

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 23 May 2018
BY: PLANNING DEVELOPMENT MANAGER
DISTRICT(S) MOLE VALLEY DISTRICT COUNCIL **ELECTORAL DIVISION(S):**
Dorking Rural
Mrs Clack
PURPOSE: FOR DECISION **GRID REF:** 522555 150490

TITLE: MINERALS/WASTE MO/2017/1797

SUMMARY REPORT

Park Pit, Reigate Road, Buckland, Surrey RH3 7BE

The development of Buckland Park Lake comprising: 1) a café with associated terrace and disabled parking; 2) outdoor activity centre comprising mobile units; 3) observation pavilion; 4) entry kiosk; 5) two bird hides; 6) a picnic lawn with steps; 7) children's playground area; 8) car park; 9) water tank/pond; 10) floating pontoon. All for public use in association with the approved water-based recreation and proposed land-based outdoor recreation afteruse, of the former silica sand quarry, known as Park Pit.

Park Pit (to be known as Buckland Park Lake) is located within the Metropolitan Green Belt with the village of Buckland to the west and the town of Reigate located approximately 2.5km to the east. The village of Betchworth lies approximately 1.1km beyond Buckland to the west. Buckland Conservation Area covers the village of Buckland, which borders the site to the northwest. The application site lies to the south of the A25 and extends to Dungates Farm and is approximately 40ha in size including over 20ha of water. Whilst mineral working has taken place at Park Pit, it is now mainly comprised of a restored lake used for fly-fishing since the 1990's, in accordance with the approved restoration and afteruse. Public Bridleway 467 runs along the south western and southern boundary of Park Pit and Public Footpath 466 runs along the south eastern boundary before both joining Bridleway 11.

Park Pit is part of the much larger Buckland Estate between Reigate and Dorking. The Estate is managed by Dungates Farms Ltd (the applicant), a family company that has owned the Estate land since 1653. The estate manages over 450 hectares of land, and within this estate is Park Pit, an old silica sand extraction pit, which also housed the processing plant for silica sand extracted from the neighbouring Tapwood Pit, which lies north of the A25. Buckland Sand has been quarried since the 1920's from the estate and the various pits are restored to fishing lakes, with Lawrence Lake (north of Tapwood Pit) and Park Pit used for fly fishing. Sand extraction activities were completed in 2014, with Tapwood the last quarry to be restored. Park Pit was restored in 2017 to an approved water-based recreational facility, utilising former mineral working infrastructure in support of the approved afteruse of the site.

The proposed development of Park Pit to Buckland Park Lake is for low-key development in support and to complement the existing permitted water-based recreational activities, opening the site to wider local groups of the public, providing a variety of outdoor recreational activities, including a café, outdoor activity centre and toilet facilities. The applicant has stated that this development plan for this site is in keeping with the natural landscape, providing a local visitor attraction and future income generation for the estate, which is necessary for the management and maintenance of this site. Initial plans by the applicant did include wedding/party events with associated outdoor music and party/noise, together with late-night openings. However due to

local concerns over the potential disturbance, meetings were held between the applicant and local residents, and subsequently these events were withdrawn from the planning application. A total of 123 letters of representation have been received, with 88 raising no objection and 35 objecting to the application.

Mole Valley District Council support the principle of recreation uses at Park Pit, however they have objected to the current application on Green Belt, environment and amenity grounds. Technical consultees, including Natural England, Surrey County Council (SCC) Ecologist, SCC Noise Consultant, SCC Landscape Consultants, County Highways Authority, raise no objection to the proposed development, subject to conditions to control the impacts on local amenity and the environment. With regard to the events and control over the impacts of the development, which has been the main issue raised by some residents, Officers recommend that conditions be placed on any permission granted thereby limiting the impacts on local amenity and the environment. Mole Valley District Council has stated that if the County Planning Authority is minded to approve then appropriate conditions should be applied in order to protect local amenity and nature conservation. Buckland Parish Council raise no objection subject to appropriate conditions controlling events and their impacts. The County Environmental Enhancement Officer has raised an objection to the application in its current form, but would remove this objection, if conditions were imposed to control the uses on site, with added protection and enhancement of nature conservation interests.

Officers have considered the protection of the Metropolitan Green Belt, the need for the development and any potential impact on local residential, landscape, environmental and amenity interests. Officers are satisfied that the new buildings are appropriate in that they support and complement the existing water based recreational use of the site. They are small in scale, with limited impact in the context of this 40ha site, and do not harm the openness of the Green Belt or rural character of the countryside. The development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The development is not considered to have an adverse impact on the local environment and amenity, therefore is in accordance with the Development Plan.

The recommendation is to PERMIT subject to conditions

APPLICATION DETAILS

Applicant

Dungates Farms Ltd

Date application valid

21 September 2017

Period for Determination

21 December 2017 (extended in agreement with applicant due to further submitted information)

Amending Documents

February 2018 - various revised, new and withdrawn documents:

Amending: Design & Access Statement; Site Plan 1:1250; Annex 2A - Noise Management Plan; Annex 7A - Landscape Impact Report; Annex 8 - Transport Assessment; Annex 11 - Business Case; Annex 13 - Phase 1 Habitat Survey 1:1250; Annex 14 - Utilities Map

New documents: Annex 9A - Ecological Impact Assessment; Annex 8A - Transport junction map – drawing ITP-190-1-03 (*‘Proposed improvement to existing junction arrangement’*).

Withdrawn documents: Annex 2 - Noise Impact Assessment (Noise Solutions) dated June 2017; Annex 7 - Landscaping Report (*‘Buckland Park Lake Landscape and Planting Plan’*);

April 2018: further information and response to consultee comments, in document entitled 'Final response to second round of Consultation Comments' dated 5 April 2018

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
Highways, Traffic and Access	Yes	35-43
Environment & Amenity	Yes	44-85
Green Belt	Yes	86-92

ILLUSTRATIVE MATERIAL

Site Plans

Plan 1 – Site location

Aerial Photographs

Aerials 1 & 2

Site Photographs

Photos 1 to 8

Application Plans

Plan 1 - Figure 8.9 'Shows promontory with location of café, pavilion and picnic lawn'

Plan 2 - Figures 8.3b, c, d 'Elevations of proposed café building'

Plan 3 - Figures 8.3e, f, g 'Elevations and plans of proposed café building'

Plan 4 - Figure 8.5 'Location of proposed Outdoor Activity Centre'

Plan 5 – Figure 8.6 'Layout of proposed Outdoor Activity Centre'

BACKGROUND

Site Description

- 1 Park Pit is located within the Metropolitan Green Belt with the village of Buckland to the west and the town of Reigate located approximately 2.5km to the east. The village of Betchworth lies approximately 1.1km beyond Buckland to the west. Reigate Heath Site of Special Scientific Importance (SSSI) and Local Nature Reserve (LNR) lie to the south west of Park Pit extending towards Reigate. Buckland Conservation Area covers the village of Buckland, which borders the site to the northwest.

- 2 Park Pit application site lies to the south of the A25 and extends to Dungates Farm and is approximately 40ha in size, including over 20ha of water. Whilst mineral working has taken place at Park Pit it is now mainly comprised of a restored lake used for fly-fishing since the 1990's. Public Bridleway 467 runs along the south western and southern boundary of Park Pit and Public Footpath 466 runs along the south eastern boundary before both joining Public Bridleway 11.

Planning History

- 3 Planning permission was granted in 1949 to work four areas, which included the northern part of Park Pit and an area north of the A25, known as Colley Pit. In 1980 two consents were granted under refs: MO79/798 and MO79/799. These permitted a southward extension to Park Pit alongside the deepening of the workings to a depth of 33.5m AOD and a scheme of restoration to restore the site to a lake for recreation purposes.
- 4 In 1984 planning permission (ref: MO84/0074) was granted for the extraction of silica sand for a 2.6ha area known as Park Cottage Field situated in the north east corner of Park Pit. In March 1989 planning permission (ref: MO88/157) was granted to extract sand from an area of 6.07ha known as Tapwood Field. Tapwood is located on the northern side of the A25 and to the south of the former sand workings known as Colley Pit. This permission included the transportation of sand via a slurry pipeline to a processing plant located in Park Pit and restoration to a landscaped lake.
- 5 A further 1.4 ha eastward extension to Park Pit towards Shag Brook was permitted in 1994 under ref. MO92/1224, which also involved a reduction of the permitted working area allowed under ref. MO79/799 and revised details of working and restoration.
- 6 The Buckland Sandpits (Park Pit and Tapwood) were identified as Active Phase I in the Review of Minerals Planning Permissions (ROMP) for Surrey published in January 1996. In May 1999 updated planning conditions for the Buckland Sandpits were approved (ref: MO98/1549).
- 7 In June 2015 planning permission (ref.MO/2015/0213) was granted for the retention of 4 former mineral working buildings on the site (Old Generator Shed, Old Pump House, Electricity Supply Kiosk and Processing Building – 'The Boathouse'), which are to be used in support of the water-based recreation afteruse of the site. In February 2016 planning permission (ref.MO10/0847) was granted for a variation to the ROMP to enable an extension in time for mineral operations and restoration at both Park Pit and Tapwood Quarry. The February 2016 consent allowed for the revised restoration of Park Pit, including the above buildings, which was for water-based recreation, woodland and grazing. The restoration and landscaping at Park Pit is now complete, in accordance with the approved plan (Dwg. No.R44r/178Rev.f – 'Park Pit Revised Restoration Scheme' Dated Nov 2015) with the site in aftercare as of August 2017 for a period of 5 years.

THE PROPOSAL

- 8 The application is for the further development of this recreational lake and adjoining area for public use, to be known as 'Buckland Park Lake', providing appropriate facilities for the outdoor sport and recreation uses; which includes the following development:

A café with associated terrace and disabled parking - the café would be oak-framed and single storey with a pitched clay tile roof, approximately 12m x 12m in size, with a height of 4.1m. The oak-frame base plate will sit on low cavity walls, with external brick and internal blockwork. The oak-framed walls will be clad with external, horizontal feather-edge boards of natural wood, which will be allowed to fade with the weather to a natural silvered-finish. The café is to be located on the raised promontory with views of the main lake to the south.

Outdoor activity centre - made up of mobile units, comprising: toilets/washrooms, shower room, changing rooms, office/briefing room and container storage. The activity centre will be enclosed using a timber screen (plank cladding matching the boathouse), with doors to provide access to the various modular units. The activity centre will be positioned beneath the cliff on the northern side of the car park and site. The overall length of the frontage of the activity centre would be 38m, with a 9m side screen, and 3.2m in height.

Observation pavilion – small oval wooden open structure approximately 5.4m x 3.7m, and 3.2m in height, to be located on the tip of the peninsular cliff, west of the café building. The pavilion is for private hire in the summer linked to the café, and bird watching in the winter.

Entry kiosk – approximately 2.4m x 2.7m and 2.4m in height, located 100m inside main gates for the purpose of taking customer entry fees.

Two bird hides – small open wooden structures (4m x 2m x 3m), with weatherboard cladding, located on the north and southwest sides of the lake. The bird hide on the western bank will comprise two of these units positioned in L-formation to give a north-westerly and north-easterly view over both the main lake and heather islands.

A picnic lawn – for use by the public, with access steps from the lower café area

Children's playground area – approximately 15m x 15m in size, enclosed by picket fence and comprising play equipment, located adjacent to car parking area and outdoor activity centre.

Car park – surfaced to grass, providing 150 formal car parking spaces, plus an additional 150 informal overflow parking spaces.

Water tank/pond – retention of existing concrete structure (11m x 5m) for use as ornamental fish pond, located at base of steps which lead to picnic lawn.

Floating pontoon and associated pumping equipment – retention of a structure already on site for the purposes of water level control.

- 9 The above development will be for public use in association with the already approved water-based recreation and proposed land-based outdoor recreation afteruse, which include activities such as wild-water swimming, canoeing, kayaking, boating, fly-fishing, bird watching clubs, diving. Hours of opening to the public will be from 10am to 6pm (or dusk if earlier), so there will be no late-night openings for large groups of people or members of the public. The applicant wishes to extend these opening hours to between dawn and dusk for organised groups (e.g. bird watchers, open water swimmers) and for the occasional room hire of the Outdoor Activity Centre (e.g. community hire room for training events, 1 day courses, local groups, - occasional use 9am to 8pm).
- 10 In February 2018, the applicant had withdrawn 'weddings and party events' from the proposed development, removing all open air/marquee music and associated late-night openings due to the concerns in respect of noise. This decision was made following open consultation meetings with local residents and a business idea workshop to explore potential revenue streams as an alternative to the 'weddings and party events'.

CONSULTATIONS AND PUBLICITY

District Council

11 Mole Valley District Council

*'Mole Valley District Council supports the principle of recreation uses at Park Pit, Buckland but would raise **OBJECTION** to the current application on the grounds that it does not accord the NPPF and local plan policies, in particular NPPF para 89 and para 109, Local Plan policies ENV14, ENV15, REC13, REC19 and Core Strategy policy CS16. These policies require that activities associated with restored areas of exhausted mineral workings be low key and quiet and where the natural environment and nature conservation interests are safeguarded and enhanced. Currently the Council considers*

that there is an absence of detailed ecological information upon which to base a decision and ecological gains are not clear. Additionally, that the pavilion building is inappropriate development in the Green Belt. It is also considered that triathlons should be removed as they cannot be contained within the site and it is not clear that surrounding sites and roads are suitable for them.

However, if the County Council is minded to approve the application the following matters should be dealt with by means of appropriate conditions:

Car boot fairs and craft fairs should be removed from the list of activities as they do not accord with the aims set out by the applicant's design and access statement of maximising public amenity whilst minimising the impact on the natural environment, and there are more sustainable locations for these activities. Consideration should be given to removing permitted development rights for these types of activities.

The preparation of a Landscape and Ecology Management Plan (LEMP) based on a more complete knowledge of the species and habitats and drawing together the management of public access with existing and outstanding measures, agreed with the County Council for the restoration of the site, and the Hanson Biodiversity Action Plan. The LEMP should clearly indicate ecological gains in line with NPPF paragraph 20.'

- 12 **Reigate & Banstead Borough Council** (*adjoining authority*)
No objection subject to an informative.

INFORMATIVE: *1. The Council raises a position of NO OBJECTION subject to the determining authority giving due consideration in respect of any potential highway/transport impacts on Reigate & Banstead (including the A25) and any potential direct or indirect ecological impacts on the Reigate Heath Site of Special Scientific Interest.*

Consultees (Statutory and Non-Statutory)

- 13 **Transportation Development Planning**
No objection, subject to a revised highway junction layout and the submission of a detailed scheme for approval.
- 14 **County Noise Consultant**
No objection, subject to conditions to protect residential amenity
- 15 **County Ecologist**
No objection subject to conditions
- 16 **Principal Environmental Enhancement Officer**
Objection
- 17 **AONB Officer**
No comments received
- 18 **County Landscape Consultant**
No objection subject to conditions
- 19 **Historic/Listed Buildings Officer**
No objection
- 20 **SuDS & Consenting Team – Lead Local Flood Authority (LLFA)**
No objection
- 21 **Thames Water**

- No objection
- 22 **Historic England**
No objection
- 23 **Natural England**
No objection
- 24 **Surrey Wildlife Trust**
No comments received
- 25 **Surrey Botanical Society**
Objection

Parish/Town Council and Amenity Groups

- 26 **Buckland Parish Council**
No objection subject to conditions
- 27 **The Betchworth & Buckland Society**
Objection to threat of noise from planned marquee events

Officer comment: no further response has been received from the Society following the applicant's withdrawal of such wedding events in marquees.

Summary of publicity undertaken and key issues raised by public

- 28 The application was publicised by the posting of 1 site notice and an advertisement was placed in the local newspaper. A total of 37 of owner/occupiers of neighbouring properties were directly notified by letter. A total of 123 letters of representation have been received in respect of the application, which includes those received following re-consultation on the amending information. There have been a total of 88 letters in favour (no objection) of the development and 35 against (objection). The issues raised by the letters of representation are summarised below:

No objection

Approve the proposal; suitable use of public land; like the café and toilet facilities; support daytime nature opportunities and activities; support withdrawal of events facilities; supports local business; encourages healthy outdoor lifestyle.

Objection

Increase in traffic congestion; concerns with road access; increase in crime; increase in noise pollution; further noise assessment needed; increase in light pollution; request independent ecological survey; effect on human health; oppose events facilities for weddings and parties; oppose observation pavilion; seriously affects character of area; ruin the visual landscape; AONB; proximity to SSSI; in the Green Belt; damage to wildlife; adjacent to grade II listed building; details vague and poor design; lacks facilities.

A petition was also submitted signed by 61 residents who objected on the basis that the proposed use of the site for weddings and other outside events including music up until 11pm will create unacceptable noise nuisance to residents. The petition stated that 'We are not objecting per se to the development of the site for daytime leisure and nature activities which exclude music and other excessive noise nuisance.'

Officer comment – this petition was received in respect of the original submission, before the applicant amended the planning application, withdrawing the wedding and music events from the application.

PLANNING CONSIDERATIONS

Introduction

- 29 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.
- 30 The County Planning Authority has a duty to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. At present in relation to this application the Development Plan consists of the Surrey Minerals Plan 2011; the Mole Valley Core Strategy 2009 and the Mole Valley Local Plan 2000 (saved policies).
- 31 Surrey Minerals Plan 2011 Core Strategy states that land in the Metropolitan Green Belt can make a positive contribution to providing opportunities for access to open countryside, outdoor sport and recreation, retaining and enhancing attractive landscapes and securing nature conservation interests. Restoration of mineral workings should have regard to these objectives and give particular attention to any priorities identified for particular parts of Surrey. The Minerals Site Restoration Supplementary Planning Document (SPD), adopted alongside the SMP2011 examines likely restoration frameworks for preferred areas and mechanisms such as local community involvement in their delivery. For some sites a mix of uses may be appropriate, however such schemes would need to be carefully designed and managed to avoid conflicts (such as when combining recreational and nature conservation uses). Restoration for some types of after-use, such as nature conservation or recreation, generally require longer term management than the five year period advised in national policy for the aftercare of mineral sites.
- 32 The Mole Valley District Core Strategy was adopted in 2009 setting out the vision, objectives, spatial strategy and overarching planning policies that guide new development in the District up until 2026. In addition to this, a number of policies within the Mole Valley Local Plan 2000 have been saved (and not replaced by the Core Strategy).
- 33 In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. In this case the main planning considerations are: Highways, Traffic and Access; Environment and Amenity Issues (Landscape, Visual Impact; Noise; Drainage; Ecology); and Green Belt.
- 34 Surrey County Council as the County Planning Authority (CPA) is dealing with this planning application as this former mineral working site is still under the control of the CPA under the approved landscaping and aftercare, with this ending in 2022.

HIGHWAYS, TRAFFIC and ACCESS

Mole Valley Local Plan 2000 (MVLDP)

Policy MOV2 - The Movement Implications of Development
Policy REC11 – Built recreation Facilities in the Countryside

Mole Valley Core Strategy 2009 (MVCS)

Policy CS18 – Transport Options and Accessibility

- 35 Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvement can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe
- 36 Policy MOV2 of the MVLP2000 states that development will normally only be permitted where it can be demonstrated that it is or can be made compatible with the transport infrastructure and the environmental character in the area, having regard to all forms of traffic generated by that development. Policy CS18 (MVCS) objective is to manage down traffic growth and encourage more sustainable transport by improving travel options and accessibility. Policy REC11 (MVLP) states that *'small-scale essential facilities for outdoor sport and outdoor recreation will be permitted provided; the amount of traffic likely to be generated by the proposal would not prejudice highway safety or cause significant damage to the environmental character of country roads'*.
- 37 The applicant was provided with pre-application advice from Surrey County Council Highways, which scoped the work for the submitted Transport Assessment (TA). The applicant has stated that the submitted TA took account of the above NPPF policy, and was produced according to the government 'Guidance on Transport Assessment' (GTA) March 2007.
- 38 The applicant has stated that the proposed development is for the opening of Buckland Park Lake to the public, with the provision of a mix of recreational activities and some new buildings and infrastructure. At the peak of quarrying operations between 1959 and 1990 up to 500,000 tonnes of sand per annum was allowed to be extracted from the quarry, with quarrying vehicles utilising the site access onto Reigate Road. Based on an average truck capacity of 19 tonnes and a typical 290 day working year, this would have resulted in approximately 180 two-way Heavy Goods Vehicle (HGV) trips using the site access daily. By 2007 output from the site was much lower, with approximately 20 inbound and 20 outbound HGV trips per day using the site access. The site is accessed via an existing junction off the A25 Reigate Road, which was recently (2017) been improved with the installation of two traffic islands.
- 39 The proposed development would provide the following transport infrastructure/facilities:
- 150 formal car parking spaces plus an additional 150 informal overflow car parking spaces
 - A minimum of 20 secure cycle parking spaces
 - Junction visibility splays of 2.4 x 120 metres at the site access point in accordance with drawing number **ITP-190-1-03-P1**.
 - Facilities for the turning of refuse, emergency and mini-bus vehicles close to or within the main car parking area as part of the detailed design of the proposals.
 - Pick up and drop off facilities for mini-buses close to the area allocated for events as part of the detailed design of the proposals.
 - A Travel Plan to assist with encouraging sustainable forms of transport and reduction of vehicular trips.
- 40 The TA states that the site is easily accessible to cyclists, and there are opportunities for travel by these modes to enjoy the leisure opportunities within the site. There are also reasonable pedestrian connections between the site and Buckland village. Regular bus services also directly pass the site, providing links with nearby Reigate, Redhill, Dorking and Guildford. The TA states that the demand for journeys by each mode of transport as a result of the proposed development was assessed and compared with the existing

infrastructure. In conclusion, the TA states that the existing sustainable transport infrastructure and public transport services are sufficient to accommodate the sustainable trips that would be created by the proposed development at Buckland Park Lake.

- 41 Buckland Parish Council have asked whether a Community Infrastructure Levy (CIL) will apply to this application and for any levy raised to be used, as far as the rules permit, to improve the options for walkers and cyclists and in so doing support travel to the application site via means other than private car. The CIL is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. Within Surrey, levy charging authorities are the districts and boroughs, providing they have adopted CIL. Therefore CIL does not apply to this application as Surrey County Council as the County Planning Authority (CPA) is the determining authority. The CPA will always consider the use of s106 legal agreements where contributions are necessary to overcome the impact of a development, however it is not justifiable in this instance.
- 42 The County Highways Authority (Transport Development Planning) have stated that the assumptions and surveys used in the Transport Assessment have provided a robust estimate of the number of daily trips that the proposal would generate, as such the local highway network would not be materially negatively impacted by this level of traffic. Whilst the current junction was improved in 2017 to facilitate safe access to Lawrence Lane opposite the site access, Transportation Officers do not consider that the current access with proposed alterations to road markings, is considered safe. As such Officers have recommended that required changes to the junction are necessary, which would include: a) road markings to delineate a separation between the opposing right turn lanes; b) the relocation of the existing traffic island to the west of the junction; c) provide visibility splays in accordance with the national guidance. These changes can be provided by means of a condition requiring the submission and approval of a revised highway junction scheme.
- 43 Officers therefore consider that the proposed development should not give rise to adverse traffic impacts, subject to the approval of a revised highway junction to the site, accordingly the proposal is acceptable on highway, traffic and access grounds, and complies with the relevant development plan policies.

ENVIRONMENT AND AMENITY

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

Policy MC14 – Reducing the adverse impacts of mineral development

Policy MC17 - Restoring mineral workings

Policy MC18 - Restoration and enhancement

Mole Valley Core Strategy (MVCS) 2009

Policy CS13 – Landscape Character

Policy CS14 – Townscape, Urban Design and the Historic Environment

Policy CS15 – Biodiversity and Geological Conservation

Policy CS16 – Open Space, Sports and Recreational Facilities

Policy CS20 – Flood Risk Management

Mole Valley Local Plan (MVL) 2000

Policy ENV4 – Landscape Character

Policy ENV13 – Features of Local Importance for Nature Conservation

Policy ENV14 – Enhancement, Management and Creation of Nature Conservation Features

Policy ENV15 – Species Protection

Policy ENV22 – General Development Control Criteria

Policy ENV23 – Respect for Setting

Policy ENV65 – Drainage

Policy REC11 – Built recreation Facilities in the Countryside

Policy REC13 - Water-Based Recreation

Policy REC19 – Visitor Related Development

- 44 Conserving and enhancing the natural environment is one of the key principles of the NPPF, paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 45 Policy REC11 (MVL) states that: *‘Recreational development which would detract from the openness of the Green Belt and rural character of the countryside or whose proposed location and use is not incidental to outdoor recreational activities will not normally be permitted. Small-scale essential facilities for outdoor sport and outdoor recreation will be permitted provided: the site is suitable for the proposed development; it would not have an adverse impact on residential amenity or the rural character of the locality; the proposal is satisfying an identified deficiency; car parking provision is discreetly located, well screened and does not significantly harm the rural character of the countryside.’* The policy text goes on to state only small-scale facilities which are essential and justifiably enable the recreational activity to function and would not harm the rural character of the site and its surroundings will be acceptable. Any new buildings permitted under this Policy should be of an appropriate design, materials, siting, be sympathetic to its location and have minimal visual impact. Policy CS16 (MVCS) recognises the need for open space, sports and recreational facilities, recognising that lakes offer important opportunities for sport and recreation.
- 46 Policy REC13 (MVL) states: *‘The use of existing water areas, restored areas of exhausted mineral workings or new man-made water areas for informal recreation will normally be permitted provided: the activities are low key and quiet; any associated buildings are small-scale and would not harm the openness of the Green Belt or rural character of the countryside and are compatible with the Plan’s landscape protection policies; car parking provision is discreetly located and well screened and does not significantly harm the rural character of the countryside; the natural environment and nature conservation interests are safeguarded and enhanced.’* The text behind this policy goes to state that the main opportunities for the further provision of water-based recreation in Mole Valley are likely to arise following the wet restoration of exhausted mineral workings. The text specifically refers to the mineral extraction sites at Tapwood Field and Park Pit, which will be water-filled, landscaped and used for quiet recreational activities. The water based recreation has already been approved for the site at Park Pit, and ancillary buildings and parking areas should be small-scale and kept to a minimum.
- 47 Policy ENV22 (MVL) requires that where the principle of proposed development accords with the other policies of this Plan a design and layout will be required which does not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking or its overshadowing or overpowering effect, for example; noise, or other adverse environmental impact.
- 48 The applicant’s aim for the development proposal is to provide public access to the outdoor spaces and open water of Buckland Park Lake, and in order to provide viable facilities, essential low-key infrastructure is required to complement and support the recreation uses. The site already benefits from an approved water-based recreation, which is in accordance with the development plan policies above. Low-key buildings are considered acceptable in support of recreation, however their uses and impacts on the environment and amenity need to be in accordance with the above development plan policies, and is addressed below.

Landscape and visual impact

- 49 Policy CS13 of the MVCS 2009 requires that new development must respect the landscape character in which it is proposed whilst also providing enhancements to avoid any potential negative impacts. Policy CS14 resists development of a poor quality design and requires all new development to respect and enhance local character. Saved Policy ENV4 of the MVLP 2000 seeks to ensure that development proposals in the countryside conserve and do not detract from the character of the local landscape. The policy goes on to state that the visual impact of the proposed development on the landscape, the extent to which the impact of new buildings has been softened and integrated through the use of siting, design and colour; and whether any existing landscape features such as trees and hedgerows should be retained; should all be considered. Policy ENV22 requires that development respects the character and appearance of the locality; has regard to attractive features of the site such as trees; and provides necessary screening and landscaping. Policy ENV23 sets out a number of criteria that require consideration as part of a development proposal in relation to the wider setting, which includes consideration of scale, height or bulk or in relation to the boundaries of the site and/ or surrounding developments. Policy REC19 allows for the development of new visitor facilities or the extension to existing facilities in the rural areas, provided they are appropriate to the scale, nature, character, appearance and landscape of the area in which they are sited and where possible make a positive contribution to the appearance of the area.
- 50 Buckland Park Lake is situated in an area of largely undulating and open agricultural land below the North Downs escarpment, to the south of the Surrey Hills Area of Outstanding Natural Beauty (AONB). Whilst Tapwood Quarry lies within an Area of Great Landscape Value (AGLV), this does not include the application site. The site lies within the Greensand Valley Landscape Character Area (LCA 2015), which is characterised by a network of open parkland and farmland with hedgerows, mainly used for cattle grazing with some horse pasture, but includes areas of heath and woodland blocks. Protection of the local landscape and landscape character is set out within Policy ENV4 of the MVLP which requires planning applications to take into account whether any existing landscape features such as trees and hedgerows should be retained. Policy ENV4 states that development proposals should conserve and not detract from the character of the local landscape.
- 51 Buckland Park Lake is restored in accordance with the approved restoration scheme (Dwg. R44r/178Revf, dated November 2015) to a 20ha lake with planting along the edges of the lake. The restored profile includes much of the land being graded back to provide contoured grassed slopes with some steep sand bluffs around the western and northern margins. There are areas of shallows in the north western corner of the lake for marginal and emergent aquatic plants. The northern area where the processing plant was located now includes a lagoon and beach area with access to a boathouse (retained former sand processing building, permitted in 2015). The site is hidden from most neighbouring properties and from most public roads and footpaths, due to a tree lined perimeter bund around the site, which shields views into the site. In addition, due to the low-level restoration to a lake, most of the site is sunken below the surrounding land by 5 to 20 metres.
- 52 The applicant has submitted a Landscape Impact Report in support of the application, which has been prepared to assess the visual impact of the development in the surrounding landscape. The applicant states that *'It is our intent to maintain the natural beauty and tranquillity of the landscape, with minimal buildings that are modest in size and scale and carefully designed to fit with an 'agricultural' look-and-feel. The site of the buildings has been carefully selected to minimise the visual impact.'* The report acknowledges that only one property (Dungates Farmhouse, an estate property) situated on the southern shore, has direct views across the lake (some 500m) to the northern shore, which is the location of the proposed café. The applicant has stated that no other

property nor member of the public would have views of the proposed café or Outdoor Activity Centre.

- 53 The County Landscape Consultant (CLC) has commented that whilst the proposed development may give rise to some potential landscape and visual effects, these would be local and are not considered to be significant. The CLC has concluded that, although there would be clear day-time views to the development from Dungates Farmhouse, the character of the view would not be significantly adversely altered. The design and choice of materials, together with the small-scale nature of the development, would assist with its landscape and visual integration. With regard to private events in the café building outside the normal opening hours, this could be limited by way of condition and light spill during the hours of darkness is likely to be an adverse effect, however, it is unlikely that this would be a significant adverse effect. The potential to reduce the night-time effects of light spill from the cafe windows could be considered using blinds or similar, to which the applicant has agreed. Following a request by the CLC for a greater proportion of native and locally appropriate plant species, in particular; oak, hazel and birch, these are now included in the proposed planting plan, although sizes of plant stock are not specified. In terms of landscape design, the CLC is satisfied with the proposed development.
- 54 Natural England commented that in terms of landscape, Paragraph 109 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. Enhancement of the landscape have already been provided through the approved restoration scheme following mineral extraction, as shown on the Site Plan and Phase 1 Habitat Plan submitted with the application. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment (LVIA) should be provided with the proposal to inform decision making. However, Officers consider that in view of the comments received from the County Landscape Officer, the proposed development is not considered significant and therefore a LVIA is not required and that the submitted Landscape Impact Report is appropriate.
- 55 The site is not within the AONB or AGLV and in view of the technical views from NE and the CLC the proposed development is not considered to have an adverse impact on either of these landscape constraints.
- 56 The Environmental Enhancement Officer has raised queries over the planting and landscaping of the promontory area, requiring a more detailed planting plan with mixes, and densities. The planting along with the protection and aftercare of the site can be covered under a Landscape and Ecological Management Plan (LEMP), which also addresses the issues raised by some residents, the Buckland Parish Council, Surrey Botanical Society and Mole Valley District Council. The provision of a LEMP is supported by the CLC and the County Ecologist to ensure the proposals do not conflict with the existing approved Restoration Plan. The applicant has accepted this recommendation.
- 57 Officers consider that in the broader context of the landscape and afteruse of this large 40ha site, the proposed development is considered acceptable, and would be outweighed by the nature and the existing benefits of the currently approved restoration. Officers also consider that the proposal is capable of conserving and enhancing this sensitive and distinctive area of landscape in which it is located, subject to a LEMP, which would include a detailed planting plan for the promontory area. Officers therefore conclude that the proposal complies with national and development plan planning policy relating to landscape and visual impact matters.

Noise

- 58 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development through the use of conditions; and to identify and protect areas of tranquillity. MVLP Policy ENV22 requires development not to significantly harm the amenities of the occupiers of neighbouring properties, which includes the overpowering effect of noise or other adverse environmental impact. Policy REC19 allows for the development of new visitor facilities or the extension to existing facilities in the rural areas, provided the associated activities do not harm the character and amenities of the locality nor prejudice its future enjoyment.
- 59 The applicant submitted a Noise Management Plan (NMP) in support of the proposed development, which was amended in light of the removal of the wedding and party events from the proposal. The applicant has stated that the NMP addresses the incidental noise arising from the various events and activities on site, which includes; indoor music from the café; deliveries; terrace use; outdoor activity centre and lagoon use; car park. The applicant has stated that the site will be open to the public from 10am to 6pm (or dusk if earlier), so there will be no late-night openings for large groups of people or members of the public. However, these opening hours may be extended to cater for small organised groups, e.g. bird watchers, open water swimmers, and for the room hire of the Outdoor Activity Centre. The applicant will provide neighbours with a 'complaint line' and details of how noise issues or complaints will be addressed, which are detailed within the NMP.
- 60 Buckland Parish Council withdrew their initial objection to the proposed development conditional upon any planning permission granted being made subject to conditions controlling the permitted development rights on site and to prevent the use of amplified music used in support of events. Residents have raised concern in respect of noise, many in respect of the earlier planned wedding events, which have now been withdrawn. Officers consider with appropriately worded conditions the impact of noise can be mitigated.
- 61 The County Noise Consultant (CNC) has raised no objection to the proposed development subject to conditions controlling noise from the site in order to protect residential amenity. Officers have considered the use and the impact on the site for temporary activities, such as car boots, craft fairs and triathlons, which would only be for a very limited number of events per year. These temporary events do not require planning permission as they benefit from permitted development rights which allow the use of the land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of holding a market. In conclusion, Officers do not consider that the proposed development would generate an unacceptable level of noise, subject to appropriate noise conditions and conditions limiting specific noise generating activities.

Ecology

- 62 Paragraph 109 of the NPPF states that the planning system should contribute and enhance the natural environment by recognising the wider benefits of ecosystems services; and minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 63 Policy MC14 of the SMP2011 requires the potential for impacts on the natural environment and biodiversity to be considered and to ensure no significant adverse impacts arise in relation to these aspects. Policy CS15 of the MVCS2009 states that biodiversity will be protected and enhanced in accordance with European and National legislation. MVLP Policy ENV13 seeks to safeguard site and features of nature

conservation and Policy ENV14 ensures the enhancement and management of the nature conservation value. Policy ENV15 states that where it is evident that a proposed development would be likely to harm a protected species or its habitat, an investigation will be required and that development that would materially harm a protected species or its habitat will not be permitted.

- 64 The application site is not located within any statutory or non-statutory designated sites for nature conservation. Protection of site biodiversity is set out within Policy CS15 (Biodiversity and Geological Conservation) of the MVCS 2009, which states that all water courses, mature hedges and trees within development sites should be, as far as practicable, retained. Only where no realistic alternatives are available or replacement of such features elsewhere in the site would result in biodiversity enhancements above what already exists at the site, will removal of such features be permitted. The policy goes on to state that planting and other schemes that promote biodiversity will be expected to focus on native species from the locality.
- 65 Mole Valley District Council, the Surrey Botanical Society and local residents do raise concern in respect of nature conservation, ensuring that these interests are safeguarded and enhanced in accordance with government policy.
- 66 Natural England (NE) were consulted and commented that the proposed development will not have significant adverse impacts on designated sites Reigate Heath Site of Special Scientific Interest (SSSI) and has raised no objection. NE has offered some generic advice in respect of construction and the avoidance/protection of the adjacent SSSI, however it must be noted that there is no proposed built development near the SSSI. In addition NE has commented that the CPA should consider the impacts on any local wildlife in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity.
- 67 The County Ecologist was not satisfied with the initial submission by the applicant in terms of ecology, and requested that the applicant submit an Ecological Impact Assessment (EclA) as additional information. This EclA was submitted in February 2018, along with amendments to the proposals in respect of ecology. The County Ecologist considers that the ecology surveys are sufficient for this application, given its limited footprint (less than 1% of the area of the site), i.e. two small sites for building work, within a large 40ha site. Great crested newt surveys have been mentioned in consultation responses but there are no existing records from the Surrey Biodiversity Information Centre (SBIC) search. The habitat has been relatively recently worked and there will be relatively little impact on terrestrial or aquatic habitats. This species and others such as birds and reptiles should be covered by Reasonable Avoidance Measures, RAMS, which are measures set out that will be followed to protect species during any construction work by stating the procedures, such as checking sites prior to work commencing and timing works to avoid least harm. The records from SBIC show a large number of bees and wasps which could benefit from enhancement measures for these groups. The landscaping plan mentions the importance of nectar and pollen bearing plants but these invertebrates also need bare soil for basking, nesting and hunting and the County Ecologist recommends that this is considered. These recommended measures can be controlled by means of condition and a LEMP, which would have regard to the existing approved restoration and the additional measures in light of the proposed development.
- 68 The County Environmental Enhancement Officer has concerns that the applicant has not provided sufficient enhancement opportunities for biodiversity and nature conservation, which is a view supported by the County Ecologist. It has been suggested that measures for the protection of bees, wasps and sand martins could be addressed by updating the Hanson site BAP (Biodiversity Action Plan) or LEMP.

- 69 Officers consider that to ensure that there is no conflict with the existing approved restoration plan, the recommended LEMP can incorporate the above biodiversity enhancements, appropriate protection and management of nature conservation interest of the Buckland Park Lake site. Officers therefore consider that subject to these controls, the proposed development accords with above development plan policies.

Drainage

- 70 MVCS Policy CS20 expects proposed development to use appropriate sustainable urban drainage systems where appropriate. MVLP Policy ENV65 from the Mole Valley Local Plan 2000 aims to permit development where adequate drainage is proposed into nearby foul sewer. The scale of the proposed development requires that detailed consideration is given to drainage issues and that a suitable drainage strategy is provided.
- 71 The applicant has stated that Buckland Park Lake is fed by artesian groundwater from the Lower Greensand and rainwater from the immediate catchment. There is a stream within the grounds, the Shagbrook, which feeds into the River Mole via Wonham Mill, but the stream does not enter the lake. As part of the current approved restoration scheme, the water level of the lake is maintained at 52.5m AOD, with a 300mm overflow pipe in the south eastern corner, to take excess water into the Shagbrook. If there was an extreme weather event, the 20-hectare lake has approximately 2m of further height to rise, but this water would be retained within the site with no danger of flooding or damage to property.
- 72 In terms of the buildings and the disposal of foul water and sewage, the applicant has liaised with Thames Water and agreed a design solution involving an underground holding tank and pumping station (as shown on Dwg. Existing & Proposed Utilities Map – February 2018) to dispose to the main sewer, which is situated on the north side of the A25, opposite the site.
- 73 The Lead Local Flood Authority (LLFA) is satisfied that the proposed drainage scheme meets their requirements, and therefore raise no objection to the proposed development. Thames Water is satisfied with the waste water design proposals, in that there will not be any detriment to its network from the increase in flows caused by the development, and raise no objection.
- 74 Officers therefore consider that there would be no adverse impacts in terms of surface water, flooding or drainage in connection with the proposed development at Buckland Park Lake. As such, Officers consider this development would accord with the relevant Development Plan policies.

Heritage

- 75 The NPPF 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 conservations. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. The NPPF then goes on to say 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 proposals, including securing its optimum viable use. Policy CS14 of the Mole Valley Core Strategy states that areas and sites of historic importance will be protected and where appropriate enhanced. Policy ENV23 'Respect for setting' requires development to have regard to the setting taking account of the scale, character, bulk, proportions and materials of the surrounding built environment.
- 76 Residents have raised concerns regarding the impact on heritage, in particular the setting of Buckland Conservation Area. Mole Valley Borough Council nor the local parish

have raised concerns in respect of heritage. The Heritage Conservation Team were consulted and commented that the historic environment considerations are the setting of Buckland conservation area and nearby listed buildings principally Buckland Court and Dungates Farm. Special regard has to be had to these matters in the determination of the application in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is well-screened from the heritage assets and is landscaped to respect Dungates Farm. The Heritage Team is of the view their settings will be preserved and that the proposal is in accordance with policies 129 and 132 of the NPPF and that there will be no material impact on the special interest of the nearby heritage assets.

- 77 Officers consider that the impact on the setting of the nearby buildings and the conservation area as a result of the proposed development would not result in any harm or loss to a heritage asset.

Restoration and Afteruse

- 78 The importance of securing a good quality restoration is central to the consideration of mineral working and associated proposals. Delay in restoration has environmental costs and guidance in the nPPG (Minerals - Paragraph: 044) states that: *'For mineral extraction sites where expected extraction is likely to last for many years, early agreement on the details of at least the later stages of aftercare may not be appropriate'*. In such cases, it would still be appropriate for the applicant to provide a general outline of the final landform and intended afteruse. The SMP2011 (Policy MC17) requires mineral working proposals to provide for restoration and post-restoration management to a high standard, and sites should be progressively restored or restored at the earliest opportunity with the restoration sympathetic to the character and setting of the wider area and capable of sustaining an appropriate afteruse. In addition, Policy MC18 states that the Mineral Planning Authority (MPA) 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.
- 79 The final restoration and aftercare of the site was approved in 2016, which was for the provision of water-based recreation, woodland and grazing. The SMP2011 supplementary planning document in respect of mineral site restoration comments on the opportunities to secure a whole range of environmental enhancements on land before or during working, or on non-operational land. This could meet biodiversity, landscape, recreational, flooding or other objectives. Policy MC18 makes specific provision for supporting the delivery of enhancements. In planning a multi-use site applicants will need to consider whether the uses are compatible and can be integrated within the site or whether they may conflict. The compatibility of any afteruse with the existing environment is important for its success.
- 80 It can also be important for its integration into that environment and its acceptance by local people. Usually a key influence on the choice of afteruse is its financial viability. Agriculture, forestry and formal recreation all generate an income. However, nature conservation and a number of the informal recreational afteruses generate very little or no income at all, and therefore require funds to cover ongoing maintenance. The SPD also states that *'Surrey's proximity to London and its own densely populated area generate a high demand for recreation. Mineral site restoration, particularly around the urban fringe, provides considerable opportunity to meet both informal and formal recreational and sporting needs.'*
- 81 The applicant has stated that they are aware of the inter-relationship/compatibility of the different uses on site, and that is the responsibility of their management team to balance the needs of different groups of users on the lake. The applicant will need to take

measures to manage for the site in order for the various uses to work efficiently, in harmony and safely.

- 82 In Surrey mineral sites and their restoration tend to be located in the countryside, therefore the provision of recreation and sport as an afteruse needs not only to consider the demand for the particular selected after-use, but also its suitability to the location and its environment. Sport and recreation provision in the countryside should have regard to and be promoted in harmony with the needs of the local community, other uses such as agriculture and forestry, and the need to conserve and protect the character and habitats of the very area people come to visit. In the Green Belt, building or facilities associated with recreational afteruses must be essential and small-scale. Watersports sites can also play a considerable educational role, in providing facilities as part of the sports curriculum.
- 83 The applicant has stated that Buckland Park Lake's *'unique selling point is its unspoilt and natural character and we have sought to preserve this theme while also allowing for a variety of different outdoor recreational activities to appeal to a variety of visitors. We are however cognisant that this venture will only be successful if we are permitted to erect a new building housing a Café and toilet facilities, and an Outdoor Activity Centre, to serve our visitors.'* The applicant has stated that without these buildings which support the approved water based recreation uses, the operation would not be financially viable, which mirrors the above guidance within the SMP2011 SPD.
- 84 Mole Valley District Council and Buckland Parish Council have recommended that a LEMP be put in place to ensure the longer term management of the site, to ensure the additional uses and infrastructure do not adversely impact on the restored lake environment. The applicant has commented that there has been long pre-application discussions and ongoing liaison with SCC Officers, with the submission of the EclA. The County Ecologist and Environmental Enhancement Officer have recommended that a LEMP would be appropriate in order protect and manage the existing approved restoration and amendments in light of the proposed development. The applicant has agreed that should the CPA require a LEMP, that it is approved prior to the opening the facility to the public.
- 85 The CPA has already accepted the water-based recreational use for this site, with planning permission granted back in 1980, with modern conditions for restoration and aftercare approved in 1999 and 2016. The local development plan policies support the water-based recreation uses of the site provided they respect local amenity, and appropriate controls are in place to mitigate the impacts on the environment and amenity. The proposal involves buildings and facilities in support and associated with those recreational uses, which are considered appropriate in scale, in the context of this large 40ha lakeside environment, and do not adversely impact on the restoration and afteruse of this former mineral working. Officers therefore consider that subject to the provision of a LEMP that the proposed development accords with the above development plan policies.

GREEN BELT

Surrey Minerals Plan 2011

Policy MC17 – Restoring mineral workings

Policy MC18 – Restoration and enhancement

Mole Valley Local Plan 2000

Policy ENV23 – Respect for Setting

- 86 The application site lies within the Green Belt and para.79 of the NPPF states that government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Para.

- 81 goes on to state that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- 87 Para. 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Para. 89 of the NPPF provides that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt subject to certain exceptions. Relevant to this planning application and the proposed development of Buckland Park Lake is the exception for the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as they preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 88 MVLP Policy ENV23 sets out criteria that require consideration as part of a development proposal in relation to the wider setting, which includes the impact of the development within the Green Belt on the rural amenities of the Green Belt by reason of its siting, materials or design.
- 89 Mole Valley District Council (MVDC) have commented that whilst they support the principle of recreation uses at Buckland Park Lake, they object to the current application on the grounds that it does not accord with the NPPF and local plan policies, in particular NPPF para 89 and MVCS Policy CS16 which seeks to safeguard and ensure provision of sufficient land and recreation facilities. MVDC accepts that the buildings are appropriate in the Green Belt with the exception of the small garden pavilion. They raise concern over the use of the site for craft fairs, car boots and triathlons, as they would conflict with the nature conservation interests and other users of this landscape. This has been addressed above under the noise impact from such activities.
- 90 The applicant has stated that the pavilion is a relatively small structure (5.4m x 3.7) used in association with the café and additionally would be used by birdwatchers in winter months due to its prominent position.
- 91 Officers take on board the comments raised by MVDC, the local parish and residents, but consider that the proposed development being low-key and appropriate in connection with the proposed water-based recreation, with appropriate controls over the design and finish of the buildings, would be sympathetic to the character and setting of the wider area. The siting and location of these buildings, which are relatively small in the context of this 40ha site, are considered acceptable, ancillary to the water-based recreation afteruse, which is consistent with Green Belt objectives. The other temporary uses, for one-off events such as car boots, craft fairs, triathlons, do not need planning permission and can be undertaken under permitted development rights, and amenity impacts will be controlled by conditions. The applicant would need to give notice to the local borough council of such events, which may involve other Officers coming on site including those from the Police, Fire Service, Trading Standards and the Environmental Health Service. Buckland Parish Council withdrew their initial objection provided that there were conditions limiting permitted development rights and controlling the uses on site. Due to the limited time these events would operate, Officers do not consider that they would cause adverse impact on local amenity so accordingly limiting such uses is not necessary.
- 92 The fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open. The proposed buildings in support of the water-based recreation are small in scale, within the context of this large 40ha site, which are considered to have a limited effect on openness. As such the proposed development would not result in the spread of the urban area, and the openness of the Green Belt is preserved. Officers are

satisfied that the proposed development of Buckland Park Lake in support of the approved water based recreation afteruse is not inappropriate development in the Green Belt and complies with national policy in the NPPF and the relevant policies of the Development Plan.

HUMAN RIGHTS IMPLICATIONS

- 93 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.
- 94 Having considered the limited effects of the proposal on public amenity and the local Environment, and the controls placed on any planning permission granted, the Officer's view is that the proposal would not interfere with any Convention right and has no Human Rights implications.

CONCLUSION

- 95 The proposed development comprises the development of Buckland Park Lake, a restored former mineral working (Park Pit) within the Green Belt, which has a currently approved water-based recreation afteruse. The development comprises various small scale buildings/structures in support of the recreational uses of the site. The uses would be expanded to provide facilities to private groups and members of the public, providing an attractive local recreational facility, the principle of which is supported by many local residents and the local parish and borough council, subject to appropriate controls.
- 96 Mole Valley District Council support the principle of recreation uses at Park Pit, but they have objected to the current application on Green Belt, environment and amenity grounds. Subject to controls in respect of impacts on local amenity and the environment, technical consultees raise no objection to the proposed development. Mole Valley District Council has stated that if the County Planning Authority is minded to approve then appropriate conditions should be applied in order to protect local amenity and nature conservation. Buckland Parish Council raise no objection subject to appropriate conditions controlling events and their impacts. Officers acknowledge the concerns raised in respect of nature conservation and local amenity, however subject to appropriate conditions on any planning permission, Officers consider that the proposed development will not give rise to unacceptable impacts.
- 97 Officers have considered the protection of the Metropolitan Green Belt, the need for the development and any potential impact on local residential, landscape, environmental and amenity interests. Officers are satisfied that the new buildings are appropriate in that they support and complement the existing water-based recreational use of the site. They are small in scale, with limited impact in the context of this 40ha site, and do not harm the openness of the Green Belt or rural character of the countryside. The development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The development is not considered to have an adverse impact on the local environment and amenity, therefore is in accordance with the Development Plan.

RECOMMENDATION

The recommendation is to PERMIT subject to conditions.

CONDITIONS

Approved Plans and Documents

1 The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:

Site Plan	9 February 2018
Phase 1 Habitat Survey	9 February 2018
Existing and Proposed Utilities Map	February 2018
Design and Access Statement Issue 3	February 2018

Café Building Design Plans

Floor and Roof Plan	02C/A301	19/10/2016
Sections	02C/A302	19/10/2016
Elevations	02C/A303	19/10/2016
Elevations	02C/A304	19/10/2016
3D Views	02C/A305	19/10/2016
3D Views	02C/A307	19/10/2016
3D Aerial Views	02C/A307	19/10/2016

Commencement

2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Hours of Operation

3 With the exception of organised group events (e.g. bird watchers, open water swimming, outdoor activity centre), no lights shall be illuminated nor shall any operations or activities authorised or required by this permission, take place other than during the hours of:

08:00 – 18:00 hours

For organised group events this will be extended to 12 midnight

Lighting

4 No external lighting shall be erected on the buildings, with the exception of night-time (PIR) security lights for safety and security reasons.

Noise

5 No outdoor live music is permitted on site at any time.

6 Music (amplified or non-amplified) is only permitted in the cafe between 10:00 and 18:00 hours.

7 No motorised vessels are permitted on the lake at any time, with the exception of the safety boat and electrically powered boats.

8 Between 10:00 and 18:00 hours, the Rating Level, LAr(1hr), of the combined noise emissions from the plant and activities associated with the application site shall not exceed the existing representative LA90 background sound level at any time by more than +5 dB(A) at the nearest noise sensitive receptor (NSR). The assessment shall be carried out in accordance with British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound'. The existing representative LA90 background noise level shall be determined by measurement that shall be sufficient to characterise the environment and the recommended level should be justified following guidance contained within BS 4142:2014.

- 9 All site operators shall adhere to the Noise Management Plan Issue 2.0 dated 9 February 2018, which shall be reviewed at least annually, taking account of operating experience and complaints feedback.

Landscape, Ecology and Management

- 10 Prior to the opening to the public of the development hereby permitted, a Landscape and Ecology Management Plan (LEMP) covering a period of 5 years shall be submitted to and approved in writing by the County Planning Authority. The LEMP shall provide the following:
- a) Compartment plan (of development area) – showing each compartment that will be managed, which will include any landscape or biodiversity interests and explain the changes to the approved restoration plan;
 - b) Area, scope, time period and resources;
 - c) Site overview, planning history and effects of the development on the whole Lake site and setting;
 - d) Overarching aims and objectives;
 - e) Landscape and biodiversity assets to be managed by compartment including new planting, species, sizes, spacing;
 - f) Management prescription for each compartment, mitigation and enhancements;
 - g) Monitoring and review procedures and schedule.

The LEMP shall be implemented as approved.

Highways & Access

- 11 Prior to the opening to the public of the development hereby permitted a detailed scheme amending the junction of the site providing adequate, safe provision for right-turning vehicles from Reigate Road, including visibility zones, shall be submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented as approved.
- 12 Prior to the opening to the public of the development hereby permitted space has to be laid out within the site in accordance with the approved plans for vehicles to be parked, thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 13 Prior to the opening to the public of the development hereby permitted facilities for the secure, covered parking of bicycles shall be provided, thereafter the said approved facilities shall be retained and maintained for their designated purpose.

Reasons

- 1 To ensure that the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development.
- 2 To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and to enable the County Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.
- 3 To enable the County Planning Authority to control the development and to ensure that the development is undertaken to safeguard the environment and local amenity in accordance with Policies REC11, REC13 and ENV22 of the Mole Valley Local Plan 2000

- 4 To enable the County Planning Authority to control the development and to ensure that the development is undertaken to safeguard the environment and local amenity in terms of lighting impact and in accordance with Policy ENV22 Mole Valley Local Plan 2000.
- 5 To enable the County Planning Authority to control the development and to ensure that the development is undertaken to safeguard the environment and local amenity in terms of noise impact and in accordance with Policy ENV22 Mole Valley Local Plan 2000.
- 6 To enable the County Planning Authority to control the development and to ensure that the development is undertaken to safeguard the environment and local amenity in terms of noise impact and in accordance with Policy ENV22 Mole Valley Local Plan 2000.
- 7 To enable the County Planning Authority to control the development and to ensure that the development is undertaken to safeguard the environment and local amenity in terms of noise impact and in accordance with Policy ENV22 Mole Valley Local Plan 2000.
- 8 To enable the County Planning Authority to control the development and to ensure that the development is undertaken to safeguard the environment and local amenity in terms of noise impact and in accordance with Policy ENV22 Mole Valley Local Plan 2000.
- 9 To enable the County Planning Authority to control the development and to ensure that the development is undertaken to safeguard the environment and local amenity in terms of noise impact and in accordance with Policy ENV22 Mole Valley Local Plan 2000.
- 10 To enable the County Planning Authority to control the development and to ensure that the development is undertaken to safeguard the nature conservation and biodiversity of the site in accordance with Policies CS13, CS15 of the Mole Valley Core Strategy 2009 and Policies ENV4, ENV13, ENV14 and ENV15 of the Mole Valley Local Plan 2000.
- 11 In order to ensure that the development should not prejudice the free flow of traffic and condition of safety on the highway, nor cause inconvenience to other highway users, in accordance with Policies MOV2 and REC11 of the Mole Valley Local Plan 2000 and Policy CS18 of the Mole Valley Core Strategy 2009.
- 12 In order to ensure that the development should not prejudice the free flow of traffic and condition of safety on the highway, nor cause inconvenience to other highway users, in accordance with Policies MOV2 and REC11 of the Mole Valley Local Plan 2000 and Policy CS18 of the Mole Valley Core Strategy 2009.
- 13 In order to ensure that the development should not prejudice the free flow of traffic and condition of safety on the highway, nor cause inconvenience to other highway users, in accordance with Policies MOV2 and REC11 of the Mole Valley Local Plan 2000 and Policy CS18 of the Mole Valley Core Strategy 2009.

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 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.

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](#)

[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](#)

Mole Valley Core Strategy (MVCS) 2009

Mole Valley Local Plan (MVLP) 2000

Other Documents

Reigate Quarry – Site Biodiversity Action Plan (Hanson) January 2014

Planning permission MO/2015/0213 dated 24 June 2015 – ‘Retention and use of four buildings (nos. 1-4) and power supply ancillary to mineral working in connection with the proposed water-based recreation after use of the site’.

Planning permission MO10/0847 dated 26 February 2016 (for the approved restoration and water-based recreation, including Park Pit - Revised Restoration Scheme R44r/178Rev.f November 2015)
