly, having regard to the Waste Hierarchy, it would not be sustainable and therefore acceptable to simply dispose of inert waste into the remaining void for the sake of a swift restoration. The applicant has provided a reasonable explanation as to why the previously permitted timetable for restoration has not been achieved, demonstrated why a further 10-year period for completion of restoration works is reasonably necessary, and committed to only disposing residual inert waste which could not otherwise be prepared for reuse, recycled or recovered for the purposes of restoration. Consequently, Officers consider that 26 October 2027 would be the earliest opportunity for full and proper restoration of the quarry having regard to the volume of restoration material to be produced annually and the complexity and diversity of the proposed restoration scheme.
90. The applicant has put forward an amended restoration plan for the quarry which seeks to protect and enhance the two SNCI's within the site; enhance the biodiversity value of the land particularly in respect of priority habitats; protect and enhance the remaining features of the historic parkland, including the protection of existing specimen parkland trees; provide opportunities for public access and leisure; and secure the long-term aftercare and management of the restored site which in turn would protect and enhance the local landscape and heritage assets within the vicinity.
91. Officers consider that in assessing the proposed changes to the restoration scheme as a whole, the enhanced restoration scheme and the significantly large management plan area that will be subject to a 25-year aftercare and management scheme and secured by legal agreement, would be of greater benefit to the local community and environment,

⁴⁰ Planning permission for amended details of restoration

⁴¹ Retention of an existing recycling operation on a site of some 5.3ha for the processing of construction and demolition waste for the production of restoration materials for use in the former Stanwell Quarry and recycled aggregates for export for a period of 10 years with restoration of the recycling site to agriculture.

including the openness of the Green Belt, than the delay in securing restoration of the quarry and the previously approved restoration and management scheme.

RECOMMENDATION

92. Officers recommend that planning application Ref. SP17/00118/SCC be **PERMITTED** subject to a revised s106 legal agreement and the following conditions:

Conditions:

1. The development hereby permitted shall be carried out in all respects in accordance with the following drawings/documents:

Drawing Ref. P1/227/1 Site Location Plan Rev A dated November 2016

Drawing Ref. P5/227/7A Interim Restoration and Phasing dated 24 April 2017

Drawing Ref. P5/227/8A Revised Restoration and Potential Enhancements dated 29 March 2017

Drawing Ref. P5/227/13A Boundary Vegetation Management Scheme dated 24 April 2017

Drawing Ref. Plan A Management Plan Area dated October 2016

Document: Stanwell Quarry Bird Management Plan dated April 2017

Document: Outline Five Year Aftercare Scheme for Stanwell Quarry dated October 2016

2. The mineral working shall be restored in accordance with the Drawing Ref. P5/227/8A Revised Restoration and Potential Enhancements dated 29 March 2017 by no later than 26 October 2027.
3. Notwithstanding the details provided in Drawing Ref. P5/227/7A Interim Restoration and Phasing dated 24 April 2017, within 6 months of the date of this permission a progressive restoration phasing plan with detailed timescales (commencement date; timescale for restoration; and completion date) for each respective restoration phase of the quarry shall be submitted to the County Planning Authority for approval. The approved details shall be implemented and maintained for the duration of the amended restoration works hereby approved.
4. Within 6 months of the date of this permission full details of the surface water management scheme for the restored site including details of the revised restoration scheme, drawings, exceedance flow rates and routes, drainage, maintenance and management of the drainage network shall be submitted to the County Planning Authority for approval in writing. The approved details shall be implemented 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. To comply with the terms of the application, and in the interests of local amenity and the environment in accordance with policies MC3, MC14, MC17 and MC18 of the Surrey Minerals Core Strategy 2011; and policies SP6, EN6 and EN8 of the Spelthorne Core Strategy and Policies Development Plan Document 2009.
3. So as to ensure progressive restoration of the mineral working and to provide certainty as to when each phase of the restoration works will be completed in accordance with policy MC17 of the Surrey Minerals Core Strategy 2011.
4. To ensure that the revised restoration scheme does not increase the risk of surface water flooding compared to that approved by consent Ref. SP10/0594 dated 26 October 2011.

Informatives:

1. This development must comply with the Environmental Permitting (England and Wales) Regulations 2016 and may require an existing Environmental Permit to be carried by the Environment Agency or existing documentation connected to that permit (restoration plans, surface water drainage plans etc.) to be modified and re-approved. The applicant is advised to contact Victoria Sweeney (victoria.sweeney@environment-agency.gov.uk or 020 302 59190) for pre-application discussions.
2. The applicant proposed in Section 2.8 of the approved Surface Water Drainage Scheme dated November 2011 to undertake measures to protect the receiving water bodies from contaminated runoff from the recycling area. Such measures included interception of runoff from recycling areas, monitoring of sumps and visual inspections, and documentation of lagoons for water quality. The Lead Local Flood Authority would expect that during continued restoration works, ongoing pollution mitigation measures would be undertaken. Evidence should be submitted to the Environment Agency to confirm that these measures have been implemented and are being maintained.
3. Any works to be carried out which will affect the flow or storage of water within, or which place or alter a structure/obstruction within an ordinary watercourse will require Ordinary Watercourse Consent. These can include permanent or temporary structures or works. An 'ordinary watercourse' is a watercourse that is not part of a main river and includes rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows. Consent within Surrey is issued by the Sustainable Drainage and Consenting Team within Surrey County Council. The team can provide information on the requirements for consent and the application procedure and is contactable by email on SuDS@surreycc.gov.uk. Please note consent cannot be issued retrospectively. Works affecting designated Main River require consent from the Environment Agency.
4. Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.
5. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 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.
6. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its accompanying technical guidance and European Regulations providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues; and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including potential impacts of birdstrike which have been addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions and the County Planning Authority has also engaged positively in the

preparation of draft legal agreements. This approach has been in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework 2012.

CONTACT

Dustin Lees

TEL. NO.

020 8541 7673

BACKGROUND PAPERS

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

Government Guidance

[National Planning Policy Framework 2012](#)

[Planning Practice Guidance](#)

The Development Plan

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

[Surrey Minerals Plan Site Restoration Supplementary Planning Document \(SPD\) 2011](#)

[Aggregates Recycling Joint DPD 2013](#)

[Saved policies of the Spelthorne Local Plan 2001](#)

[Spelthorne Core Strategy and Policies Development Plan Document 2009](#)

Other Documents

[Natural Environment and Rural Communities Act 2006](#)

[The Waste \(England and Wales\) Regulations 2011](#)

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