

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 10 July 2019
BY: PLANNING DEVELOPMENT TEAM MANAGER
DISTRICT(S) SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**
Lower Sunbury & Halliford
 Mr Evans
Laleham & Shepperton
 Mr Walsh

CASE OFFICER: Mr Stephen
 Jenkins, 020 8541 9424

PURPOSE: FOR DECISION **GRID REF:** 509288 167502

TITLE: MINERALS APPLICATION REF. SP12/01487

SUMMARY REPORT

Land at Watersplash Farm, Gaston Bridge Road and Fordbridge Road, Shepperton, Surrey, TW16 6AU

Proposed extraction of concreting aggregate from land at Watersplash Farm together with the erection of processing plant and associated mineral infrastructure, the provision of a new access from the Gaston Bridge Road/Green Lane roundabout, restoration involving the importation of inert restoration materials to agriculture, flood meadows, lake and reed beds with public access, on a site of 28 ha, and temporary diversion of public footpath 53 for the duration of operations.

The 28 hectares (ha) application site at Watersplash Farm is a low lying flat area of open high quality (Grade 2 and 3a) agricultural land bounded by established tree belts and hedgerows. The site is situated between Upper Halliford to the north, Sunbury to the east, Lower Halliford to the south west and Shepperton to the west. To the north of the site lies residential property, the car park and playground at Gaston Bridge and open land and Millennium Wood beyond, a garden centre, farmland and the Halliford Road with residential housing at Upper Halliford beyond. To the east lies farmland, residential properties and commercial/industrial properties uses. To the south of the site runs the B375 Fordbridge Road, the Watersplash Farm complex and Watersplash Cottages. To the south of the road are residential properties (including the residential park (mobile) home site (Fordbridge Park) and non-residential uses including riding stables, swan sanctuary, hotel, marina and commercial businesses and fishing lake and then the River Thames. The A244 crosses the River Thames at the new Walton Bridge some 0.6km south west of the site.

The site is in the Metropolitan Green Belt, the Spelthorne Borough Air Quality Management Area and Heathrow Airport bird strike safeguarding zone. The River Ash runs through the land from northwest to southeast dividing the planning application site in two, Footpath 53 runs across the western section of land. The river is designated as a Site of Nature Conservation Importance (SNCI) and drains into the River Thames some 500 metres to the east. The site is within the River Ash and River Thames floodplains, with the majority of the land within Flood Zones 2 and 3 on the Environment Agency flood maps. The whole of the application site is within a principal aquifer and area of groundwater vulnerability, with licensed surface water and borehole abstraction supplying the agricultural operation on the land and to the south a water borehole abstraction supplying water to residential properties.

The land at Watersplash Farm is identified in the Surrey Minerals Plan 2011 Primary Aggregates Development Plan Document as a preferred area for the extraction of sand and gravel (concreting aggregate), where it is considered that mineral working is possible without posing significant adverse impacts on the environment and local community, and key development requirements identified to be addressed as part of any application.

The proposal involves the phased extraction of 1,167,000 tonnes of concreting aggregate (sand and gravel) and progressive restoration involving backfilling with imported inert waste materials to original levels and agriculture on land west of the River Ash and nature conservation after use with public access to the east using site derived materials, construction of a new access and access road to, erection of processing plant and ancillary infrastructure and temporary diversion of Footpath 53.

Minerals can only be worked where they are found. The National Planning Policy Framework (NPPF) indicates that development involving mineral extraction (and processing) in the Green Belt is not inappropriate provided openness is maintained and the development does not conflict with the purposes of including land in Green Belt. Mineral working should provide for restoration and aftercare to be carried out to high environmental standards at the earliest opportunity.

Aggregate minerals are essential to support sustainable economic growth and quality of life which includes maintaining and repairing existing development and infrastructure such as houses, schools and roads. Assessment of the current landbank position has demonstrated a strong case of need for additional reserves of primary land won sand and gravel to be permitted. The proposal to extract minerals in accordance with a plan allocation would satisfy a clear need with regard to a national policy requirement to maintain a landbank and so maintain a steady and adequate supply of aggregates and help maintain security of supply.

Objections have been received from local residents, residents' associations and action groups. The matters on which objections have been made include: highways, traffic and access; flood risk; pollution risk to rivers and groundwater; impact on local water supply; noise; air quality (vehicle emissions and dust); health impacts; and biodiversity.

All technical consultees raise no objection to the proposal subject to planning conditions. Spelthorne Borough Council have objected to the proposal unless measures are put in place to protect local amenity and the environment.

The development has been assessed in terms of Green Belt. The proposed mineral extraction and processing are temporary uses of the land and once the land is restored would preserve the openness of the Green Belt in the long term. Any harm to the visual amenities of the Green Belt from outside the site would be limited in extent and duration so are not considered significant by Officers. There would be an impact on users of Footpath 53 for the duration of the development, which is acknowledged. Officers consider the impacts would be short term and limited in duration and any harm is outweighed when balanced against the need for the mineral, the environmental benefit of mitigation measures such as the soil bunding, and the improvements to the public right of way network which would be delivered as part of the restoration scheme.

The application proposes phased working and progressive restoration over a six year period. The restoration would be to agriculture and nature conservation uses with improved public access, which are appropriate to the designation and objectives for the use of land in the Green Belt. Subject to the delivery of the restoration proposals as set out in the planning application planning officers consider the openness of the Green Belt would be maintained and the proposal does not constitute inappropriate development in the Green Belt.

The impacts of the proposal in terms of transport; environment and local amenity; including flood risk and groundwater; landscape and visual impact, noise, air quality, have all been assessed, including issues raised by objectors, and the views of statutory and non-statutory consultees

have all been taken into consideration. No objections have been received from technical consultees and having had regard to the environmental information contained in the ES, national and development plan policy, and subject to the control and mitigation measures identified being implemented, together with controls through other regulatory regimes, the proposal would be capable of being undertaken at the highest environmental standards and would not give rise to unacceptable environmental impacts, which is consistent with the NPPF and the development plan. Taking all these matters into account, officers consider that planning permission should be permitted.

The recommendation is to PERMIT subject to conditions set out in the report. The recommendation to permit would be subject to the prior completion of a section 106 legal agreement to secure: a) the long term landscape and ecological management, maintenance and aftercare of part of the land at Watersplash Farm; and b) the long term monitoring of the groundwater.

APPLICATION DETAILS

Applicant

CEMEX UK Operations Limited

Date application valid

22 October 2012

Period for Determination

17 July 2019 (extension agreed with the applicant)

Amending Documents

- Documents contained in Supplementary to Planning Application, and Environmental Statement, Volume 4, April 2014
- Documents contained in Second Supplementary to Planning Application, and Environmental Statement, Volume 5, March 2016
- Letter from Cemex dated 18 April 2016
- Drawing No. P3/648/8 Rev 4 8a, Method of Working Phases, September 2012
- Drawing No. P3/648/8 Rev 4 8b, Method of Working Phases, September 2012
- Drawing No. P3/648/8 Rev 4 8c, Method of Working Phases, September 2012
- Drawing No. P3/648/8 Rev 4 8d, Method of Working Phases, September 2012
- Drawing No. P3/648/8 Rev 5 8e, Method of Working Phases, September 2012
- Drawing No. P3/648/8 Rev 5 8f, Method of Working Phases, September 2012
- Drawing No. P3/648/8 Rev 5 8g, Method of Working Phases, September 2012
- Drawing No. P3/648/8 Rev 2 8h, Method of Working Phases, September 2012
- Letter from Cemex dated 29 September 2016 with letter dated 22 July 2016 from ESI

- 13.01.17 Email from BeaconTransportPlanning+8attachments (1.Emails-CHA&TransportConsultant, 2.Addendum TA No2 revA1, 3.Model Audit_Watersplash Farm_ARCADY_002_Site Access Gaston Bridge Road G..., 4.Model Audit_Watersplash Farm_ARCADY_002_A244 Gaston Bridge Road Fordbrid..., 5.Model Audit_Watersplash Farm_ARCADY_002_Gaston Bridge Road Green Lane Ro... 6.ATA2 Arcady South revA, 7.ATA2 Arcady 3 Arm North revA, 8.ATA2 Arcady 4 Arm North revA)
- 16.02.17 Emails dated 9 and 14 February 2017 from Applicant with 60084R8Rev4 Summary Flood Risk Assessment and Surface Water Management – Text and 60084R8Rev4 Summary Flood Risk Assessment and Surface Water Management – Appendices.
- Cemex letter dated 5 November 2018 including Further Supplementary to Planning Application and Environmental Statement dated November 2018 comprising: Addendum Transport Assessment No.3 dated October 2018; Ecological Assessment of a Proposal to Extract Mineral from Land at Watersplash Farm, Shepperton, Surrey TW16 6AU dated October 2017; Response to Environment Agency Re: WA/20013/113977/01-L01 12 March 2013 Point 1: Assessment of Risks to Nature Conservation and the River Ash dated October 2017; Update to Chapter 12 (Air Quality) of the of Environmental Statement and Technical Appendices dated September 2012; Stanec letter dated 30 October 2018 Ref. 60084 MKelly001; Baseline Noise Survey Update dated 13 September 2017; Updated Planning Statement following revised National Planning Policy Framework dated October 2018; Biodiversity Action Plan dated November 2018; and Update to Chapters 16 (Cumulative Impacts) and 17 (Residual Impact and Conclusion) of Environmental Statement and Technical Appendices dated September 2012.

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
Minerals issues	Yes	98 - 126
Highways, traffic and access	Yes	127 - 161
Flood risk and hydrogeology	Yes	172 - 228
Landscape and visual impact	Yes	229 - 258
Noise	Yes	259 - 286
Air quality	Yes	287 - 310
Rights of Way, leisure and recreation	Yes	311 - 320
Biodiversity and ecology	Yes	321 - 335
Heritage assets	Yes	336 - 353
Restoration, agriculture, and aftercare	Yes	354 - 384
Airport safeguarding	Yes	385 - 391
Cumulative impact	Yes	392 - 398
Green Belt	Yes	399 - 417

ILLUSTRATIVE MATERIAL

Drawings

- *Plan 1* - Site Location and Site Area
- *Plan 2* – Application Drawing No. P3/648/8 Rev4 8a Method of working plan showing extraction phases 1 to 4 and limit of working area dated Sep 2012
- *Plan 3* – Application Drawing No. P3/648/8 Rev4 8b Method of working plan showing different bund heights and working during phase 1A dated Sep 2012
- *Plan 4* – Application Drawing No. P3/648/8 Rev5 8e Method of working plan showing plant site established, footpath 53 diverted and during extraction in phase 3 and backfilling of phase 2 dated Sep 2012
- *Plan 5* – Application Drawing No. P3/648/5 Processing Plant Plan and Elevations dated Sep 2012
- *Plan 6* – Application No. P3/648/8 Rev5 8g Method of working plan showing site during extraction and backfilling in phase 3b north of the access road dated Sep 2012
- *Plan 7* – Application Drawing No. P3/648/9A Final Restoration proposals dated August 2013

Aerial Photographs

- Aerial 1 – Watersplash Farm
- Aerial 2 - Watersplash Farm

Site Photographs

- Figure 1 - Panoramic view from Footpath 53 (Fordbridge Road end) of the application site west of the River Ash
- Figure 2 - Panoramic view from Footpath 53 (Gaston Bridge Road end) of the application site west of the River Ash
- Figure 3 - Panoramic view from the agricultural access off Fordbridge Road of the southern part of the application site east of the River Ash
- Figure 4 - Panoramic view of the northern part of the application site east of the River Ash

BACKGROUND

Site Description

1. The 28 hectares (ha) application site at Watersplash Farm is a low lying¹ flat area of open high quality agricultural land bounded by established tree belts and hedgerows. The River Ash runs from northwest to southeast through the site dividing the land into two parcels. The former Watersplash Farm farmhouse and other buildings are situated on the southern boundary. The site is in the Metropolitan Green Belt, situated between Upper Halliford to the north, Sunbury to the east, Lower Halliford to the south west and Shepperton to the west. The application site, owned by the applicant, Cemex Ltd, is

¹ Around 10 metres Above Ordnance Datum (m AOD)

currently farmed by a tenant farmer. The larger part of the land is farmed for market garden crops with the remainder under an arable regime.

2. To the north of the site lies a residential property at Cuckoo Pound, with the car park and playground at Gaston Bridge and open land and Millennium Wood with the River Ash running through beyond; a Squires Garden Centre² and overspill car park, farmland and the Halliford Road with residential housing at Upper Halliford beyond. To the east lies farmland, residential property, commercial / industrial properties / uses at the Longwood Business Park.
3. To the south of the site runs the B375 Fordbridge Road, the Watersplash Farm complex and Watersplash Cottages. The buildings at Watersplash Farm are used for a number of commercial uses not linked to the use of the agricultural land. To the south of the road between the road and the River Thames are residential properties³ and other properties and non-residential uses including riding stables, The Swan Sanctuary, Shepperton Marina⁴, fishing lake, and Holiday Inn hotel. Beyond these runs the River Thames.
4. The application site is bounded to the west by the A244 Gaston Bridge Road, including the three arm Gaston Bridge Road/Green Lane (B376) roundabout, with residential housing at Shepperton beyond and the Sunbury Golf Course to the north west. The four arm A244 Gaston Bridge Road/Walton Bridge Road and B375 Fordbridge Road/Russell Road roundabout⁵ is on the south west corner of the application site. The A244 crosses the River Thames at the new Walton Bridge some 0.6km south west of the site. The [Walton Bridge cycling links](#)⁶ scheme runs along the Gaston Bridge Road boundary of the site.
5. The River Ash runs through the application site and leads into the River Thames some 500m to the east at Wheatley's Eyot⁷. Some 6 ha of the site lies on the eastern bank of the River Ash and approximately 22 ha on the western bank. The River Ash running through the site is designated as a Site of Nature Conservation Importance (SNCI) and included in the National Biodiversity Action Plan for Chalk Rivers. The River Thames is also designated as an SNCI. The Knights and Bessborough Reservoir SNCI and Site of Special Scientific Interest (SSSI), forming part of the South West London Waterbodies Ramsar Site and Special Protection Area (SPA) lies some 1.5km to the east.
6. The application site lies within the River Ash and River Thames floodplain with the majority of the land within areas classified as Flood Zone 2 (Extent of extreme flood) and Flood Zone 3 (Flooding from rivers without defences) on the Environment Agency flood zone maps⁸. The whole of the application site is within a principal⁹ aquifer and area of groundwater vulnerability. There are two licensed surface water abstractions from the River Ash on site and a borehole abstraction in the centre of the site, used by the tenant

² On the former Halliford Nurseries site

³ Including the residential park mobile home site Fordbridge Park

⁴ Marina and commercial businesses

⁵ Known as the Marshalls roundabout

⁶ A section of the [Walton Bridge cycling links](#) scheme constructed as part of a Department for Transport/Surrey County Council funded cycle safety infrastructure scheme extends from Walton Bridge along Walton Bridge road and Gaston Bridge Road as far as Gaston Bridge. The scheme comprises in road cycle lanes and cycle paths – see [information leaflet with map](#). On the site side of the road there are short sections of cycle path north of the Gaston Bridge Road/Green Lane (B376) roundabout and proposed site entrance and at the A244/B375 roundabout. The rest of the route on this side of the road is an in road cycle lane. The western side of Gaston Bridge Road is cycle path.

⁷ The River Thames lies some 500 metres to the south of the site at Walton Bridge but some 250 metres from the south east corner of the planning application site to the east. The route of the River Ash runs under Fordbridge Road and discharges into the Thames at Wheatley's Eyot some 500m after leaving the site.

⁸ A small section of land east of the River Ash is Flood Zone 1.

⁹ Previously called and referred to as major aquifers – see [information on aquifers on the EA website](#)

farmer for spray irrigation and a further water abstraction point to the south of Fordbridge Road supplying the Fordbridge Park residential park mobile home site.

7. The application site is situated in the Spelthorne Borough Council Air Quality Management Area and the Heathrow Airport bird strike safeguarding zone. The application site lies within an area with high archaeological potential and there are two conservation areas whose boundaries lie within 250 metres of the application site: the Lower Halliford Conservation Area situated to the south west; and the Upper Halliford Conservation Area to the north/north west.
8. Public Right of Way No 53 crosses through the western portion of the application site running from Fordbridge Road¹⁰ in the south, then northwards to the eastern end of the Cuckoo Pound property before running westwards between the application site boundary and the Cuckoo Pound property before joining Gaston Bridge Road south of Gaston Bridge and the car park/playground.

Planning History

9. The application site has been in long term agricultural use and lies in an area with a long history of mineral working. Land at Watersplash Farm was identified as an area with potential for extraction of sand and gravel in the North West Surrey Minerals Local Plan 1985 (Potential Working Site 18¹¹) and the Surrey Minerals Local Plan 1993 (Potential Working Site (PWS) 15). The western part of the land at Watersplash Farm was subject of two planning applications for extraction of sand and gravel in 1958 and 1962. Both were refused and the subsequent appeals dismissed. The established mature tree belt along the Gaston Bridge Road frontage of the land was planted as advance screen planting at the time of those applications.
10. In the current adopted minerals plan the land within the application site is identified as a preferred area ([Preferred area L](#)) in the Primary Aggregates Development Plan Document (DPD) for future extraction of concreting aggregate for the period 2009-2026. The Primary Aggregates DPD, together with the Core Strategy DPD comprises the Surrey Minerals Plan 2011, adopted in July 2011. Key development requirements are set out for each preferred area, which need to be addressed as part of any future proposals for mineral extraction. For Watersplash Farm these cover the following matters: access; local amenity; biodiversity; heritage; hydrology; agriculture; landscape; air quality; aerodrome safeguarding; and restoration.

THE PROPOSAL

11. The planning application is for the extraction, processing and sale of approximately 1,167,000 tonnes¹² (1.16 million tonnes (mt)) of concreting aggregate (sand and gravel), construction of a new access off the A244 Gaston Bridge Road/B376 Green Lane roundabout, construction of an internal site access road from the new entrance to the processing plant site, erection of processing plant and ancillary infrastructure (site offices/welfare facilities, workshops, wheel cleaning facilities and parking), reinstatement of the land by backfilling with indigenous (site derived) materials and imported inert waste materials. The site would be worked and progressively reinstated/restored.

¹⁰ Opposite Felix Lane

¹¹ Sites for potential working were identified in the 1985 plan as Category A, B and C potential working sites (PWS). Under Policy MC11 there was a presumption in favour of Category A sites; a presumption against working Category B where other suitable land is available; and a strong presumption against working in Category C sites. Watersplash Farm was identified as Category B site due to the high agricultural quality of the land. Policy M12 stated that agricultural land of higher quality should not be worked where other suitable land is available.

¹² The quantity of mineral to be extracted has reduced from 1.27mt to enable wider margins for tree and vegetation protection, see Landscape and Visual Impact Section below.

Restoration would be to agricultural afteruse west of the River Ash and east of the river restoration would be to flood meadows, lake and reed beds with new footpaths and a new bridge across the River Ash to enable public access to the land¹³. Public Footpath 53 would be temporarily diverted during operations and reinstated along its current route as part of the restoration of the site.

Construction of site entrance and access road

12. The application proposes commencing works by construction of a new access off the Gaston Bridge Road/Green Lane roundabout into the site. This would involve construction of an eastern fourth arm off the roundabout opposite Green Lane and new 7.3m wide access road constructed off the roundabout. The works to the roundabout are expected to take six weeks to complete and would involve minor traffic management involving installation of temporary traffic lights during the planning and resurfacing works on the existing highway. The access road, surfaced with tarmacadam would run for some 400m between the site entrance and the proposed processing plant site located to the west/north west of the Watersplash Farm complex and west of the River Ash. Once the roundabout and access road construction works are complete a security entrance gate would be installed at the site entrance. The gate would be closed outside permitted operational hours.
13. In order to screen views into the site the access road would be curved/kinked just inside the site entrance and thereafter run straight in an easterly direction to the proposed processing plant site. Using topsoil stripped from the route of the access road and proposed location for perimeter bunding along the northern boundary adjacent to the Cuckoo Pound property three metre high bunds would be constructed along the Gaston Bridge Road boundary of the site north of the site entrance and on the northern side of the curved/kinked section of the proposed access road within the site in order to screen views into the site from the site entrance. These would be maintained for the duration of the proposed working, backfilling and removed during the final stages of restoration.
14. Footpath 53 would remain open when these initial site establishment works are undertaken. In order to protect users of the public right of way and the route of the footpath a 1m high fence, would be erected on either side of the footpath. The fencing would be erected to provide a 3m wide corridor through which the route of the footpath path would pass. At the point where the route of the footpath crosses the proposed access new road gates would be temporarily installed and warning signs erected.

Perimeter screen bunding, processing plant and site infrastructure, diversion of footpath 53, Phase 1 extraction, and creation of silt settlement and fresh water lagoons

15. Following completion of the site entrance and access road a pre-fabricated steel bailey bridge would be brought to the site and erected across the River Ash to enable access to the land east of the river. The application proposes working the land east of the river as Phase 1. The land would be worked as phase 1A and phase 1B. The southern part would be worked first as phase 1A and the northern part as phase 1B. Using topsoil and subsoils stripped from the proposed Phase 1 working area (east of the River Ash) and processing plant site area, screen mounds/bunds (for noise/visual screening purposes) of varying heights (2m, 2.5, 3m and 5m high)¹⁴ would be constructed, around the whole perimeter of the application site, and on the southern side of the curved/kinked section of the proposed access road. Topsoil and subsoils would be stripped and stockpiled separately.
16. Bunding constructed using subsoils and overburden would also be constructed around the processing plant site compound, including the side of the processing plant site

¹³ See Plan 7

¹⁴ See Plan 3

fronting the River Ash. On the site boundary to the rear of Watersplash Cottages and the Watersplash Farm complex adjacent to the proposed processing plant site compound the bunding would be 5m in height.

17. The proposed processing plant site compound¹⁵ would then be formed using mineral excavated from the southern part of phase 1A to provide a suitable raised surface for installation of the processing plant and site infrastructure. Additional mineral would also be excavated from the rest of the phase 1A area and stockpiled in the processing plant compound pending processing once the processing plant site is complete and processing plant installed. The areas in phase 1A where mineral has been extracted would be moulded to form two types of separate water holding areas for use in connection with the processing of mineral extracted at the site, one type for silt settlement and the other fresh water for circulation back to the processing plant¹⁶.
18. Once the processing plant site compound base had been formed site infrastructure would be installed and the mineral processing plant erected. The site infrastructure would comprise car parking, overnight lorry car park¹⁷, weighbridge, a double stacked site office¹⁸, fuel compound, workshop, and quarantine bay within the compound, and an automated wheel washer on the access road near the entrance to the site compound.
19. The processing plant i.e. crushing¹⁹; screening; and washing plant²⁰, would be housed for noise attenuation purposes within three steel clad green painted buildings. It would comprise a crusher house²¹; a washing and primary grading house²² and a secondary grading house²³. In the open within the processing plant site would be conveyors, sand tower infrastructure and mineral stockpiles.
20. A section of Footpath 53 which crosses the western part of the application site between Cuckoo Pound in the north and Fordbridge Road would be temporarily closed and a diversion route provided²⁴. The route of the diverted footpath would run from Fordbridge Road eastwards on the outside of the southern boundary of the application site, then north-eastwards along the side of the 5m high bund to the rear of Watersplash Cottages and the Watersplash Farm complex towards the River Ash. The diverted route would then run along the western bank of the river (between the soil screen bund and the river) and then by the soil screen bunds along the northern boundary of the application site before connecting up with the existing route which runs to the south of the Cuckoo Pound property to link up to Gaston Bridge Road. The new footpath route would be fenced with a 1 metre high post and wire fence, with gates and warning signs erected at the point where the route passes over the access from the processing plant site to the bailey bridge across the river.
21. The proposal includes seeking to establish the right to temporarily divert Footpath 53 for the duration of the extraction and restoration operations. Under Section 247 of the Town and Country Planning Act 1990 (the 1990 Act) the Secretary of State (SoS) can

¹⁵ Approximately 2.2ha

¹⁶ See Plan 4

¹⁷ 20 Cemex HGVs would be based at the site

¹⁸ 3 m wide, 8m long, 5m high

¹⁹ Crushing of gravel is part of routine primary treatment processes

²⁰ See Plans 4 and 5

²¹ 5m wide, 10m long, 12m high

²² 16m wide, 17m long, 12m high

²³ 9m wide, 16m long and 9m high

²⁴ See route on Plan 4

authorise the stopping up or diversion of a public right of way where is necessary to do so to enable development to be carried out in accordance with a planning permission.²⁵

Mineral extraction and processing

22. The site would be worked and progressively restored in four phases. Phase 1 (1A and 1B) to the east of the River Ash as described above, Phase 2 in the south western part of the site, Phase 3 (3A and 3B) the central and northern parts of the site, and Phase 4 the processing plant site and route of the site access road²⁶.
23. Working of Phase 1A would be carried during the site establishment following soils and overburden stripping and use of the stripped materials to construct perimeter screen bunding around the application site boundary and the processing plant site. Working in phase 1A would involve creation of the silt settlement and water storage lagoons on (land east of the River Ash north of Fordbridge Road) in conjunction with establishment of the processing plant site, as described above. Once the processing plant site is established and the plant operational the remaining mineral in Phase 1A and then Phase 1B would be worked in a northerly direction.
24. A field conveyor would be placed running from the processing plant site along the centre of the site west of the River Ash, with north and south spurs and hopper at its end. The conveyor system would be about 1m off the top of the mineral following removal of soils. A generator located within the processing plant compound would be used to operate the field conveyor system. This would be used to transport mineral excavated from Phases 2 and 3 to the processing plant site.
25. Phase 2 would be worked away from the south west corner (A244/B375 roundabout) part of the site, northwards, into Phase 3 towards the site access road. On completion of extraction in Phase 3 south of the access road working would take place in the part of Phase 3 north of the access road. This part of Phase 3 would be worked from west to east from Gaston Bridge Road towards the processing plant site compound.
26. Phase 4 would involve working the mineral beneath the haul road and underneath the processing plant site compound and part of the strip of land on which the proposed 5m high subsoil/overburden screen bund would be sited²⁷. This bund would be reduced in width and height to 2.5m to allow the mineral to be worked. The processing plant site would be reduced to a minimal footprint and site infrastructure removed. Any mineral extracted from Phase 4 that could not be processed prior to decommissioning of the processing plant would be exported off site to be processed in other processing plants in the south east operated by the applicant.
27. Soils and overburden from Phases 2 and 3 would be stripped prior to the extraction commencing in each part of the phase and moved directly to be used in the reinstatement of areas from which mineral has previously been excavated and backfilled with imported inert waste. Following completion of extraction on each phase the phase would be progressively restored.
28. Phase 4 would be worked from east to west towards Gaston Bridge Road starting in the processing plant site to the rear of Watersplash Cottages and the Watersplash Farm complex. The site access road would be gradually removed and once extraction, backfilling and restoration had progressed west of the original line of Footpath 53 the footpath would be reinstated along its original route. Soils stored in the perimeter bunds

²⁵ If planning permission is granted the applicant would apply to Surrey County Council for a Diversion and Extinguishment Order under s257 of the 1990 Act instead of through the provisions of the Highways Act 1980.

²⁶ See Plan 2.

²⁷ To the rear of Watersplash Cottages/Watersplash Farm complex.

around the site would be gradually removed and following backfilling of the land west of the River Ash used in the restoration of the site. The site entrance off the A244/B376 roundabout would be removed, the security gate removed and the kerb line with the Gaston Bridge Road reinstated and replacement planting carried out.

29. The site would be worked wet with mineral extracted using a hydraulic excavator sited on the mineral surface. Excavated mineral would be placed alongside the excavation to allow water to drain back into the extraction area. Mineral would then be transported by loading shovel to the field hopper at the end of the conveyor system. From the hopper the mineral would be released onto the conveyor belt for transport to the processing plant.

Geological barrier

30. The application was amended in early 2016 to include provision of a geological barrier as part of the backfilling with imported waste material the land west of the River Ash (phases 2, 3 and 4).²⁸ Land east of the river would be restored as a water feature (phase 1A) and backfilled with indigenous over burden materials (phase 1B). Progressively as the mineral is excavated a water filled void would be exposed. Although the detailed methodology for the design and installation of the geological barrier would be dealt with through the environmental permitting process information has been provided as part of the planning application to outline how the geological barrier/sidewall liner would be constructed using imported waste materials.
31. The application states that the vast majority of the imported waste materials²⁹ would comprise naturally occurring construction arisings such as clays, stones and soils. The smaller proportion of imported materials comprising concrete brick, tiles and ceramics would be used in the construction of site haul roads.
32. Prior to any imported waste materials being deposited in the site, and to minimise any risk to groundwater and to fulfil the requirements of the Landfill Directive and Environmental Permitting Regulations, a sidewall geological barrier would be constructed around the perimeter of each phase and an earth bund across the water body to separate areas to be filled from areas where extraction is taking place. The sidewall liner would tie in with the in situ London Clay at the base to form discrete lined phases/cells prior to any imported waste being deposited in the fill phase.
33. The sidewall geological barrier would be constructed using materials sourced from waste material imported to the site and comprise materials with sufficient clay content capable of achieving the required properties needed for the geological barrier. The materials would be from selected imported waste in accordance with the Environment Agency's inert waste guidance³⁰. The Environmental Permit (EP) would include details on waste acceptance and rejection procedures. In addition the geological barrier would be subject to Construction Quality Assurance (CQA) in accordance with the EP and EA guidance and include independent site inspections, validation testing and reporting.
34. The sidewall geological barrier would be constructed under water and would be a minimum of 10m wide at the crest which is wider than the Landfill Directive 1m thickness

²⁸ The applicant has always been of the view that the provision of a geological barrier is not a land use planning issue but an environmental permitting one.

²⁹ Materials used to infill the void resulting from mineral extraction

³⁰ The applicant has provided for information purposes details (Appendix 8 of Volume 5 Second supplementary to planning application and environmental statement) of the draft site operating plan to demonstrate controls that would be put in place and required under an EP in due course to control the composition of imported waste, the assessment, selection and testing regime that would be put in place, together with proposals for auditing, verification and reporting arrangements to demonstrate compliance. The application envisages that an EP for the site would only allow inert wastes (as defined by the Landfill Directive) that do not require testing.

at 1×10^{-7} m/s requirement for geological barriers. The application states that as a result of constructing the barrier below water in this way the base of the barrier would be significantly wider. A wider sidewall barrier is proposed in order to allow sufficient width for safe movement of plant involved in the transportation, deposition and placement of waste materials adjacent to the water's edge. Material for use in the barrier construction would be inspected adjacent to the water and then bulldozed into the water to build up the barrier.

35. Barrier slopes would form below the water table as the material builds up and consolidates under gravity. Once the deposited waste material is above groundwater level the material would be compacted by earthmoving equipment. To avoid the face being surcharged vehicles delivering waste would not be permitted to traverse within 10m of the face. The applicant considers the sidewall liner would "key" into the basal clay as a result of the method of deposition, the consolidation under gravity and the compaction.
36. Imported waste materials for use in backfilling would be inspected for suitability, first at the weighbridge and again at the tipping area prior to being placed in the void. Any non-compliant materials would be removed to the 'quarantine' bay in the processing plant site compound pending removal to an appropriately licensed landfill.
37. Once 'final fill' levels had been achieved above the water table, overburden, subsoils and topsoil being stripped from areas in advance of mineral extraction would be placed directly onto backfilled areas at a total depth of 1m and the land reinstated back to original ground levels.

Infilling and Restoration

38. The application envisages the infilling on the land west of the River Ash would take place in five phases progressing from the south west corner (extraction Phase 2) towards the north east (extraction Phase 3b north of the access road)³¹. On completion of extraction Phase 2, extraction would commence in Phase 3 and construction of the side wall barrier commence in extraction Phase 2. Backfilling of extraction phases 2 to 4 would be undertaken using imported suitable inert materials. Landfilling would commence in each fill phase once when the construction of the geological barrier for the fill phase has been completed. The equivalent extraction and restoration phases are shown in Table 1 below:

Table 1

Extraction Phase No	Restoration Phase No
1A	1A
1B	1B
2	2
3B	3
3B	4 & 5
4	6

39. The application states that in addition to indigenous materials from the site importation of some 680,000 cubic metres (m³) of inert material would be required to backfill the site. The anticipated rate of infilling would be some 150,000 m³ per annum³², though in the first year the application anticipates this would be lower at around 80,000 m³. Given the

³¹ See Table 1 and Plans 4 and 6

³² 300,000 tonnes based on a conversion factor of 2 tonnes to 1 m³

inert nature of infill material which would be used the applicant does not envisage much settlement. Backfilled areas would be inspected 12 months after completion of restoration and any localised settlement features would be filled with imported suitable soils.

40. On completion of backfilling subsoils and topsoil soils would be replaced, and if necessary field drains installed prior to placement of topsoil. As soon as practicable after completion of soil replacement a seed bed would be prepared using standard farm equipment. The land to the west of the River Ash would be returned to agricultural use, but with 10 metre wide margins sown with species rich grass seed mixes to provide biodiversity interest arable headlands. A new hedgerow would be planted along the route of the reinstated Footpath 53, replacement tree planting put in where the site entrance had been, and the hedgerow along Fordbridge Road thickened to 2m wide by planting a new hedge with standard trees on the application site side of the existing hedgerow/tree belt.
41. On the land to the east of the River Ash the afteruse would be to nature conservation and amenity use with public access through provision of areas of amenity grassland and meadow, an oxbow pond to recreate a former meander on the River Ash, ponds and reedbeds which would succeed to wet woodland and wet woodland planting³³. Public access would be provided to this part of the site by retention of the bailey bridge over the river and retention of the part of the proposed temporary diversion route of Footpath 53 along the western bank of the river, between the bailey bridge where it joins the existing route to the south of the Cuckoo Pound property. A new path would also be created to run from the Halliford Road and around the northern and eastern boundaries of the application site, then westwards towards the bailey bridge before running along the eastern boundary of the river to a point on Fordbridge Road to the east of the Watersplash Farm complex.
42. The land restored to agriculture would be subject to a five year agricultural aftercare scheme. The planting and new habitat areas created on the land east of the river and hedgerow and tree planting to the west would also be subject of a five year maintenance and aftercare period followed by a further 20 year period of management (making 25 years in total) for which an outline scheme has been submitted.
43. The application states that the restoration has been designed with the objectives of returning the high quality agricultural land to the west of the river to agricultural use, enhancing the public footpath network across the site, enhance the River Ash corridor and ecological value of the eastern part of the by providing suitable habitat for priority bird species and mammals and opportunities for a range of terrestrial and aquatic invertebrate species, and retention and enhancement of existing landscape features (trees and hedgerows).

Duration

44. The planning application anticipates the site would take six years to complete, five years extraction and backfilling followed by a year to complete restoration³⁴. This is based on

³³ See Plan 7

³⁴ Note: Should planning permission be granted, the dates for commencement of operations on site and completion would be determined by the timing of the granting of planning permission. Thereafter, the duration of the development would be dependent on market conditions (the rate of sales of mineral, and availability of suitable waste fill materials for use in backfilling the site), and could be shorter or longer than the anticipated six years from commencement stated in the application. The applicant is confident suitable inert waste material would be available to enable the six year timescale to be met. (The application submitted in October 2012 anticipated extraction would commence in the first quarter of 2014 and backfilling and restoration would be completed in 2020. If planning permission were to be granted in 2017

an average output rate of 300,000 tonnes per annum of sand and gravel and annual import of materials for backfilling the site of 150,000 m³ (300,000 tonnes).

Traffic and access

45. The application proposes construction of a new site entrance onto Gaston Bridge Road. This would involve construction of a fourth arm onto the A244 Gaston Bridge Road/B376 Green Lane roundabout opposite Green Lane. The works to the roundabout include a minor realignment of the existing lay-by to the north including installation of hazard marker posts and provision of a wider, smoother exit to Gaston Bridge Road to the south. These highway improvement works are the same as required by Condition 44 of the studios master plan planning permission ref 04/00499/OUT dated 24 March 2006 for development at Shepperton Studios. Under that permission the works are to be undertaken prior to development phase 3 or occupation of an equivalent amount of floorspace.
46. The access onto the single carriageway A244 provides a direct link to the primary route network (A308 to the north) and access to the motorway network (via Junction 1 of the M3). Some 150 metres to the north of the access the A244 becomes a dual carriageway (Upper Halliford bypass). To the south the single carriageway A244 crosses the River Thames at Walton Bridge and links to the A3050 and A317.
47. The traffic generated by the proposal would involve heavy goods vehicles (HGVs) associated with the export of some 300,000 tonnes (t) of sand and gravel per year, maximum 380,000t per annum, and import of some 300,000 tonnes of infill materials per year. The application anticipates that mineral exports would be in a 50:50 mix of 20t capacity 8-wheel rigid tipper lorries and 28t capacity articulated vehicles. Material for backfilling would be imported to the site by 20t-capacity 8-wheel rigid tipper lorries. 20 Cemex lorries would be based at the site and the applicant envisages some 5 to 10 private hauliers would visit the site on a daily basis, depending on demand. There would be some 19 staff³⁵ based at the site 7 involved in the mineral extraction and processing, 2 in the infill operation and 10 mineral delivery drivers.
48. The application anticipates the mineral extraction would take 4 years, with backfilling commencing the same year as extraction. The application anticipates that the majority, 70% of deliveries of extracted minerals would be to the north, routed along the A244 to the A308, with the remaining 30% being to the south, along the A244 over Walton Bridge. For imports of infill materials and staff the application anticipates movements would be likely to be more evenly distributed, assumed to be 50% along each of the above routes. Based on the maximum level of production of minerals and imports of infill materials, the site would generate the HGV movements set out in Table 2 below.

Table 2³⁶

Trip Purpose	Vehicle Type	Daily Each-Way Vehicle		
		Year 1	Years 2-4	Year 5
Minerals Extraction (300,000 tonnes average annual exported)				

and extraction commence sometime in 2018 or 2019 the timescale for completion of restoration would be 2023 or 2024.)

³⁵ Seven (7) involved in the extraction and processing of mineral, 10 minerals delivery drivers and 2 involved in the infilling (ES Chapter 7 paragraph 7.25).

³⁶ Source: Environmental Statement Chapter 7 Assessment of Transport Effects and Table 6.1, Application form Section 5.3

Delivery of Aggregates ³⁷	HGV	45	45	-
Site Staff Commuting	Car	7	7	-
Delivery Driver Commuting	Car	10	10	-
Infilling (300,000 tonnes average annual imports)				
Delivery of Infill ³⁸	HGV	15	55	55
Site Staff Commuting	Car	-	2	2
TOTAL HGVS		60	100	55
TOTAL VEHICLES		77	119	57

Days and hours of operation

- 49. The application proposes the following days and hours of operation: 7.30am to 5.30pm Monday to Friday, with four HGVs pre-loaded with aggregate for export departing the site at 7am; and 8am to 1pm Saturday, with four HGVs pre-loaded with aggregate for export departing the site at 7.30am. There will be no working on Saturday afternoons, Sundays or Bank/Public Holidays.

Environmental Impact Assessment

- 50. An Environmental Impact Assessment (EIA) of the proposed development has been undertaken and an Environmental Statement (ES) dated September 2012 was submitted with the planning application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations 2011) The ES reports on the assessment of the main environmental effects of the proposed development and their likely significance and identifies mitigation measures to avoid, reduce and offset major adverse effects of the proposed development.
- 51. The EIA addresses the following matters/issues: transportation; hydrology, hydrogeology and flood risk; landscape and visual impact; noise; air quality and dust; ecology and nature conservation (species and designated areas); archaeology and cultural heritage; soils and agriculture. For each topic the ES identifies mitigation measures to avoid, reduce and offset major adverse effects of the proposed development.
- 52. The ES has been amended and updated since 2012 by information provided in response to requests for further information and clarification arising out of responses from statutory and non-statutory consultees and raised in representations. This has included requests for further information to complete the ES made under the provisions of Regulation 22 of EIA Regulations 2011 on all matters/issues covered in the ES.

Environmental permit

- 53. The backfilling of the site would require an Environmental Permit (EP) from the Environment Agency (EA). The application states that the EP would address in detail the

³⁷ Based on 50:50 mix of 20t and 28t capacity payload vehicles

³⁸ Based on 20t capacity payload vehicles

controls that would be put in place over the engineering of the site, the method of landfilling, and for the protection of human health and the local environment.

54. The applicant considers the proposals for restoration involving backfilling with imported inert waste materials represents a waste recovery activity³⁹ not waste disposal. At the time the planning application was made in 2012 the applicant proposed applying for an EP for waste recovery and indicated that the EP application would be made so the consideration of the planning and EP applications would be twin tracked.
55. The applicant had been engaged in pre application discussions about the EP with the EA at the time the planning application was being prepared. The applicant proposed making an application for a recovery EP. The EA had informed the applicant they considered the proposed restoration which involved landfilling with imported waste materials a waste disposal activity not a recovery activity, and as such a disposal EP was required and the proposal must comply with the Landfill Directive.
56. After the planning application had been made discussions continued between the applicant and the EA about the requirements for an EP, and in connection with the EA's objection to the planning application. An application for the EP was submitted in December 2017, however it has yet to be issued at the time of writing this report. Matters relating to the EP are addressed later in the report under the Planning Considerations Hydrological and hydrogeological assessment (groundwater levels, flows and quality) section.

CONSULTATIONS AND PUBLICITY

Consultees (Statutory and Non-Statutory)

57. *Spelthorne Borough Council* - Raises very strong objection to the application unless measures are put in place to ensure that: (a) The proposal is phased to commence only once extraction and filling at Home Farm Shepperton and its extensions is completed; (b) The HGV traffic would not have an adverse impact on the local road network, through the imposition of appropriate conditions to minimise disruption; (c) A financial contribution is provided to compensate the Council for its additional expenses in carrying out more frequent sampling of monitoring at the Fordbridge Road caravan park; (d) Long term management of the site is secured to ensure the benefits are sustained. In particular the management of the proposed amenity area in the north east of the site and the reed beds in the south east should be secured for a period of 25 years; and (e) The objections to the scheme by the Environment Agency, as set out in their letter dated 12 March 2013 and relating to: (i) the inadequacy of the assessment of the risk to nature conservation and the River Ash; (ii) the absence of an acceptable Flood Risk Assessment; and (iii) inadequate assessment of risks to groundwater, are fully overcome.

Officer comment: The EA's letter dated 16 January 2019 stated that they are satisfied that their earlier concerns in 2013 have been addressed and that they no raise no objection to the proposed development subject to conditions (para.58).

In addition, the County Council is required to ensure that the following measures are provided or otherwise secured or addressed: (a) Dust management plan; (b) A suitable condition relating to emission limits and exhaust positioning of the applicant's HGV fleet based at the site as per the undertakings of the application documentation is imposed on any consent issued; (c) Noise management plan including controls over hours of operation of the development, transport associated with construction/erection of buildings, noise limits for plant and operations including temporary site operations and implementation of noise mitigation measures (bundling around excavation, infill areas and

³⁹ Involving the permanent deposit of suitable inert waste materials to recover the land.

plant site and enclosure of the processing plant); (d) Hours of operation restricted to 7.30 am to 5.30 pm Monday to Friday, 8.00 am to 1 pm Saturdays and not at all on Sundays or Public Bank holidays; (e) Monitoring for and treatment of invasive species such as Himalayan and Orange Balsam (which are on the increase in watercourses) during the planned succession of reed beds to wet woodland and removal of nest boxes after restoration is complete (real nesting habitat preferable and nest boxes can lead to problems with disease if not maintained); (f) Replacement planting to be provided with native species; (g) Proposals to protect and enhance the River Ash is fully controlled/secured through appropriate conditions and or agreements; and (h) Aftercare scheme for the restored site (to be controlled by way of a legal agreement) to be agreed.

58. *Environment Agency (EA)* – No objection subject to conditions

2013 - Objected on the grounds that the proposed development poses an unacceptable risk to the water environment (groundwater). No objection to the proposed development in respect of (i) nature conservation and the potential impact on the River Ash and (ii) flood risk (from the River Ash and River Thames).

The EA consider the proposed backfilling/landfilling with imported waste materials is a disposal activity and as such must comply with the Landfill Directive. To do this installation of a geological barrier is prerequisite for the disposal Environmental Permit (EP) application, and without a disposal activity EP the restoration proposed in the planning application is not achievable. Information has now been provided in the planning application for installation of a geological barrier, which would be constructed below water by tipping suitable engineering material into water.

2019 – No objection, the EA are satisfied that their earlier concerns have been addressed, subject to conditions in respect of: groundwater flow; long term monitoring in respect of contamination; infiltration of surface water; investigative boreholes; watercourse buffer zone; habitat management and maintenance; and flood risk.

59. *Natural England (NE)* - No objection.

NE raises no objection in relation to the internationally designated South West London Waterbodies SPA and RAMSAR site (Natura 2000 sites), or the nationally designated Knight and Bessborough Reservoirs SSSI site which are afforded protection under The Conservation of Habitats and Species Regulations 2010 (as amended 2012) Wildlife and Countryside Act 1981 (as amended).

NE expects the CPA to assess and consider the other possible impacts resulting from the proposal on the following, which are material considerations, when determining the planning application: (a) Local sites (biodiversity and geodiversity); (b) Local landscape character; and (c) Local or national biodiversity priority habitats and species.

NE has not assessed the application for impacts on protected species, for which it has published Standing Advice. The CPA should apply the Standing Advice to the application.

The application may provide opportunities to incorporate features into the design such as use of native species in the landscape plans, provision of bird nesting boxes or incorporation of bat roosting opportunities which are beneficial to wildlife. In line with paragraph 175 in Section 11 conserving and enhancing the natural environment of the NPPF the CPA should consider securing measures to enhance biodiversity in the event planning permission is granted.

NE note that some 6.4ha of land east of the River Ash will be restored to an area of public amenity/meadowland as well as an area of reed beds and wet woodland. This

proposed provision of green Infrastructure⁴⁰ (GI) is welcomed by NE. NE comment that all new development should create high quality locally distinctive places where people want to live and work. NE refer to how GI is increasingly recognised as an essential component of any truly sustainable development, and the most effective means of providing a wide range of ecosystem services for quality of life and health benefits. NE refer to guidance in paragraphs 170 and 174 of the NPPF about the importance of establishing coherent ecological networks which are more resilient to current and future pressures.

NE has considered the proposal in the light of their statutory duties under Schedule 5 of the 1990 Act and the Government's policy for the sustainable use of soil as set out in paragraph 170 of the NPPF. Based on the information provided in support of the planning application, NE note that the proposed development would extend to approximately 28 ha, including over 20 ha of 'best and most versatile' (BMV) agricultural land; namely Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system. In line with paragraph 170 of the NPPF, NE would expect the CPA to take the economic and other benefits of the BMV land into account and also make the following points: (a) NE are satisfied that the proposed site working and reclamation proposals meet the requirements for sustainable minerals development set out in the national Planning Practice Guidance (PPG 14 as amended) for minerals in particular the paragraphs relating to the restoration and aftercare of mineral sites (part six, paragraph 036 onwards); (b) The information provided by the applicant in the planning application and ES is sufficient to demonstrate that an equivalent or (or substantial) area of the BMV land disturbed as a result of the proposed development, would be reinstated to a similar quality, suited to a productive agricultural afteruse; (c) NE is satisfied that, should the development proceed, information contained in the submitted Agricultural Land Classification Report (ALC Report) constitutes a record of the pre-working physical characteristics of the land within the application site boundary; (d) NE recommend the adoption of good practice methods for handling soils, such as "Loose-handling" methods at the different phases as set out in Defra's Good Practice Guide for Handling Soils to minimise damage to soil structure and achieve high standards of restoration; and (e) Provided suggested conditions to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation.

60. *Surrey Wildlife Trust (SWT)* - Advises that the assessment undertaken by the applicant and reported in the Ecological Assessment Report in the 2012 ES provides sufficient information for the County Planning Authority (CPA) to assess the potential status of protected and important species on the application site and likely effect of the development on them.

To help prevent adverse effect to legally protected species and to help off-set adverse effects to the biodiversity value of the site resulting from the proposed development the CPA should require all the recommended actions in the report to be undertaken and the site to be restored and subsequently managed as described in Appendix 7 of the Planning Application Written Statement should planning permission be granted.

The SWT particularly advise that the water quality of the River Ash SNCI is protected by suitable mechanisms and actions from potential polluting effects of the different stages of the proposed development and that these protection works are included in any ecological management plan for the site.

⁴⁰ Green Infrastructure is defined by the NPPF as "A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities."

The SWT advise that much of the site is in a Water Vole Alert Area where positive conservation actions for water vole are likely to prove most effective. Comment that as part of the restoration scheme the banks of the River Ash could be managed to improve them for water vole burrows. They also advise that as otters are returning to the county's water systems there is the opportunity for the site restoration to improve the river habitat for this species. This could be by including an artificial otter hole in a suitable location and ensuring new bridges are clear span with bank available for otters to pass safely in times of flooding.

The SWT reminds the CPA of national policy relating to conserving and enhancing the natural environment (Section 15) of the NPPF regarding the aim of the planning system to conserve and enhance the natural and local environment and that opportunities to incorporate biodiversity in and around developments should be encouraged.

- 61. *Historic England* - No comments to make. Recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of the county council's expert conservation advice.
- 62. *Health and Safety Executive* - No objection.
- 63. *Heathrow Safeguarding* – No objection
- 64. *Affinity Water* - No views received.
- 65. *Thames Water* - No objection with regard to water infrastructure. No objection with regard to waste infrastructure.
- 66. *Ramblers Association (Staines)* - No views received.
- 67. *CPRE* - No views received.
- 68. *Lead Local Flood Authority (LLFA)* - No objection subject to conditions.

The LLFA has reviewed the surface water drainage strategy for the proposed development and considered it against the requirements under the NPPF, the accompanying PPG and relevant Technical Standards. Has no objection to the high level drainage strategy submitted for the development but considers more information is required, which should be secured by planning condition to ensure sufficient information is provided for approval by the LLFA prior to the commencement of each phase to enable the LLFA to determine the suitability of the drainage proposals for each of the different phases of the development.

The LLFA has raised no issues relating to groundwater flooding but notes that groundwater monitoring is proposed and mitigation including a groundwater drain with discharge to the River Ash. Advises that the applicant should coordinate with the Environment Agency regarding approval and consents required for discharge to the river.

- 69. *County Geological and Geotechnical Consultant* – No objection subject to conditions

Resource evaluation – considers the evaluation of the saleable reserves to be a robust assessment.

Soil resources and Restoration plan – The submitted scheme of soil handling and movement should be secured by planning condition. To minimise the impact on soil resources recommends the mitigation measures proposed in Chapter 14 of the ES are secured by planning condition.

Water quality/pollution control – The consultant considers the standard operational procedures information provided with regard to fuel management and storage etc. falls short of the operational management plan they suggested. However, the consultant considers the draft permit site operating plan information provided by the applicant relating to the selection and control of materials for the barrier construction and the inert waste stream to be suitably robust with the aim of ensuring that (a) contaminated soils are not imported to the site and/or (b) if any were that there are adequate procedures to identify and segregate any contaminated materials before they are placed in the waste void.

Recommends a before and after contamination survey of the mineral processing plant site (to demonstrate that the land has not been contaminated by the industrial activity taking place (processing, fuel storage etc.).

Landfilling activity – The consultant advises that this is largely an Environmental Permitting (EP) matter and that if planning permission were to be granted the EA would have the option of controlling this via the EP. The county council could therefore defer to the EA on this matter.

Flood risk (fluvial, surface water and groundwater) and drainage – the consultant has reviewed the applicant's Flood Risk Assessment (FRA) and considers the assessment of the fluvial (river), surface water and groundwater flood risk impacts and proposed mitigation measures, including perimeter swales for surface water drainage and groundwater drain are acceptable. The assessment in the ES showed there was potential for groundwater impacts at third party properties to the west (Gaston Bridge Road), north (Halliford Road) and south (Fordbridge Park) of the site (groundwater flooding upstream and lowering of water levels downstream). The consultant recommended a robust groundwater monitoring plan for around the west and north and southern boundaries of the site and considers the submitted plan acceptable.

70. *County Archaeological Officer* - No objection subject to the imposition of a planning condition if planning permission is granted to secure the implementation of a programme of archaeological work for which a Written Scheme of Investigation will need to be submitted to and approved by the CPA.

71. *County Historic Buildings Officer* - No objection.

There are no built heritage assets on the site. The Watersplash Farm buildings are considered a non-designated heritage asset whose preservation is a material consideration. They have advised that as the current use of the farm buildings is unrelated to the agricultural production on the land at Watersplash Farm the proposed extraction will not impact on the commercial viability of the use of the buildings. The Historic Buildings Officer does not consider the proposed development would have a detrimental impact on the setting of the non-designated heritage asset at Watersplash Farm, designated heritage assets and those locally listed or either the Upper Halliford Conservation Area or the Lower Halliford Conservation Area. They agree with the applicant's assessment that once restoration is complete there will be no residual harm to the setting of any designated or non-designated heritage assets.

72. *County Air Quality Consultant* - No objection.

The applicant has assessed potential air quality impacts of the development in the ES. Potential sources of emissions are fugitive nuisance dust emissions (from operations on site and dust tracked out by vehicles) and emissions from vehicle movements generated by the operation of the proposed development.

Dust (nuisance dust) – advises that the applicant has undertaken a suitably comprehensive and robust assessment of the risk of nuisance dust effects associated with the operation of the proposed development. The assessment included a summary of dust control technique which would be utilised and, with the implementation of these measures, the risk should be reduced to low. The applicant proposes a Dust Management Plan (DMP) will be incorporated into the site procedures, which the AQC considers appropriate and recommends the implementation of a DMP is formalised by planning condition.

Air Quality (vehicle emissions) – Advised in 2013 that an assessment of the air quality effects of traffic generated by the proposed development was not required as the number of two-way movements generated along any road was not 200 or more. The whole of Spelthorne Borough is designated as an Air Quality Management Area (AQMA). Following publication of updated guidance in May 2015 by the Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) “Land-Use Planning & Development Control: Planning for Air Quality”⁴¹ which provide more stringent threshold criteria (including vehicle movements) for determining when an air quality assessment is required. The CAQC confirmed an air quality assessment is now required and has reviewed the applicant’s detailed assessment.⁴² The CAQC advises that the air quality effects from vehicles generated by the proposed development are not likely to be significant.

73. *County Countryside Access Group* - No objection.

The temporary diversion of Footpath 53 whilst extraction takes place is noted. Any temporary diversion application will need to be pre-approved by the Planning and Regulatory Committee before Countryside Access can grant a temporary diversion. Any report to the committee recommending the grant of planning permission should include the request to divert the footpath.

Applicants are reminded that the granting of planning permission does not authorise the obstruction or interference with a public right of way.

The proposed new footpath will be a welcome addition to the Rights of Way network. An undertaking by the landowners will be required to maintain the proposed new hedgerow alongside the reinstated Footpath 53.

74. *County Countryside Management and Biodiversity Manager* - No objection.

Recommends a 25 year period for aftercare and management of the restored site should be secured by a s106 legal agreement given the size and restoration proposals involving creation of new habitats⁴³. This plan to include (a) a plan showing extent of management compartments; (b) a plan showing restoration proposals including section drawings and a schedule setting out the details of how the works would be carried out together with specifications; (c) species management – indicator or range or optimum species and details of management for undesirable species or alien invasive species for all management compartments; (d) landscape plans and management for specialist feature i.e. oxbow lake; (e) management of hedgerows with standard trees; and (f) details of how monitoring is to be implemented and supervised using the proposed resources from local community volunteers. To include ecological resources for training and management of

⁴¹ Updated in January 2017 [EPUK & IAQM Land-Use Planning & Development Control: Planning for Air Quality \(January 2017\)](#)

⁴² Volume 5 Second Supplementary to Planning Application and Environmental Statement (Appendix 7 (March 2016))

⁴³ An outline 25 year management plan was submitted in April 2014.

volunteers in recording. Planning conditions relating to fencing and gate furniture for the amenity open space have also been recommended.

75. *County Highway Authority* - No objection.

Recommends conditions and informatives are imposed should planning permission be granted. The conditions to cover: submission and approval of details of and construction and use of the proposed access onto the Gaston Bridge Road (A244) roundabout junction with Green Lane (B3366) and the first 100 metres of the site access road; submission and approval of details of and the erection of security gates at the site entrance, submission and approval of details and provision of parking for vehicles, loading and unloading of plant and materials, the access road and turning facilities, provision and use of facilities to enable the public highway to be kept clean and prevent creation of a dangerous surface, restriction on vehicle numbers, access from the Gaston Bridge Road (A244) and Green Lane (B3366) roundabout junction only.

76. *County Landscape Architect (CLA)* - No objection.

Has no concern from a landscape or visual impact perspective as the operations remain contained within the perimeter bunding. The CLA has reviewed the Landscape and Visual Impact Assessment (LVIA) undertaken by the applicant and considers the LVIA has adequately assessed the impact on, and of, different aspects of the development including trees and vegetation, construction of the access, screen bunding and the phasing of the development, the River Ash and the bailey bridge crossing point and identified appropriate mitigation and protection measures which should be secured by planning condition if permission is granted. Identifies other issues on which additional information is required but can be sought by planning condition: planting up of gaps in some existing hedgerows, linking landscape and ecological mitigation and enhancement in the 25 year Outline Management Plan, details of fencing and gate furniture for the restoration phase and management of public access and open space.

77. *County Noise Consultant* - No objection subject to imposition of planning conditions to cover site noise limits; hours of operation and hours for dispatch of preloaded lorries; details of noise bunds; and to require culverts through noise bunds to be curved in the horizontal plane. Considers the proposed development can be carried out within the provisions of the Surrey Noise Guidelines.

Parish/Town Council and Amenity Groups

78. *Charlton Village Residents' Association* - No views received.

79. *Green Street Action Group* - Object. The main grounds of objection focus on the adverse effects on the environment and cumulative harm to the neighbourhood as follows:

- Harm to the Green Belt - between two conservation areas Sunbury and Upper Halliford;
- The gravel pit legacy in Spelthorne Borough – history of disused poorly restored and flooded gravel pits in the borough. Most densely populated borough in the county, has the poorest health and air quality and very little land and an awful lot of water. Surrey should adopt a policy of properly restoring all previous gravel workings in the borough and restoring them to high quality agricultural land before permitting any new workings;
- Loss of market gardening will lead to more food imports and worsen the UK large balance of payments deficit. All net imports and transporting them will add to climate warming; Air pollution – the whole borough is designated an Air Quality Management

Area with nitrogen dioxide limits exceeded in many parts, including the approach to Walton Bridge.

- There are two well used children's play areas near the site boundary (Upper Halliford and next to Squires Garden Centre) and a nursing home nearby on the Halliford Bypass. 200 extra lorries will increase nitrogen dioxide and diesel particulate emissions as well as airborne sand and dust pollution from the loads on the lorries;
- Flooding – the area experienced serious flooding in 2003 and 2014 closing Fordbridge Road. The south west corner of the site is always waterlogged. Draining the site by culverts may make things worse by allowing the River Thames to back up in times of flood. Silt lagoons by definition will have poor drainage implications;
- Water pollution – potential impact on water quality from removal of the gravel and increased risk of contamination from the mineral working activity on water boreholes some residents are dependent upon for water supply;
- Loss of established trees – the loss of the large trees to allow the access to be constructed will be a loss of visual amenity and loss of the most valuable asset in countering air pollution and flooding;
- The perimeter bund – the 2 metre high bund around the whole of the site will lead to a total loss of visual amenity and openness and be a major impact in an area which is short on open space;
- Effect on the River Ash - the river is recognised for its flora as a world class site which could be jeopardised by the adjacent industrial workings;
- Cumulative traffic – As well as additional noise and air pollution there are numerous bottlenecks to traffic flow on the A44 from Walton Bridge to the A308 Staines Road⁴⁴. The additional traffic from this development would add to an already dire situation.

80. *Highfield Road Residents' Association (Highfield Road RA) - Object.*

The main concerns relate to flooding and noise. Highfield Road is designated as within the "low flood plain". The RA understands that gravel acts like a sponge and ameliorates the impact of rainfall and therefore does not lead to flooding. The RA need assurance that the development will not affect the water table of the area and that property in Highfield Road will not be of increased risk of flooding.

On noise are concerned that noise from the site will not hamper their enjoyment of their gardens and refer to human rights legislation under which residents are entitled to quiet enjoyment of their properties. Other matters of concern raised are: increased traffic; what will be the hours of operation, there should be no operations at night; increase air pollution; the effect on the natural environment and whether any protected species will be displaced.

81. *Lower Sunbury Residents' Association (LOSRA) and Sunbury and Shepperton Against Gravel Extraction (SSAGE) - Object.*

General principle of extraction – the application should be determined having regard to the National Planning Policy Framework (NPPF) and the 2011 Surrey Minerals Plan Primary Aggregates Development Plan Document (DPD). Amongst other matters national and development plan policy requires the county council when determining the application to take account of, and ensure the proposal mitigates the adverse environmental and amenity impacts of the proposed development. LOSRA and SSAGE believe the proposal fails to meet NPPF and DPD policy in relation to flooding, traffic, access, amenity, site restoration and health and safety and for each matter sets out actions required. Recommend a new application is submitted, due to the changes and updates to original application.

⁴⁴ Going north from Walton Bridge these are Marshall's roundabout, the Green Lane roundabout, Charlton Lane junction, Halliford roundabout, Nursery Road junction, access to Tesco and then the junction with the Staines Road West.

Hydrological issues – flooding as a result of infilling with impermeable inert material; diversion of groundwater around the impermeable ‘bathtub’ lined excavated pit, exacerbating flood risk; increased surface water run-off; combined hydrological effects need to be assessed; Gaston Bridge Road at risk being 1.5m below Watersplash Farm, and area flooded three times since 2000, acknowledged in Climate Change directives; proposed flood warning measures inadequate; risk of inadequate water supply to Fordbridge Park estate, relying on borehole on lee side of Watersplash Farm;

Traffic - Cumulative impact and phasing CEMEX should assess the cumulative impact of the traffic from the development with the other current and future related mineral extraction activities and other large developments (such as Charlton Lane waste development) in the area. Gaston Bridge Road is already congested and at peak times operates at over capacity. Walton Bridge - A study is necessary of traffic movement and the composition of vehicle type and size when the new Walton Bridge is open.

Air Quality - An air quality assessment should be conducted taking into account any change in vehicle composition and development related traffic, including cumulative impact. Appropriate mitigation measures to improve air quality should be a condition of planning permission.

Access - Green Lane roundabout - The Transport Assessment does not adequately demonstrate that the roundabout as designed will allow HGVs to freely move around the junction. Marshall's roundabout – application needs amending to create a second access point onto Marshall's roundabout so there can be entry in at this roundabout and exit only at the Gaston Bridge Road roundabout.

Amenity - Key requirements in the NPPF and SMP 2011 are for noise, dust and visual amenity to be assessed. There will be an adverse impact on the amenity of residents living in properties to the north east of the site on Halliford Road and Minsterley Avenue from noise from the extraction, processing and restoration works; dust; and visual impact. Mitigation proposed to screen residential properties close to this part of the site is inadequate. Planning permission should only be granted if the application is amended to: (a) Amend the site boundary so that the northern extent on the area east of the River Ash is south of the rear garden of 109 Halliford Road; (b) The bunds along the north east boundary are increase in height to 5m⁴⁵; and (c) The processing plant bund is extended in length and height increased to 5m along the north east side of the processing plant site⁴⁶.

Site restoration – generally support the principles in the site restoration masterplan. However: (a) control measures are required to ensure only non-contaminated material is used to restore the land. If planning permission is granted a condition should be placed to control the type of infill material; (b) Contamination – the assessment in the Environmental Statement show that groundwater is already contaminated from a number of sources including former mineral sites backfilled with imported waste materials. It should not be sufficient to continue to allow groundwater at Watersplash Farm to be contaminated from nearby landfill sites. If CEMEX is allowed to benefit from removing sand and gravel it presents an ideal opportunity to put measures in place as part of the restoration to stop cross contamination from adjoining land; (c) Long term management - The application refers to the applicant being responsible for

⁴⁵ The application was amended in March 2016 to increase the height of the bund along this boundary from 2.5m to 3 m – see of Working Phase Drawing No: P3/648/8 Rev 1 8b.

⁴⁶ The application was amended in March 2016 to extend the proposed 2.5m high bund along the bank of the river so it extends further along the northern boundary of the processing plant site than originally proposed - see of Working Phase Drawing No: P3/648/8 Rev 1 8b.

management of the restored land for a five year period. The restoration plan falls short of managing the amenity areas in the long term. It should be beholden on CEMEX to take responsibility for at least 20 years.

Health and safety - whilst it is understood health and safety is not a matter for consideration in respect of a planning application the potential consequences of granting permission if there is an impact on public safety cannot be ignored; there is potential conflict between walkers and vehicles and plant associated with the mineral development where the rerouted public footpath along the bank of the River Ash and crosses the quarry access and new bridge and applicant should provide a statement dealing with this; the applicant should set out how it proposes to deal with site security given the significant number of safety hazards such as deep excavations, silt ponds and processing plant.

82. *River Ash Residents' Association (RARA) - Strong objection.*

Flood risk - main concern is the enhanced risk of flooding. The River Ash Estate experienced severe flooding in early 2014 and Felix Lane was impassable for a time. The estate is surrounded by water (the Shepperton Marina, the trout fisheries (Ashmere Fisheries) and the River Thames). Extraction of gravel and backfilling with impervious clay infill at the site will mean the estate will lose one of the few sites in the local area which can absorb water. RARA are concerned that increased water levels in the Marina during heavy rain will increase the risk of flooding at properties on the River Ash Estate. The potential impact of the development on groundwater flows and any reduction in water storage capacity must be fully assessed increased risk of flooding guaranteed not to happen before planning permission is granted. Inclusion of the site in the minerals plan was based on the works being temporary and the land fully restored to its previous state. It is clear this will not be the case as the effects of the backfilling will be permanent.

RARA are concerned about the impact of the forthcoming Lower Thames Relief Scheme which many residents believe will increase the flood risk in this area. The combined effect of the proposed mineral extraction and effect of the Lower Thames Relief Scheme should be modelled and assessed before planning permission granted.

RARA are also concerned about possible contamination of water in the River Ash and River Thames from materials used to backfill the site. Cemex should not be allowed to avoid being subject to the Landfill Directive which requires putting in a barrier between the fill and surrounding gravel. The company has a history of polluting water supplies and cannot be trusted to protect the environment on a voluntary basis.

83. *Shepperton Against Watersplash (SAW) and the Lower River Ash Residents' Association (LRARA) – Object.*

Object on the grounds of the impact in the locality of Shepperton, Sunbury and Halliford both during the works and into the future. The proposals for extraction and backfilling with waste materials are fundamentally unsound for a heavily residential area. Key areas of concern are increased risk of flooding and risk of contamination to local drinking water sources and the River Ash and River Thames, traffic, noise, air pollution and dust. Detailed grounds for objection as follows:

Flood risk – the site lies in an area at risk of flooding and land to the south is in a high (1 in 25 year) flood risk area. The area experienced fluvial flooding from the River Thames and surface water flooding in 2014. There will be a change in porosity of the land from removal of the gravel and backfilling with clay and other materials causing displacement and concentration of surface water flooding around the site and into lower lying areas such as Gaston Bridge Road, Fordbridge Park and housing close to Fordbridge Road. The potential flooding impacts of housing developments in the region

is carefully considered and an application for additional housing at the old nurseries on Fordbridge Road next to Watersplash Farm was refused by Spelthorne Borough Council on grounds of potential impact to the flood plain.

The lead local flood authority (LLFA)⁴⁷ needs to consider the groundwater flooding implications of the proposed development. The application documents identify that the effect on groundwater levels is complex and extremely difficult to predict. The potential impacts on groundwater levels will extend beyond the five year period Cemex will be responsible for land drainage issues. Mitigation proposed for the properties on Gaston Bridge Road which would potentially be affected is to dig a trench to divert excess flood flows away. The local community will be exposed to an unacceptable risk of flooding from groundwater on a permanent basis contrary to the requirement that development *“will not significantly adversely affect people, land, infrastructure and resources.”*⁴⁸

Contamination - Risk of contamination of groundwater and local drinking water sources and the River Ash and River Thames from the materials to be used to backfill the site (clay and contaminated soils). Do not consider this is a recovery operation as stated by Cemex. Concerned about self-regulation of waste inputs. The Fordbridge Park homes site, with some 40 homes on it, is only metres away from the site. The only source of drinking water for the homes is the groundwater abstraction well on site and to grant planning permission would put the homes at an unacceptable risk of contamination. Delegating the responsibility for checking the quality of fill materials to the applicant would amount to a dereliction of duty of care to that community.

Traffic implications – Consider the applicant’s revised traffic impact assessments (TA) (Volume 4 April 2014 and Traffic Assessment No2 Addendum (August 2016)) to be inadequate, contains gross inaccuracies and unsubstantiated assumptions. The 2014 TA is based on projections from 2009 and 2011 traffic data which is out of date and does not reflect changes in the area over the past five years or changes to come over the next ten years. Since 2009 Walton Bridge has been redeveloped, various local housing projects developed and planning permission granted for the Eco Park. Eco Park traffic is required under the county council’s strategic highway policy to use the same routing as traffic from Watersplash Farm, namely along the A244 Gaston Bridge Road.

The 2014 TA acknowledges existing congestion on the Gaston Bridge road approaches to the Green Lane roundabout but then states (without supporting data) that the junction is likely to improve in the future due to reported decreases in traffic and limited economic/traffic growth in the foreseeable future. Personal experience of using the junction on a daily basis indicates traffic queuing, particularly on Gaston Bridge Road, has got worse. This is supported by Surrey County Council’s own March 2013 Congestion Programme Consultation report⁴⁹ which refers to the high levels of traffic the county experiences and that Surrey’s motorways carry 80% more traffic than the average for the South East region. The report refers to expected population growth of 9% and forecast employment growth of 20% over the next 20 years (with the majority in strategic centres in the county) which will place increase pressure on the county’s road network. This will impact on Shepperton as the A244 Gaston Bridge Road is identified in Annex 2 as being a *“congestion bottleneck”*.

The August 2016 TA Addendum No2 is based on desk work and draws on traffic measurements carried out by others in 2014, makes use of simple traffic counting devices which don’t incorporate traffic speed (and can’t differentiate between a

⁴⁷ Surrey County Council as LLFA are now the statutory consultee in relation to surface water drainage. The LLFA also has responsibilities in respect of groundwater flooding matters.

⁴⁸ Quote from Surrey Waste Plan 2008 General considerations Policy DC3.

⁴⁹ Consultation report March 2013 now published as the [Surrey Future Congestion Programme 2014](#)

gridlocked junction and one where traffic is free flowing), and located north of Green Lane does not provide a representative picture of traffic at the Marshall's roundabout which is the controlling influence on traffic congestion. As a result there is a huge disparity between traffic queue delay times in the TA and reality on the ground experienced by the drivers who use the roads.

Granting planning permission based on the applicant's TA would be based on data seven years out of date. How can the county council maintain there is no significant impact to road infrastructure as required by Surrey Waste Plan Policy DC3 without a proper and meaningful traffic assessment, undertaken following the completion of the Eco Park, being carried out?

Cemex should be required to provide recent and independent data to support its case. In addition they question the basis on which the applicant states that HGV trips will be evenly spread over the operational hours of the site and equate to approximately 10 each way movements per hour in Years 2 to 4. Consider it more likely HGVs will convoy and gather at the site entrance before the site opens in order to be first in and away to beat the rush hour traffic.

The HGV traffic from the development in conjunction with the existing congestion on the A244 has implications for increased noise and degradation in air quality.

Landfill gas - A further concern raised is the potential future impact on residents with property within 250 metres of the site when looking to modify, extend or build new properties. As the site will be backfilled with waste any properties within 250 metres of the landfill site will have additional requirements put on it because of landfill gas. Properties are already impacted by this requirement because of former landfill sites in the area and more properties will be impacted by this site.

84. *Shepperton Residents' Association* - Accept the need to extract aggregates from the Watersplash Farm site and find the proposals coherent and well thought out. The RA is however concerned about traffic impact and congestion at the Green Lane roundabout with Gaston Bridge Road. The roundabout is already subject of serious congestion backing up from Marshall's roundabout and Walton Bridge (and the RA understands the new bridge will not alleviate this, so a missed opportunity). The traffic from Watersplash Farm, along with traffic from the Charlton Lane site which will be prevented from using Charlton Village will add to the congestion at the Green Lane roundabout. The SRA wonder whether an access off the B375 Fordbridge Lane, for example a roundabout opposite Felix Lane has been considered. If Green Lane must be used would a larger roundabout be better using land at Watersplash Farm?

85. *Spelthorne Natural History Society* - Raises a number of concerns about the planning application.

River Ash - The integrity of the River Ash must be protected during the development, working and restoration phases of the site. There is no plan showing the location for the crossing of the conveyor belt and silt pipeline. The conveyor belt must be designed to avoid material being accidentally dropped into the River Ash.

The Environmental permit will require independent site inspections, validation, testing and reporting in relation to the geological barrier. Who will be responsible for and pay for these?

Security of the site during development, working and restoration as wet working, Waterbodies including silt lagoons and the 'oxbow' lake are dangerous places.

The proposed 5 year maintenance period on the land east of the river is inadequate for the restoration and afteruse proposed – will this become a charge on ratepayers (council tax) in Spelthorne?

The land west of the river is high quality agricultural land (grade 1 and 2). However well the land is backfilled and restoration is carried out it cannot be restored back to these grades once the soil structure is destroyed and underlying drainage compromised. A very high level of management is required to make the land productive again, which has been done at Laleham Farm but will another tenant farmer be as successful?

Will there be sufficient fill material available to complete the development on time?

Summary of publicity undertaken and key issues raised by public

86. The application was first publicised in February 2013 by the placing of an advert in the local newspaper; posting of eight (8) site notices and sending 300 neighbour notification letters to owner/occupiers of neighbouring properties.
87. Amendments to the planning application and amplifying information and information relating to the Environmental Statement provided in response to requests for further and other environmental information under Regulation 22 of the EIA Regulations 2011 were publicised in May 2014, May 2016, October 2016, November 2018 and April 2019. On each occasion the publicity involved newspaper advert, posting of eight (8) site notices and notifying the same addresses notified in February 2013 plus anyone who had made written representations on the planning application.
88. As well as the two local members the following members were notified about the planning application as the application site is situated near the boundary with their electoral divisions: Rachael I Lake – Walton; Mr Samuels - Walton South & Oatlands; and Mr Gray - Weybridge.
89. To date 283 written representations objecting to the planning application have been received from members of the public, organisations and groups. The grounds for objection and issues raised are summarised below, most of which have been raised by residents' associations and action groups as summarised above.

Access, traffic congestion, capacity and safety issues

- The increased traffic noise, vibration, fumes, dust and pollution;
- Gaston Bridge Road and Walton Bridge approach are extremely busy with traffic, causing problems to residents in area;
- The increase in HGV traffic movements is likely to have an adverse impact on the residents of Fordbridge Park;
- 200 vehicles a day, does this mean 1400 per week spread over five and a half days? Will the vehicles be restricted to the A244 as far as Sunbury in one direction and Walton-On-Thames in the other?
- Walton Bridge is the only crossing of the River Thames in the area;
- The access arm on the Green Lane roundabout would encourage mineral plant traffic into central Shepperton and through Laleham – impacts on wider area and local schools;
- Suggest traffic from the site (and Eco Park) should be limited to outside the peak hours to help the flow of traffic and reduce pollution – cumulative impact;
- Out of date traffic assessment;
- Impact on cyclists;

- Major improvements are needed with more extensive landscaping of trees and shrubs plus the provision of a completely new cycle path and separate footpath to run around the perimeter of the entire site outside the proposed bunding;

Transport - alternative access/mode

- Alternative access should be provided (link from Watersplash Farm to the Eco Park to Staines Road West);
- Rail option – use railway to Shepperton with a link to the Eco Park and Watersplash Farm;
- Our suggestion is for site access to be from Fordbridge Road, a length of which could be widened to facilitate access/ egress to Watersplash Farm, and lorry traffic could then proceed to Marshall's Roundabout, where there would be fewer disturbances to residential properties nearby.

Air quality

- Increased HGV traffic and associated diesel fumes/emissions will seriously degrade the quality of air in Shepperton, presenting danger to local school children and pregnant women (NICE guidelines now requesting vehicles in queuing/stationary traffic turn off their engines show Government concern about traffic pollution);
- Diesel exhaust is known to cause inflammation, asthma attacks, heart attacks, and strokes and worsening lung disease in the elderly and young;
- Is the pollution figure to be monitored and how is it to be dealt with;
- Dust and air pollution - PM10 particulate matter less than 10 microns in diameter penetrates deeply into the lungs and can cause a wide range of health problems including respiratory illness, asthma, bronchitis and even cancer.

Noise

- Noise from lorries on roads, site and heavy earth moving plant will be unacceptable. Area already blighted/affected by noise and pollution - Charlton Lane Recycling centre/Eco Park ;
- No decibel rating shown or offered for the noise created by the extraction, washing or belt equipment;
- Operational hours not acceptable for a residential area, impact on garden life and there should be no weekend working;
- Adequacy of the noise assessment - No commitment on the height of the proposed noise barriers is given.
- Why does there have to be a concrete crusher on site?

Green Belt

- An environmental pleasing piece of land
- No special circumstances provided

Flood risk

- 2014 floods – devastation to Sunbury and Shepperton from surface water flooding of the surrounding areas draining into the river. Risk increase with change to porosity of the infill material compared to the gravel which ensures good drainage;
- Land at Watersplash Farm is part of the floodplain which helps control flood waters in the area;
- Application does not take into consideration the potential effect of the works on the below ground hydrology of the greater area;

- Any benefit to the area from the Lower Thames relief scheme is some way off so retention of the gravel is all the more important;
- Who is responsible for flood damage? Cemex UK operations Ltd or Surrey County Council ?
- Groundwater levels are already high, the development (and infill) will increase these levels further, with groundwater finding alternative routes around the 'plug' formed by the landfill. The drainage channels will not cope;
- Assessment needed of combined Lower Thames relief scheme and Watersplash Farm proposals;
- Applicant only has a 5 year monitoring period following completion of work where they are responsible for land drainage issues.

Hydrology (quality/pollution and levels)

- Fordbridge Park has a fresh water well, applicant needs to provide a new water supply so the residents are not affected;
- The risk of contamination of both local drinking water sources and of the main river Ash and Thames.
- The dispersal of ground water depends heavily on the presence of gravel, landfill will change this and add contamination;
- Impact on adjacent lakes and levels, and on the trout fisheries;

Waste management

- Need for strict controls to ensure that the infill material is not contaminated - a barrier is installed to ensure that there is no leaching of any potential contaminants into the water table. Who controls this infill material?

Landscape and visual impact

- Proposed bund of between 2.5 and 3m surrounding the site to screen its activity is not sufficient, it should be 6m to 8m high;

Biodiversity

- This area is of substantial natural beauty and is a haven for wildlife. It has an audit of rare and protected birdlife, animals and flora and fauna been taken into account on this open green belt land?
- Concerns over the impacts on local Swan Sanctuary;
- Potential contamination and impacts on aquatic life in the river;
- They should just turn it into a wildlife reserve instead;

Agriculture and restoration

- We need all the farmland in Spelthorne to be expanded and used for agriculture to help the UK towards self-sufficiency in food supply.
- The farm is designated for agricultural land use.

Archaeology / Geology

- The loss of potential archaeological and geological information, area should be preserved for future scientific investigation;

- The existence of a medieval roadway- untouched since abandonment approximately 200 years ago- across the middle of the site, preserved as a public footpath, farm track and so forth, much of it may even have been protected from the usual degradation by ploughing.

Restoration

- Do not need another lake in this area;
- No date for closure or restoration of the site;
- How can applicant be trusted to restore the site.

Duration

- Proposal for 6 years to remove 1.2 million tonnes of processed aggregates and restore the site is an estimate, and actual period is dependent on the rate of sales of mineral and the availability of backfill material, so could be much longer.

Economic / Reduced Property Values

- The impact to businesses due to traffic congestion in area;
- What extra flood protection is planned? What compensation will be given for reduced property values and increased house insurance premiums?
- No benefits to the community

Structural damage to properties

- Damage to the structure and foundations of local properties

Footpath and recreation

- Concerned about the closure of the footpath and impact on people's right to roam.

Company reputation

- The applicant CEMEX has been inundated with bad press and complaints

Security

- Construction of site entrance- the security entrance gate will be locked at certain times. What arrangements will be made to ensure no vehicles arrive while these gates are locked? What will happen to any vehicles that do arrive when the gates are locked?

Cumulative impact

- With Eco Park (traffic (400 extra lorry movements a day on the A244)), air pollution (including from diesel vehicle emissions and impact on residents and Halliford (in combination with traffic from the Eco Park)), landscape and visual impact, impact on the green and open character of the area which has already been compromised by other development (London Irish, at the waterworks site, Eco Park).

Procedural comments

- SCC consultation should include visiting Fordbridge Park residents (34 homes owned by elderly residents). Should not have to pay to purchase Environmental Statement;

- A month timeframe is not feasible to get professional teams to adequately assess and formulate considered comments on the proposal – a more appropriate timescale would be 6 to 8 months;
- A period of one month for a public notice of this magnitude is far too short. Particularly as applicant has had many years to prepare their case.

PLANNING CONSIDERATIONS

Introduction

90. 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.
91. In this case the statutory development plan for consideration of the application consists of the [Surrey Minerals Plan 2011](#) (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD)) (SMP2011), [Surrey Waste Plan 2008](#) (comprised of the Core Strategy, Waste Development and Waste Development Control Policies DPDs) (SWP2008), [Spelthorne Borough Local Plan 2001 'Saved' Policies And Proposals as at 28 September 2007](#) (SBLP 2001), and [Spelthorne Borough Council Core Strategy and Polices Development Plan Document \(DPD\) February 2009](#) (SBC 2009).
92. Material considerations include the [National Planning Policy Framework \(NPPF\) 2019](#) and [Planning Practice Guidance 2014](#) (PPG), the [2011 Minerals Site Restoration Supplementary Planning Document](#) (SPD) which was adopted alongside the SMP2011 and the [Spelthorne Borough Council Flooding SPD](#) (adopted 19 July 2012).
93. The SWP 2008, SBLP 2001 and SBCS&P DPD2009 are being reviewed as the current documents are not considered entirely up to date and consistent with the NPPF. The SWP2008 will be replaced by the Surrey Waste Local Plan (SWLP) and cover the period 2018 to 2033, and the county council is aiming to adopt the plan in 2018. The borough council documents will be replaced by a single local plan document (the Spelthorne Borough Local Plan 2013-2033). The review and preparation of the new Spelthorne local plan is at an early stage and programmed to take place between 2015 and 2019. The new waste local plan and new Spelthorne local plan are both in the early stages of preparation and are not material to the consideration of this planning application.
94. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. For planning applications accompanied by an Environmental Statement (ES) the environmental information contained in it will be taken into consideration and reference will be made to it.
95. In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental and amenity impacts of the development are satisfactory and for the county council to be satisfied that there would be no significant adverse impacts arising from the development. The potential impacts arising from the development will be assessed, both in terms of impact on closest residential properties and other development in the vicinity of the application site, and the local environment and amenity.
96. In this case the main planning considerations and issues considered are: mineral issues (need, having regard to the level of permitted reserves of aggregate (landbank), and need to maintain continuity of supply); highways traffic and access, flood risk and land drainage, hydrological and hydrogeological impacts (groundwater levels, flow and quality), landscape and visual impacts during working and following restoration, noise, air

quality (dust and vehicle emissions and the objectives of the Spelthorne Borough Council Air Quality Management Plan), impact on public rights of way, biodiversity and nature conservation (in terms of the potential impact on designated sites in the vicinity, and ecology on and adjacent to the site), heritage assets (archaeology and cultural heritage), restoration, agriculture and aftercare, airport safeguarding, cumulative impact and the protection of the Metropolitan Green Belt.

Environmental Statement (ES)

97. The Surrey County Council Environmental Assessment Team has reviewed the ES and has concluded that on balance it is recommended that sufficient information about the likely significant environmental impacts of the proposed development has been provided through a combination of the submitted Environmental Statement and supplementary information reports, and the consultations carried out in respect of the planning application, for the determination of Planning Application SP12/01487 (SCC ref. 2012/0173) to proceed. The environmental statement, as augmented by the supplementary information reports, can be classed as responding adequately to the requirements of Part 1 and Part 2 of Schedule 4 to the EIA Regulations 2011.

MINERALS ISSUES

Surrey Minerals Plan 2011 (SMP 2011)

SMP 2011 Core Strategy DPD

Policy MC1 Spatial Strategy – location of mineral development in Surrey

Policy MC5 Recycled and secondary aggregates

Policy MC7 Aggregate minerals supply

SMP 2011 Primary Aggregates DPD

Policy MA1 Aggregate supply

Policy MA2 Preferred areas for concreting supply (Preferred area L: Watersplash Farm, Halliford)

Policy context

98. Comments from consultees and matters raised by third parties and residents raising minerals issues are summarised in the Consultation and Publicity Section above.
99. The NPPF and PPG guidance sets out the Government's approach on the management of, and planning's role, with regard to minerals. Paragraph 203 of the NPPF states: *"It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation."*
100. Paragraph 205 is clear that great weight should be given to the benefits of mineral extraction, including to the economy, when determining planning applications and sets out a number of bullet points that should be considered in doing the same. Relevant to this proposal these include: (a) ensure 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; (b) ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and (c) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.

101. Paragraph 207 of the NPPF requires mineral planning authorities (MPAs) to plan for a steady and adequate supply of aggregates through what is known as the Managed Aggregate Supply System (MASS). Guidance on this is now provided through the NPPG. Paragraph 207 of the NPPF sets out a number of bullet points as to how this can be achieved including by preparing an annual Local Aggregate Assessment (LAA), taking account of published National and Sub National Guidelines on future provision, using landbanks of aggregate mineral reserves principally as an indicator of the security of aggregate minerals supply and to indicate the additional provision that needs to be made for new aggregate extraction.
102. The paragraph requires MPAs to make provision for the maintenance of landbanks of at least 7 years for sand and gravel. An aggregate mineral landbank is the tonnage of already permitted reserves. It is usually expressed in terms of the number of years of supply remaining based on the annual mineral provision rate set out in the Local Aggregate Assessment.
103. Guidance on landbanks in Minerals ID 27 paragraph 080 of the NPPG is that they are principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land won aggregates in their area. In taking decisions on planning applications Minerals ID 27 paragraph 082 of the NPPG states that "*low landbanks may indicate that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates.*" Minerals ID 27 paragraph 084 states that each application should be considered on its own merits regardless of the length of the landbank and although there is no maximum landbank level, a landbank below the minimum level may be seen as a strong indicator of urgent need.
104. The NPPF at paragraph 207 advises that for aggregate landbanks periods longer than 7 years may be appropriate under certain circumstances. These include taking into account the need to supply a range of aggregates, the locations of permitted reserves relative to markets, and the productive capacity of permitted sites. MPAs are also required to ensure that large landbanks bound up in very few sites do not stifle competition.
105. The SMP 2011 Core Strategy DPD 2011 sets out the county council's approach to the provision of mineral resources within the plan period up to 2026 alongside ensuring protection of the environment and residential amenities. Paragraph 1.7 recognises that minerals make a significant contribution to our quality of life with an adequate supply of aggregate minerals being required for building and repairing houses, roads, schools and hospitals. Policy MC1 sets the spatial strategy for the location of mineral development in Surrey. The policy states that mineral extraction of concreting aggregates will be concentrated on the river terrace gravels of the Thames in north west Surrey with preferred areas for future sand and gravel production being identified in the SMP2011Primary Aggregates DPD.
106. In line with the NPPF and NPPG the Core Strategy DPD seeks to ensure a supply of aggregate minerals over the plan period for the county. Paragraph 5.12 states that proposals for mineral extraction within the preferred areas will be determined in the context of the apportionment to the county and the landbank position at the time when applications are considered. Regional apportionments have now been abolished, replaced by the reformed MASS and delivery through the LAA. The paragraph goes on to say that the landbank position will be monitored annually and if below seven years, the deficit situation will be a material consideration in determining applications on preferred areas. Paragraph 5.13 explains that it is not always possible to achieve an absolute fit with the required landbank at a specific point in time due to the way sites come forward, are permitted and worked.

107. Policy MC7 of the Core Strategy DPD states that preferred areas will be identified in the Primary Aggregates DPD for soft sand and concreting aggregates (also known as sharp sand and gravel) which, with identified reserves, are sufficient to enable the production of around 24 million tonnes (mt) of aggregate between 2009 and 2026. The policy goes on to state that the mineral planning authority will seek to maintain a landbank of at least seven years for aggregates based on the apportionment set in the regional spatial strategy (South East Plan 2009), now incorporated in the MASS and the county council's LAA. The Primary Aggregates DPD set Surrey a mineral provision rate of 1.4 million tonnes per annum (mtpa) between 2009 and 2026 and the retention of this mineral provision rate is supported by the county council's Local Aggregate Assessment 2018.
108. The Primary Aggregates DPD recognises that resources of primary aggregates, particularly concreting aggregate, are becoming increasingly scarce as remaining resources become more constrained whether because of their potential impact on local communities or the environment or because they are too small to be economically viable. Policy MA1 of the Primary Aggregates DPD requires provision to be made for the supply of around 24 million tonnes of primary aggregates and splits this into separate provision rates for sharp sand and gravel and soft sand, comprising 15 million tonnes of sharp sand and gravel and 9 million tonnes of soft sand between 2009–2026.
109. Policy MA1 states that preferred areas will be identified which together with permitted reserves will enable production of sharp sand and gravel at an average rate of 0.90mtpa and 0.5mtpa for soft sand. The policy also states that in determining proposals for mineral working, regard will be paid to the level of permitted reserves, and the need to maintain continuity of supply in terms of an appropriate landbank. As highlighted above, the Surrey LAA December 2017 proposed no changes to the minerals provision rate contained in the SMP 2011.

Location

110. Sharp sand and gravel, as proposed to be worked from the application site, is predominantly found in the north-west, the most densely settled part of the county. As mineral planning authority, Surrey County Council is responsible for preparing a plan to identify areas for future mineral development and to provide the policy framework against which planning applications will be determined. As a site known to contain mineral deposits that are physically capable of being worked, land at Watersplash Farm had been identified in the previous minerals plans (North West Surrey Minerals Local Plan 1985 and Surrey Minerals Local Plan 1993) and is included in the current SMP 2011.
111. The SMP 2011 went through a lengthy and rigorous process of preparation involving extensive technical work and consultation, which culminated in the scrutiny of the documents by an independent planning inspector during a public examination in public (EIP). The plan recognises that Surrey has over many years made a significant contribution to the need for sand and gravel in particular, and that such a level of production cannot be sustained into the future. However Surrey, along with other counties, still needs to play its part in providing raw materials and the SMP adopted in 2011 sets out how that provision will be made over the plan period. The technical work for the SMP 2011 in considering options for future supply demonstrated it was becoming increasingly difficult in Surrey to identify areas for future working.
112. The SMP 2011 recognises the difficulties in balancing meeting the need for mineral development and ensuring the impact from mineral working does not result in unacceptable impacts on local communities and the environment. Preferred areas identified in the SMP 2011 Primary Aggregates DPD provide locations where it is considered mineral working is possible without imposing significant adverse impacts on the local community or on the environment subject to a range of considerations and controls.

113. The application site is situated in north west Surrey and the site identified as one of ten preferred areas ([Watersplash Farm Preferred area L](#)) in Primary Aggregates DPD Policy MA2. The site is considered a suitable location under Core Strategy DPD Policy MC1 and Primary Aggregates DPD Policy MA2 for extraction of primary aggregates.
114. Identification of land as a preferred area does not mean planning permission will be granted, nor precisely indicate the extent of mineral working that may be permitted. Key development requirements for each preferred area identify issues needing to be addressed as part of planning application proposals. Detailed assessments submitted with planning applications, and where necessary Environmental Impact Assessment (EIA), will be required to support planning applications for mineral working in preferred areas and assessed against relevant development plan policies and issues relevant to the application site and surrounding area (these may be additional to the issues referred to in the preferred area key development requirements).
115. Officers consider the site to be well placed relative to the local construction market in north west Surrey and London. The impact of the proposal at Watersplash Farm on environmental and amenity interests is considered later in this report.

Need for sharp sand and gravel

116. As outlined above, national policy requires mineral planning authorities to plan for a steady and adequate supply of aggregates using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies. It also advocates that great weight to be given to the benefits of mineral extraction, including to the economy, when determining planning applications.
117. An aggregates monitoring survey is undertaken each year to provide data to the minerals industry, mineral planning authorities and government focusing on sales, permitted reserves and output capacity for primary aggregates. The survey is coordinated by the South East England Aggregates Working Party (SEEAWP) and is undertaken by the mineral planning authorities on an annual basis.
118. Surrey County Council produces an Annual Monitoring Report (AMR) covering the period 1 April to 31 March which includes details on production, permitted reserves and the landbank of primary aggregates. An aggregates monitoring update is published in the spring/summer in advance of publication of the annual monitoring report. A Local Aggregate Assessment is also produced on an annual basis providing more detailed information and analysis of mineral production and reserves plus an assessment of all future aggregate mineral supply options.
119. The latest information on sales, reserves and the landbank of primary aggregates is contained in the Surrey Local Aggregate Assessment 2018 (February 2019) which contains the results of the Aggregates Monitoring Survey 2017 (AM2017). The results of the AM2017 indicate that total sales of land-won primary aggregates in Surrey in 2017 were 0.80 million tonnes (mt) including 0.41mt of sharp sand and gravel (and related construction fill). Sharp sand and gravel (concreting aggregate) sales are therefore significantly below the average annual provision rate provided for in the SMP 2011 Primary Aggregates DPD i.e. an average rate of 0.90mtpa.
120. The extent of permitted land-won primary aggregate reserves at the end of 2017 was 10.91mt comprising 7.68mt of soft sand and 3.20mt of sharp sand and gravel. This indicates a noticeable imbalance between current reserves of soft sand and concreting aggregates. The overall landbank of permitted primary aggregate reserves decreased from 8.0 years at the end of 2016 to 7.8 years at the end of 2017. This was primarily due

to no new planning permissions being granted in 2017 to replenish reserves that were extracted.

121. As referred to above Policy MA1 (Aggregate Supply) of the SMP 2011 Primary Aggregates DPD splits the total primary aggregates supply figure of around 24mt over the plan period into separate provision rates for sharp sand and gravel and soft sand. This results in an average minerals provision figure of 0.9mtpa for sharp sand and gravel and 0.5mtpa for soft sand. Based on the level of remaining permitted reserves at the end of 2017, reserves of concreting aggregates and soft sand would last for 3.6 years and 15.4 years respectively at these production rates.
122. As referred to above the NPPG states at Minerals ID27 paragraph 082 that for decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates. Furthermore, Minerals ID27 paragraph 084 of the NPPG adds that where a landbank is below the minimum level, this may be seen as a strong indicator of urgent need. The total landbank figure for land-won primary aggregates accords with Government Policy. However, given the significant imbalance between the separate landbank figures for soft sand and concreting aggregates, and that no new planning permissions have been granted for the extraction of concreting aggregates in 2017 and 2018 to replenish permitted reserves that have been worked since the end of 2017, Officers consider that there is a strong case of need to replenish dwindling permitted reserves of sharp sand and gravel in the county.
123. There is currently one further planning application awaiting determination for a new quarry for the extraction of sharp sand and gravel relating to land at Milton Park Farm, Egham which is identified as a preferred area in the SMP 2011 Primary Aggregates DPD. This application proposes the extraction of around 2.1mt of sharp sand and gravel. However, it cannot be assumed at this time that this other planning application will be permitted and as a consequence, its existence cannot influence the determination of this application which should be considered on its own merits.
124. Officers view the current landbank position as a strong indicator of urgent and pressing need for additional reserves of primary land-won sharp sand and gravel to be permitted to meet the objective of maintaining continuity of supply in terms of an appropriate landbank required by Primary Aggregates DPD Policy MA1. Although the position with the total landbank of primary aggregates is above 7 years, based on the 3.6 year separate landbank figure for sharp sand and gravel at the end of 2017, there remains a significant shortfall in permitted reserves for sharp sand and gravel in Surrey.

Mineral issues conclusion

125. Granting permission for the 1.167mt reserve at Watersplash Farm would increase the total landbank of primary aggregates in the county by about 10 months, and the landbank for sharp sand and gravel by around 16 months. Officers conclude there is a strong case of need for planning permission to be granted for extraction of the mineral from Watersplash Farm in order to help towards maintaining security of supply and accord with SMP 2011 Core Strategy DPD Policy MC7 and Primary Aggregates DPD Policy MA1.
126. Assessment of the proposal against the requirements of relevant development plan policies relating to highways, traffic and transport and protection of the environment and amenity and the Green Belt are considered below.

HIGHWAYS, TRAFFIC AND ACCESS

Surrey Minerals Plan 2011 (SMP 2011) *SMP 2011 Core Strategy DPD*

Policy MC14 – Reducing the adverse impacts of mineral development

Policy MC15 – Transport for minerals

Spelthorne Borough Core Strategy 2009 (SBC 2009)

Strategic Policy SP7 Climate Change and Transport

Policy CC2: Sustainable Travel

Introduction

127. This section of the report relates to the highways and transportation issues arising from the proposed mineral extraction at Watersplash Farm. It considers the traffic generation and access arrangement and the impact on the highway network. The transport effects of the development are considered in the ES submitted in connection with the application. A Transport Assessment (TA)⁵⁰ has been undertaken by the applicant. The TA undertaken in consultation with the County Highway Authority (CHA) describes and reviews the existing highway conditions/ network including existing (baseline/background) traffic flows and predicted traffic flows during the life of the development (including traffic from other completed and committed developments). It assesses options for sustainable travel modes, forecasts vehicle traffic movements and assesses the impact of the traffic from the proposed development in terms of highway capacity (junctions and roundabouts), highway safety and environmental impact on the immediate and surrounding transport network.
128. Comments from consultees and matters raised by third parties and residents raising issues relating to highways, traffic and access are summarised in the Consultation and Publicity Section above.

Policy context

129. Government policy on transport is set out in part 9 'Promoting sustainable transport' of the NPPF (paragraphs 102 to 111). The NPPF recognises the important role transport policies have in facilitating sustainable development and in contributing to wider sustainability and health objectives with the Government recognising that different communities will require different policies and measures, and the opportunities for maximising sustainable transport solutions will vary from urban to rural areas.
130. In this regard paragraph 102 explains that transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; c) opportunities to promote walking, cycling and public transport use are identified and pursued; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
131. Developments that generate a significant number of movements are required to be supported by a Transport Statement or Transport Assessment. In assessing applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network

⁵⁰ Comprised of Chapter 7 of the 2012 ES, Addendum TA report April 2013 (ATA); second Addendum TA report November 2016 (ATA2); and third Addendum TA assessment October 2018 (ATA3).

(in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

132. Paragraph 109 of the NPPF is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
133. The traffic generated by transporting minerals is one of the most significant impacts of mineral working and a concern to those living and travelling in the vicinity of a site. Policy MC15 of the SMP2011 states that applications for mineral development should include a transport assessment of potential impacts on highway safety, congestion and demand management and explore how movement of minerals within and outside the site will address issues of emissions control, energy efficiency and amenity. Paragraph 7.3 of the SMP2011 recognises that for short distances conveyors and pipelines can be very effective alternatives to transport of mineral by lorry. They are most commonly used to transport mineral within sites or between sites from where mineral is extracted to the site where it will be processed.
134. Policy MC15 requires applicants to consider alternatives to road transport, though the supporting text at paragraph 7.9 acknowledges that as the majority of mineral produced in Surrey is transported over relatively short distances, transport by lorry is often the only practicable, cost effective option. The policy goes on to state that proposals involving transportation by road will only be permitted where: *(i) there is no practicable alternative to the use of road-based transport that would have a lower impact on communities and the environment; (ii) the highway network is of an appropriate standard for use by the traffic generated by the development or can be suitably improved; and (iii) arrangements for site access and the traffic generated by the development would not have any significant adverse impacts on highway safety, air quality, residential amenity, the environment or the effective operation of the highway network.'*
135. SBC 2009 Strategic Policy SP7 seeks to ensure development is located in a way which reduces the need to travel and encourages alternatives to car use. Through Policy CC2 the borough council seeks to secure more sustainable travel patterns through means such as *"only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: i) number and nature of additional traffic movements, including servicing needs; ii) capacity of the local transport network; iii) cumulative impact including other proposed development; iv) access and egress to the public highway; and v) highway safety."*
136. The key development requirements for the Watersplash Farm preferred area in the SMP2011 relating to access are: *Access: existing access to Watersplash Farm not suitable for use by HGV traffic; provide new access from the Gaston Bridge Road/Green Lane roundabout.*

Access and mode of transport

137. Shepperton RA and third party objectors have queried whether the site access should be via Fordbridge Road instead given the traffic conditions on the A244 and at the roundabout with Green Lane. The suitability of the design (geometry) of the roundabout to accommodate a new arm and dimensions of the roundabout to accommodate the HGV traffic that would be generated has also been raised. If planning permission is granted provision of the access would be subject to a section 278 Highways Works Agreement (s278 Agreement) as it involves works to the public highway. The CHA has advised this would be necessary and recommends it is secured by planning condition.

138. There are three existing vehicle accesses to the land at Watersplash Farm⁵¹. Provision of vehicle access to enable the export of mineral by road and the importation of material to backfill the site was considered as part of the assessment of the site for inclusion as a preferred area in the minerals plan. Accessing the site off Fordbridge Road or Halliford Road via the existing accesses was not considered suitable. In line with the key development requirements for the site, the access is proposed off the Gaston Bridge Road/Green Lane roundabout.
139. The proposed access off the roundabout has been considered by the CHA and subject to a stage one safety audit⁵². While a number of issues were raised by the safety audit (including drainage, crossing facilities, signs, carriageway markings and lighting) the CHA considers these can be overcome at the detailed design stage when drawings are submitted for technical approval for the purposes of entering into the s278 Agreement that would be required. The junction capacity assessment has taken account of the audit findings and minor alterations to the roundabout due to the development of the Walton Bridge cycling links scheme.
140. In relation to the roundabout design outline details⁵³ have been provided in the planning application which have been tested with a vehicle turning overlay of a 13.6 metre long articulated vehicle to establish whether HGVs of the type and size proposed for export of mineral and import of infill material would be able to negotiate the proposed access and roundabout. The CHA has confirmed the turning overlay shows that such vehicles would be able to enter and leave the site and use the roundabout safely.
141. Consideration of alternative modes such as water and rail for transporting mineral and infill to backfill the site was not identified as necessary by the CHA when scoping the matters to be addressed in the TA. Paragraph 7.9 of the SMP 2011 Core Strategy identifies that road transport is often the only practicable, cost effective option, for transporting mineral produced in the county and is the most used mode. Planning officers consider that road transport is appropriate in this case given the nature and scale of the development and location of the application site relative to existing wharves and rail aggregate depots and the market area it would serve. In the circumstances the cost of providing rail or water access to the site would be high and out of proportion with any benefits that would arise from removing some HGVs from the highway network.
142. The TA assessed the accessibility of the site for non-car travel modes (walking and cycling and public transport) for staff to commute to the site. It identified that walking and cycling would be an option for staff living in proximity to the site, or in combination with public transport. To encourage cycling sheltered cycling parking would be provided adjacent to the site offices and facilities. The site was also accessible by bus with bus stops on the A244 and Green Lane within walking distance of the site. There were a number of rail stations which could serve the site, the closest being Shepperton some 0.9km (900 metres) away, providing access to stations in Surrey and London. The TA concluded that the site is accessible by a range of sustainable travel modes which would be available for staff to use to commute to work.

Highway capacity and safety

143. To assess the impact from traffic the development would generate the TA reviewed existing highway conditions on the network including existing (baseline/background) traffic flows and predicted traffic flows during the life of the development and modelled

⁵¹ Two off Fordbridge Road in the south (via the main access to the land and buildings at Watersplash Farm (land west of the River Ash) and a second agricultural access to the land east of the river (adjacent to the Longwood Business Park)). The third is an agricultural access off the Halliford Road in the north.

⁵² Undertaken at the completion of preliminary design stage, normally prior to determination of the planning application.

⁵³ Applicant Drawing No P3/648/3 Sep 2012 Proposed Access Arrangements

the impact the traffic from the development would have on the immediate and surrounding transport network in terms of highway capacity, safety and the environment and amenity of nearby residents.

144. As identified above objectors refer to the existing road conditions and congestion, particularly during weekday morning and evening peak times; the adverse impact on flow of traffic along the A244, at the A244/Green Lane and Marshalls roundabouts and surrounding road network; and the environment and amenity of road users (all modes) and residents. SAW and residents also question the validity of the applicant's TA in terms of traffic data used, modelling and assumptions and raise questions about relying on the TA in determining the planning application.

Existing/baseline traffic flows

145. The TA⁵⁴ in the 2012 ES had used data from dedicated traffic count surveys undertaken in June 2009⁵⁵ (manual traffic counts at the A244/B376 and Marshalls roundabouts/junctions and an automatic traffic count (ATC) at a location between the two roundabouts). These were adjusted to give baseline traffic flows at the predicted year of opening (beginning of 2015) including traffic from other completed and committed developments. Reference had been made in comments by objectors to increased traffic levels and congestion including as a result of other developments in the area.
146. In March 2013 the CHA asked the applicant to update their TA and modelling as the application had not been determined. Further updating was requested by the CHA in 2016 in order to ensure the traffic flow data used in the assessment had taken account of any changes in actual traffic flows along the A244 since 2009⁵⁶, and to take account of traffic from completed and committed development which may impact on the existing/baseline traffic flow (for example the new Walton Bridge had opened) at the new predicted year of opening and mid development and any more recent traffic survey data which was available.
147. The 2016 ATA2 updated the modelling and the TA to assess the impact of traffic from the proposed development which, given the time taken to determine the planning application would not now commence before 2018. The ATA2 forecast baseline traffic flows to 2018 and 2020 (assuming operations would commence in 2018 and the year three peak traffic generation in 2020) using the previously forecast 2015 background traffic flows and traffic from other completed and committed developments⁵⁷. The CHA has confirmed that it was appropriate to use the 2009 data forecast to 2015 as it shows higher traffic flows than the county council data. The CHA considers the applicant's assessment robust as Department of Transport data for flows on the A244, which is independent from county council and applicant data, shows that traffic flows in 2015 were lower than 2009, despite the perception of objectors and residents.
148. In October 2018 another assessment (ATA3) was undertaken in light of the further time that passed since 2016 and the delay to the possible commencement of the development. It also provides an updated review of the development proposals against

⁵⁴ Comprised of Chapter 7 of the 2012 ES, Addendum TA report April 2013 (ATA); second Addendum TA report November 2016 (ATA2); and third Addendum TA assessment October 2018 (ATA3).

⁵⁵ The TA (paragraph 7.62) refers to the 2009 data being used in order to provide a robust assessment despite 2011 ATC survey data showing a 4% decrease in daily traffic flow compared to 2009. The TA refers to the 2011 ATC data being supported by Department of Transport data for the A244 Upper Halliford Road and for Surrey as a whole showing a 2% decrease from 2009 to 2011).

⁵⁶ Surrey County Council Transport Studies Team data for 2014 showed vehicle numbers on Gaston Bridge Road has increased. Following a further review of the data the CHA agreed with the applicant's consultants that the base traffic data (based on used in the 2012 TA and 2013 ATA remained valid.

⁵⁷ London Irish site, residential development at the former London Irish and police training college, Shepperton Studios redevelopment and the Charlton Lane Eco Park.

any revised transport planning policy guidance, baseline conditions, and traffic impact. Background traffic flows for 2021 and 2023 were derived by applying growth factors to the 2015 background traffic flows data presented to the CHA in 2016.

Development traffic and flows

149. As outlined under the proposal section above the access to the site would be via a new site entrance off Gaston Bridge Road constructed as a fourth arm onto the A244 Gaston Bridge Road/B376 Green Lane roundabout. The access off the roundabout would lead to a 400m access road within the site leading to the processing plant site.
150. The application states the development would take six years to complete during which it would generate HGV traffic for the first five years associated with the export of processed mineral and import of waste infill material. As set out in Table 2 above in year 1 the site is forecast to generate a maximum of 154 daily movements (77 in and 77 out) of which 60 would be HGVs involved in export of processed sand and gravel and importing waste fill materials and 17 non HGV (staff and delivery driver cars⁵⁸). In years 2 to 4 this would be in the region of a maximum of 238 movements per day (119 in and 119 out), of which 100 would be HGVs, equating to 200 daily HGV movements (100 in and 100 out) and 19 non HGV staff cars (38 movements).
151. The HGV movements would be spread out during the working day according to demand⁵⁹. The TA has assumed the HGV movements would be averaged throughout the day, but notes that in practice HGVs will be much reduced during the peak hours, in particular the evening peak when site operations will normally be complete. Site staff and delivery drivers are predicted to arrive and leave during the peak hours.
152. The application anticipates 70% of deliveries of extracted minerals would be to the north with the remaining 30% being to the south. For imports of infill materials and staff the application anticipates movements would be likely to be more evenly distributed, assumed to be 50% along each of the above routes. As a sensitivity test the CHA requested development traffic flows for deliveries of extracted mineral to be split 50% to the north and to the south.
153. Construction traffic associated with the setting up of the site and construction of the site access and plant site would involve delivery of materials and plant and equipment to the site. The TA identifies that the traffic movements associated with this will be considerably below the traffic movements that would be associated with the operation of the site. Planning officers agree this would be the case and no further information or assessment is required and note that submission of a construction vehicle management plan has not been required by the CHA.

Highway capacity assessment

154. To assess the impact of traffic from the development on junction capacity and roads the agreed traffic flows and predicted traffic flows were used to undertake junction capacity assessments at the Gaston Bridge Road/Green Lane and Marshalls roundabouts and predict queues and waiting times. From the 2009 traffic count data weekday morning (AM) peak has been assumed (and agreed by the CHA) to be between 07.00 and 08.00 and evening peak (PM) between 16.00 and 17.00.
155. The TA identifies that the development would result in a marginal increase in overall traffic flows on the A244 with a maximum increase of just 1%, and by no more than 0.7%

⁵⁸ The figures in Table 1 assume all site staff and delivery drivers individually commute by car so represent a worst case scenario.

⁵⁹ Whilst not anticipated the Transport Assessment assumes hourly HGV movements are averaged over the Monday to Friday 10 hour working day (07.30 to 17.30 hours) so 20 per hour (10 in and 10 out).

for HGVs, occurring along Windmill Road. Such increases fall well within the day-to-day weekday 12-hour fluctuations along Gaston Bridge Road between Green Lane and Fordbridge Road (south of Green Lane) of 5%-6.4% having been recorded in previous ATC surveys. It also demonstrates that the impact upon the surrounding highway network, including the A308 and M3, will be considerably less and probably not discernible.

156. The TA identifies baseline traffic flows (without the development traffic) at both roundabouts/ junction are predicted to exceed operating capacity by 2018 and 2020, resulting in large queues and delays.
157. Baseline traffic flows through the three arm Gaston Bridge Road/Green Lane junction in 2018 and 2020 are predicted to reach or exceed the design capacity of the junction resulting in large queues and delays. The assessment of the impact at the junction with the new access and development traffic predicts that the fourth arm of the roundabout would operate with ease, and the additional development traffic would make little difference to the operation of the rest of the junction.
158. For the Marshalls roundabout the TA identifies that baseline traffic flows through the junction are predicted to be accommodated along the Gaston Bridge and Fordbridge Road approaches, but would exceed the Russell Road approach in the 2020 PM peak and exceed the theoretical capacity for the Walton Road approach in the AM peaks. The TA predicts that the addition of the development traffic to the predicted baseline traffic flows would make very little difference to the operation of the junction. The TA concludes that no mitigation, in terms of highway improvements at the junctions, is considered necessary as a result of the impact of the development traffic.
159. In respect of accidents the analysis in the TA for the period January 2007 to February 2012 for the 29 recorded accidents identifies driver error as the cause rather than junction/road design. 11 involved cyclists. The CHA does not consider the resultant increase in traffic flows and HGV movements on the highway network to be material compared to what is already occurring. The CHA does not consider the development likely to make the matter worse as the increase in number of HGV movements is not material. Although longer queues are predicted at the roundabouts/junctions no new junctions would be impacted.
160. Having considered the application and TA the CHA has raised no objection, subject to conditions, to the development. The CHA acknowledge that development traffic would increase traffic flows at these junctions and has assessed the impact of this. The increase in traffic and impact at junctions reaching or exceeding the theoretical design capacity is predicted to occur without traffic from the proposed development, not because of it.

Conclusion on highways, traffic and access

161. The environmental and amenity impacts of the development traffic in terms of air quality and noise are considered later in this report. Subject to imposition of planning conditions as recommended by the CHA including access, relating to the construction of the access off the roundabout, access road and parking within the site, wheel and road cleaning measures, and vehicle numbers, planning officers conclude that in respect of the highways, traffic and access considered above the proposed development is acceptable and consistent with the aims and objectives of the NPPF and relevant development plan policies on such matters.

ENVIRONMENT AND AMENITY

Surrey Minerals Plan 2011 (SMP2011)

Policy MC2 Spatial Strategy – protection of key environmental interests in Surrey
 Policy MC3 Spatial Strategy – mineral development in the Green Belt
 Policy MC14 Reducing the adverse impacts of mineral development
 Policy MC15 Transport for minerals
 Policy MC17 Restoring mineral workings
 Policy MC18 Restoration and enhancement

Surrey Waste Plan 2008 (SWP2008)

Policy DC3 – General Considerations
 Policy WD7 Disposal by Landfilling, Landraising, Engineering or Other Operations

Spelthorne Borough Core Strategy 2009 (SBC2009)

Strategic Policy SP6 Maintaining and Improving the Environment

Policy EN3 Air Quality
 Policy EN4 Provision of Open Space and Sport and Recreation Facilities
 Policy EN5 Buildings of Architectural and Historic Interest
 Policy EN8 Protecting and Improving Landscape and Biodiversity
 Policy EN9 River Thames and its tributaries
 Policy EN11 Development and Noise
 Policy LO1 Flooding

Spelthorne Borough Local Plan 2001 (saved policies) (SBLP2011)

Policy RU11 Sites of Nature Conservation Importance
 Policy RU14 Sites of Nature Conservation Importance
 Policy BE 24 Archaeology, Ancient Monuments and Historic Landscapes
 Policy BE25 Archaeology, Ancient Monuments and Historic Landscapes

Policy context

162. This part of the report deals with environmental and amenity matters under the headings: flood risk, water quality, groundwater and land drainage; landscape and visual impact; noise; air quality and dust; rights of way; biodiversity and ecology (species and designated areas); historic environment and archaeology, restoration and after-use, airport safeguarding; and cumulative impact.
163. The NPPF and PPG expect mineral planning authorities to ensure that mineral proposals do not have an unacceptable adverse effect on the natural or historic environment or human health. The NPPF states authorities should also take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. Guidance in relation to implementation of policy in the NPPF on development in areas at risk of flooding and in relation to mineral extraction (including in relation to proximity of mineral workings to communities, dust emissions, noise and restoration and aftercare of mineral sites) is provided in the PPG.
164. Some of the development plan policies listed above relate to one or more of the issues and are outlined here with policies relevant to particular issues outlined under the relevant part in the report. SMP 2011 Policy MC2 gives protection to key environmental interests in Surrey setting out the information and assessments for protection of areas of international importance for biodiversity; national designations of ecological importance and heritage designations. Surrey is a densely populated county and mineral resources, especially sharp sand and gravel (concreting aggregate), the mineral that would be extracted, are found in the north west most densely settled part of the county.
165. The SMP 2011 recognises the difficulties in balancing meeting the need for mineral development and ensuring the impact from mineral working does not result in unacceptable impacts on local communities and the environment. SMP 2011 Policy MC14 states that proposals for mineral working will only be permitted where a need has been demonstrated and sufficient information has been submitted to enable the authority to be satisfied that there would be no significant adverse impacts arising from the development and sets out matters to be addressed in planning applications.

166. Policy MC14 matters relevant to this application include: (a) visual impact and impact on landscape (appearance, quality and character); (b) flood risk and effect on the flow and quality of groundwater, surface water, land drainage (of the site and adjoining land); (c) potential danger to aircraft and safe operation of airports from birdstrike and structures; (d) adverse effects on neighbouring amenity including noise, dust and transport impacts, public rights of way; (e) the loss or damage to flora and fauna and their respective habitats at the site or on adjoining land including the linear or other features which facilitate the dispersal of species.
167. SMP 2011 Policy MC17 requires mineral working proposals to provide for restoration and post restoration management to a high standard. 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 after-use. For mineral working in the Green Belt after-uses should be appropriate to that designation, these include agriculture, forestry, recreation and nature conservation. For nature conservation after-uses longer term management beyond the standard five year aftercare advised in national policy would be necessary, which the authority would look to secure through legal agreements. A key objective is for enhancement as well as restoration and through Policy MC18 the county council will work with operators and landowners to deliver benefits including enhancement of biodiversity interests at the site and, where appropriate, as part of a wider area enhancement approach.
168. Objectives of the SBC 2009 include *“to protect and improve the quality of the environment, including improving the landscape, promoting biodiversity and safeguarding the Borough’s cultural heritage”* through policies including Strategic Policy SP6 Maintaining and Improving the Environment and Policy EN8 Protecting and Improving the Landscape and Biodiversity. These policies seek to protect and improve the landscape and biodiversity and cultural heritage of the borough through: (a) safeguarding sites of international and national importance; (b) working with others to develop and secure the implementation of projects to enhance the landscape and create or improve habitats of nature conservation value; (c) wherever possible ensure that new development contributes to an improvement in landscape and biodiversity and also avoids harm to features of conservation interests; (d) and states planning permission will be refused where development would have a significant harmful impact on the landscape or features of nature conservation value. Supporting text to Policy EN8 identifies that mineral working has had a substantial impact on the landscape of the Borough and in some areas has resulted in a legacy of poorly restored land. The Borough Council will support measures to improve poorly restored mineral workings and look for the timely restoration to a high standard of current and proposed workings.
169. SBC 2009 Policy EN11 seeks to minimise the impacts of noise and sets out a series of criteria by which to achieve this including measures to reduce noise to acceptable levels and ensuring provision of appropriate noise attenuation measures. SBC 2009 Policy EN3 states the borough council aims to improve air quality and minimise harm from poor air quality by refusing development where adverse effects on air quality are of a significant scale, and are not outweighed by other important considerations or effects, and cannot be appropriately or effectively mitigated. SBC 2009 LO1 Flooding seeks to reduce flood risk and its adverse effects on people and property in Spelthorne through a range of measures including maintaining flood storage capacity within Flood Zone 3; maintaining the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain to both store water and allow the movement of fast flowing water.
170. SBLP 2001 policies RU11 and RU14 give protection to SNCIs. Policy RU11 states that proposals will only be permitted within SNCIs where there will be no adverse effect, either direct or indirectly on the ecological interest of the site or where the requirements of Policy RU14 are met. Policy RU14 provides for mitigation and compensation to be

provided where exceptional circumstances justify a development which will adversely impact on an SNCI, and requires a demonstration that the harm is kept to a minimum.

171. SBC 2009 Strategic Policy SP6 Maintaining and Improving the Environment and Policy EN5: Buildings of Architectural and Historic Interest seek to preserve and protect the borough's cultural heritage architectural and historic heritage including historic buildings and Conservation Areas. SBLP 2001 Policy BE24 states there is a presumption against development which would affect a scheduled or any other nationally important ancient monument or its setting and that development adversely affecting a site or monument of County importance will not be permitted. Policy BE25 requires that for development proposals in areas of high archaeological potential a field evaluation should be carried out where an initial assessment has shown that important archaeological remains may exist, and that conditions should be imposed to ensure that damage to any remains is minimal or avoided.

Flood risk and hydrogeology

172. In relation to the water environment SMP 2011 policy key development requirement for the Watersplash Farm preferred area L is: *"Hydrology : within a major aquifer and local permitted abstraction points occur within the area so hydrological and hydrogeological assessment required to assess risk of dewatering on spread of contamination from filled pits in the vicinity and potential impacts on level, flow and quality of groundwater; suitable unworked margins are required to safeguard the integrity of the River Ash; attention is drawn to the guidance in Section 8 of the SFRA and the PPS25 practice guide and applicants will be expected to draw on this guidance in preparing project level flood risk assessment covering all sources of flood risk, including a surface water drainage strategy covering the operational and post restoration phases of development"*⁶⁰.
173. The application site is divided in two by the River Ash which then joins the River Thames some 500 metres to the east. The application site lies within the floodplains of both rivers with the majority of the land within areas classified as Flood Zone 2 (Extent of extreme flood) and Flood Zone 3 (Flooding from rivers without defences) on the Environment Agency (EA) flood zone maps, Spelthorne Borough Core Strategy and Policies Development Plan Document (DPD) Proposals Map and Spelthorne Borough Council's Strategic Flood Risk Assessment (SFRA).
174. As well as flooding from rivers, the application area lies within part of an extensive area around the Queen Mary Reservoir identified as an area at risk from reservoir flooding. The reservoir is a potential source of flooding in the event of failure of the reservoir embankment.
175. Surface water drainage at the site involves soakage into the ground or run off into the River Ash. The EA flood maps show small areas within the application site as being at risk of surface water flooding, mainly low risk but some areas in the western and south west part of the site adjacent to the River Ash, Gaston Bridge Road and Fordbridge Road as being medium to high risk. Land within residential areas to the west of Gaston Bridge Road are shown as being at risk from surface water flooding. The EA define surface water flooding as flooding which happens when rainwater does not drain away through normal drainage systems or soak into the ground and flows over or lies on the ground instead. As it is hard to forecast exactly where, or how much rain will fall the EA flood maps make it clear this type of flooding can be difficult to predict. Areas on the map shown at risk of surface water flooding are based on factors such as ground levels and drainage. For surface water flooding areas at low risk of flooding have a chance of flooding of between 1 in 1000 (0.1% probability) and 1 in 100 (1% probability) each year.

⁶⁰ The development applied for in this planning application does not involve dewatering assessment of the impact of dewatering is not required in this case.

176. The groundwater⁶¹ in the sand and gravel at the site is in hydraulic continuity with the River Ash and River Thames and the whole site is within a principal⁶² aquifer and area of groundwater vulnerability (Principal aquifer high groundwater vulnerability zone). There are two licensed surface water abstractions from the River Ash on site and a borehole abstraction in the centre of the site, used by the tenant farmer for spray irrigation and a further water abstraction point to the south of Fordbridge Road supplying the Fordbridge Park residential park home site.
177. Government policy on flooding is contained in part 14 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF (paragraphs 148 to 169). Guidance on how the policy should be implemented is set out in the NPPG published in March 2014 (ID7 Flood Risk and Coastal Change). The aims of the national planning policy on flood risk are to ensure flood risk is taken into account in planning decisions, development management and plan preparation; to avoid inappropriate development in areas at risk of flooding by directing development away from high flood risk areas; and where development is necessary making it safe without increasing flood risk elsewhere.
178. The approach in the NPPF is based on appraising, managing and reducing flood risk and land for development in flood risk areas. The sequential test is to be applied to all levels of the planning process (plan preparation and development management) with the general approach designed to ensure areas at little or no risk of flooding (from any source) Flood Zone 1 (low probability) areas are developed in preference to areas at higher risk of flooding. If there is no reasonably available site in Flood Zone 1, the flood vulnerability of development proposals in Flood Zone 2 (medium probability) and Flood Zone 3 can be taken into account. Flood Zone 3 is sub divided into Zones 3a - high probability and 3b - the functional floodplain. The functional floodplain consists of areas (land and water areas) where flood water has to flow or be stored in times of flood.
179. Different land uses are classified according to their flood risk vulnerability in Table 2 Flood risk vulnerability classification, of the PPG (paragraph 066 ID7) with development classified as: essential infrastructure; highly vulnerable; more vulnerable; less vulnerable; and water compatible uses. Sand and gravel working is classified as a 'water compatible' use of land. Table 3 of the PPG (paragraph 067 ID7) sets out Flood risk vulnerability and flood zone 'compatibility'. As a water compatible land use sand and gravel working is considered appropriate in all Flood Zone areas.
180. A site-specific flood risk assessment (FRA) is required for all development proposals in Flood Zones 2 and 3. The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how flood risk will be managed through the life of the development, take climate change into account and have regard to the vulnerability of its users. Development should be designed and constructed to remain operational and safe for users in times of flood; result in no net loss of floodplain storage; not impede flood flows; and not increase flood risk elsewhere.
181. The NPPG at ID7 paragraph 002 states that for the purposes of applying the NPPF *"flood risk is a combination of the probability and the potential consequences of flooding from all sources – including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources"*.

⁶¹ Groundwater (along with inland waters and estuaries) is also referred to as controlled waters, as defined in section 104 of the Water Resources Act 1991.

⁶²Previously called and referred to as major aquifers – see [information on aquifers on the EA website](#)

182. In accordance with the guidance all planning applications for major⁶³ development determined after 6 April 2015 must consider [sustainable drainage systems \(SuDS\)](#). Developers are advised to assess the suitability of sustainable drainage systems in accordance with guidance on [flood risk and coastal change](#) (paragraphs 051, 079 and 080) in the national PPG and sustainable drainage systems should be designed in line with the national guidance on [Sustainable drainage systems: non statutory technical standards](#). In accordance with paragraph 081 of the national PPG hydraulic calculation and drawings to support the design need to be provided with planning applications along with proposed standards of operation and maintenance.
183. In relation to water quality the NPPF looks to the planning system to contribute to and enhance the natural and local environment through preventing new development from contributing to or being put at unacceptable risk from unacceptable risks of water pollution (paragraph 170), and by taking decisions on planning applications prevent unacceptable risks from pollution by ensuring new development is appropriate for its location (paragraph 180). Where a proposed development has the potential to impact on water quality and is likely to be a significant planning concern, sufficient information should be provided in the planning application to identify the likely impacts, with a more detailed assessment undertaken where significant adverse impact on water quality is likely (PPG ID34 paragraph 016).
184. SMP 2011 Policy MC14 requires planning applications to assess, and where necessary identify appropriate mitigation measures, of the effect of proposals on the flow and quality of groundwater, surface water, land drainage (of the site and adjoining land), and risk of flooding; and contamination of ground and surface water. Hydrology is included as a key development requirements for the [Watersplash Farm preferred area](#) ⁶⁴.
185. SBC 2009 Policy LO1 Flooding seeks to reduce flood risk and its adverse effects on people and property in Spelthorne through a range of measures including maintaining flood storage capacity within Flood Zone 3; maintaining the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain to both store water and allow the movement of fast flowing water. The Spelthorne Borough Council Flooding SPD elaborates on Policy LO1 providing guidance on factors to be taken into account when preparing and determining planning applications in areas of flood risk and managing flood risk.

Flood risk and land drainage

186. As set out in the Consultations and Publicity Section of the report local residents and residents associations and action groups are concerned about and have objected to the proposal on flood risk grounds. Flooding and the potential to increase flood risk and the impact of this on residential property and the local area is a key concern raised by third parties. The EA initially objected to the application on flood risk grounds but during the consideration of the application, following discussion on various aspects of the FRA with the applicant, and submission of revised information and assessments the EA have withdrawn their objection on grounds of flood risk. Issues raised by the County Geological and Geotechnical Consultants in this respect have also been addressed. During the consideration of the application responsibility for surface water drainage and groundwater flooding changed from the EA to the LLFA. The LLFA have raised no objection subject to conditions.

⁶³ As defined in [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and includes applications for mineral extraction.

⁶⁴ Hydrology : within a major aquifer and local permitted abstraction points occur within the area so hydrological and hydrogeological assessment required to assess risk of dewatering on spread of contamination from filled pits in the vicinity and potential impacts on level, flow and quality of groundwater; suitable unworked margins are required to safeguard the integrity of the River Ash; attention is drawn to

187. A site specific-project level flood risk assessment⁶⁵ (FRA) has been undertaken and submitted as part of the ES. The FRA reviewed the site and water catchment area and identified and assessed potential sources of flood risk at the existing site and the potential impacts associated with the proposed development, along with any mitigation that may be required.
188. The FRA identified that the proposed mineral development comprising extraction and processing of sand and gravel, classified in the NPPG as a water compatible development, was therefore appropriate development type in flood risk terms for the site. It was however necessary for the FRA to apply the sequential test⁶⁶ in the layout of the site to inform the site layout. The FRA identified the sources of flooding at the site were fluvial (river) flooding from the Thames and Ash, reservoir flooding from Queen Mary Reservoir, surface water and groundwater flooding⁶⁷. Of these the possibility of, and impact of flooding, at the site from the reservoir was low and unlikely from surface water (but may be localised ponding on the site after heavy rain when the ground is saturated and falls on the land impede run off to the rivers) and groundwater sources (only likely to occur on areas within the functional floodplain and when the water table is high and water gathers in depressions on the land).

Fluvial flood risk

189. The FRA identified that flood water from the River Ash was expected to remain largely within the river channel and the land immediately adjacent to the River Ash on both banks (functional flood plain) had a high probability of a 1 in 20 year (5%) flood (Flood Zone 3b). Land in a 100m corridor either side of the river together with low lying areas in the central and eastern parts of the site between the river and Gaston Bridge Road had a probability of fluvial flooding of greater than 1 in 100 years (1%) (Flood Zone 3a). The rest of the site has an annual probability of fluvial flooding between 1 in 100 year (1%) and 1 in 1000 year (0.1%) probability of flooding (Flood Zone 2).
190. From the River Thames the areas of the site at risk of a 1 in 100 year (1%) fluvial flood event were along the Fordbridge Road southern boundary and areas adjacent to the River Ash if water levels in the Thames resulted in water in the River Ash backing up and overtopping the banks. The FRA identifies that the rate of rise of flood levels in the River Thames (two day lag time) presents a low flood risk to the proposed development from a River Thames flood event.
191. A flood management plan would be developed as part of the overall site management plan and would include provision for receipt of flood warning information from the Environment Agency and procedures to follow (relating to ceasing works on site, relocating plant to areas protected from areas at risk of flooding and evacuation of site along identified safe routes. After a flood event the flood management plan would be reviewed and checks undertaken on site for flood damage at the site e.g. to soil storage bunds, swales, culverts and the bailey bridge across the River Ash.

⁶⁵ ES 2012 Volume 2 Chapter 9 and Appendix 4, as amplified and amended by information contained in Volume 4 (April 2014) (document and Appendices 2, 8 and 9); Volume 5 March 2016 (Section 2 and Appendices 1 and 4 (Watersplash Farm Quarry: Flood Risk Assessments and Surface Water Management Plan, Report ref: 60084R8Rev1, November 2015; Watersplash Farm Quarry: Flood Risk Assessments and Surface Water Management Plan, Report ref: 60084R8Rev2, July 2016; Watersplash Farm Quarry: Flood Risk Assessments and Surface Water Management Plan, Report ref: 60084R8Rev3, November 2016; Watersplash Farm Quarry: Flood Risk Assessments and Surface Water Management Plan, Report ref: 60084R8Rev4, February 2017; and Stanec letter dated 30 October 2018 Ref. 60084 MKelly001.

⁶⁶ The FRA identified that applying the sequential test to the application site was not necessary given the water compatible nature of the application and given the allocation of the site as a preferred area in the SMP2011, see [Flood risk and coastal change](#) section in the NPPG for more information.

⁶⁷ Information on the Environment Agency website and the strategic flood risk assessment (SFRA) for the borough of Spelthorne.

192. The FRA assessed the flood risk impacts arising from the proposed development which may lead to increased flood risk elsewhere (off site impacts). The assessment considered the impact on surface water drainage, flood plain storage capacity and flow of flood water for the operational phases of the development and following restoration. The assessment was used to inform the scheme design and used in developing the proposal in terms of siting, layout and design of the site infrastructure/processing plant and phased extraction, backfilling and restoration. Where necessary mitigation measures have been identified and incorporated into the planning application.

Flood plain storage capacity and flood flow paths

193. The FRA considered the potential for loss of floodplain storage capacity by reducing the land available within the application site for storage of fluvial flood water and impact on flood flow routes as a result of the development (the access road, processing plant site (buildings, structures and mineral stockpiles) and perimeter soil/overburden storage/screen bunds and bailey bridge over the River Ash). The assessment considered the impact of the development based on 1 in 100 year plus 20% climate change and 1 in 20 year flood events and in terms of compensation on an area for area and level for level basis up to the 1 in 100 year event, and provision of compensatory storage⁶⁸.
194. The proposed development is designed so that no site infrastructure would be constructed within 25m of the bank of the River Ash (Functional floodplain for River Ash Flood Zone 3b). The loss of flood storage capacity from the access, processing plant site and some of the proposed soil screen bunds sited within Flood Zone 3a, and bunds elsewhere on the site in Flood Zones 1 and 2 west of the River Ash would be compensated for by storage created on the eastern side of the river by the removal of soils and lowering of levels on the land, the phased extraction and restoration (with the main provision of compensatory storage east of the river).
195. The bailey bridge (ramps and bridge structure) and bunds could impede the flow of flood water across the flood plain and river. Hydraulic modelling of the bailey bridge informed the design so the soffit level of the bridge would be 0.6m above the highest predicted/design flood level to allow for safe clearance of water and debris to prevent blockage. Plastic pipes, 6m long and 600mm diameter, would be placed through the perimeter bunds to enable flow of flood water through⁶⁹. To preserve the visual screening and noise attenuation properties of the bunds the culverts would be flexible pipes curved in the horizontal plane. In Flood Zone 3 the pipes would be spaced at 7m intervals in the bunds and 14m spacing in Flood Zone 2.
196. Following restoration the land west of river would be at levels similar to original. Land east of the river would be restored by backfilling with silt and site derived materials (subsoils and clay overburden) with the overall levels on the land lower than existing which the FRA concludes would provide permanent additional storage for flood water than exists at present at the site.

Surface water drainage

197. There are currently no existing drainage systems or drainage ditches within the application site. The land currently drains through percolation into the ground and by surface water runoff to the River Ash. Aspects of the proposed development which would change the nature of the site drainage include construction of the site access off the Gaston Bridge Road/Green Lane roundabout and site access road, the processing plant site, stripping of soils and overburden and use to construct screen bunds around the site

⁶⁸ In consultation with the Environment Agency and with regard to national guidance and standards for under taking FRAs.

⁶⁹ The application was amended in 2014 to change from concrete culverts through the bunds to use of plastic piping (Paragraph 3.17 and Appendix 9 of Volume 4(April 2014)).

perimeter, the excavation of mineral, restoration involving landfilling with imported waste materials to original ground levels and agriculture west of the river, and flood meadows, lake, reed beds and grassland east of the river.

198. The applicant's assessment identified that within the perimeter of the site run off from areas waiting to be worked or undergoing backfilling and restoration and runoff from the internal (site) side of the perimeter soil/overburden storage bunds would drain into the ground on areas not yet worked or run off into the river; into the areas being worked (which would be water bodies) and areas undergoing backfilling. The restored land would drain through percolation into the ground and surface water runoff. The surface water runoff would drain to the river and perimeters of the site.
199. The assessment identified that there may be a slight localised increase in runoff from the outer (external) faces of the proposed bunds which could impact off site. To mitigate for this swales would be constructed around the site perimeter into which the run off would collect and infiltrate into the ground. Post restoration the land west of the River Ash would be returned to existing ground levels. On the land west of the river which would be restored by landfilling the permeability of the land and rainwater infiltration rates would be reduced compared to the existing site leading to increased rates of surface water runoff. As mitigation and to prevent run off onto adjoining land the perimeter swales on the land east of the river would be retained as part of the restoration of the land. The swales would capture excess surface water runoff from the restored site, with the detailed design of the swales to be provided as part of a surface water management plan (SWMP) for the site.
200. An outline drainage strategy for the site has been provided in the submitted SWMP⁷⁰ and contains detail on the design and location of the proposed swales. Apart from the northern boundary of the land west of the river the swales would have a nominal width of 5m at the surface and 1m at the base and depth of 0.5m. Along the northern boundary the swales would be wider and shallower (10m at the surface, 2m at the base and 0.25m deep). The total length of swales to be provided would be 2,050m and at these designs would provide a storage volume of 3,075 cubic metres (m³) which the SWMP states would be more than sufficient capacity to cope with 1 in 100 storm events and an allowance climate change. The location of the proposed swales is shown on Plans 2, 3, and 6⁷¹.
201. The SWMP states the swales have been designed so the base would connect into permeable strata below the surface to enable infiltration. Where this would not be possible due to the depth of the permeable strata below the swale the base would be excavated and infilled to the design depth with loose permeable material to enable infiltration or where the permeable strata is deeper than 2m below the surface sumps would be provided for the water in the swale to drain to and reach the permeable strata. The applicant considers the swales would operate as infiltration basins, and the assessments undertaken and information provided in the ES and SWMP is sufficient such that there is no need for infiltration tests to be undertaken to prove the swales will infiltrate the ground⁷².

⁷⁰ ES Chapter 9 and Watersplash Farm Quarry: Flood Risk Assessments and Surface Water Management Plan, Report ref: 60084R8Rev4, February 2017 (see footnote above for more detail).

⁷¹ Note these drawings show the location for swales only, not the locations for the shallow and deeper swales.

⁷² The applicant considers the cost of undertaking infiltration tests to demonstrate the swales will infiltrate is disproportionate to the level of risk of surface water flooding and high permeability ground conditions at the site (sand and gravels underlying cohesive materials) (see paragraph 5.1 of Watersplash Farm Quarry: Flood Risk Assessments and Surface Water Management Plan, Report ref: 60084R8Rev4, February 2017)

202. At the time the application was submitted the EA were responsible for surface water drainage matters. The SWMP was requested by the EA and drafted in consultation with them, and had been subject to review and modification prior to formal submission in March 2016. By then the EA were no longer the statutory consultee for surface water drainage matters and therefore the EA have not provided a view on the SWMP. The County Geological and Geotechnical Consultant has reviewed the proposals for the swales and advises that they consider the general proposals for and technical assessment of the impact of changes in surface water runoff and provision of infiltration swales (and the revised design) as mitigation to be acceptable.
203. The LLFA are now the statutory consultee for surface water drainage matters and has reviewed the SWMP. The LLFA has reviewed the surface water drainage strategy for the proposed development and considered it against the requirements under the NPPF, the accompanying PPG and relevant Technical Standards. The LLFA has no objection to the high level drainage strategy submitted for the development subject to conditions to require submission and approval of details to enable the LLFA to assess the suitability of the drainage proposals for each phase.

Groundwater levels

204. A groundwater flood risk assessment was undertaken as part of the FRA and reported in the ES. The general direction of groundwater flow at the site is towards the south and south east towards the River Thames and River Ash. Groundwater monitoring information collected by the applicant since 2000⁷³ showed that groundwater levels within the site were generally between 1 and 3m below ground level (bgl) with levels being higher towards the east. The monitoring shows that even during the extremely wet winter of 2013/14 the highest levels have never been less than 0.38m bgl⁷⁴
205. The assessment in the ES modelled the potential impact on groundwater from the proposed extraction and the landfilling of the land east of the River Ash. The area landfilled would have a lower permeability/lower hydraulic conductivity than the natural in situ sand and gravel (and result in changes to groundwater flows and increased surface water runoff). The modelling showed that although groundwater would be able to flow round the lower permeability material in the landfill it predicted there would be a modest groundwater level rise up hydraulic gradient of the proposed landfill to the north west and west of the application site⁷⁵.
206. The assessment showed that while groundwater levels were predicted to rise to the west and north west the increase would be below ground level and therefore the proposed development would not lead to increased risk of groundwater flooding outside the site and at residential properties, and concluded no mitigation was necessary. Within the application site the modelling showed that groundwater levels would increase on the landfilled area to the extent that seasonal waterlogging may occur. Mitigation in the form of conventional agricultural land drains with outfalls to the perimeter swales and River Ash are proposed in this regard.

⁷³ Groundwater levels and quality have been monitored in seven (7) boreholes around the perimeter of the site since June 2000.

⁷⁴ Boreholes WM6 (borehole on western site boundary just to the north of the A244/B376 roundabout) and WM7 (borehole adjacent to the River Ash northern boundary of the land west of the river).

⁷⁵ On the western boundary 0.23m at borehole WM5 (WM5 is located approximately opposite the Gaston Bridge Road/West Way junction) and 0.21m at borehole WM6 (borehole just to the north of the A244/B376 roundabout. Predicted rise at Halliford Road to the north and west of the land east of the River Ash of 0.2m (0.3 on the site boundary)). (See Table 2.4 and Figure 2.2 in Appendix D of Watersplash Farm Quarry: Flood Risk Assessments and Surface Water Management Plan, Report ref: 60084R8Rev4, February 2017.)

207. The model predicted an equivalent modest fall in level down hydraulic gradient of the landfill (-0.49 at Borehole WM3 on the site boundary opposite Felix Lane) and -0.35 at WM2 on the site boundary adjacent to the Watersplash Farm complex) outside the site this would be -0.1m at the lakes and marina and at Fordbridge Road at the entrance to Fordbridge Park. The assessment concluded that the effect of the predicted change in groundwater levels down hydraulic gradient was assessed as minor/very limited and not requiring mitigation.
208. While actual groundwater flooding is not predicted by the model the County Geological and Geotechnical Consultant advised that if the predictive increase in maximum groundwater levels was to occur during periods of wetter than average rainfall it could impact on infiltration and surface water drainage in the gardens at nearby properties to the north and west of the proposed landfill.
209. The consultant recommended a groundwater monitoring plan should be provided in order to ensure potential rises in groundwater did not impact at residential properties closest to the boundary of the site. The plan should provide for monitoring during the operation of the site and post restoration, and continue until periodic reviews of the data and updates to the modelling demonstrated that significant adverse impacts has not been caused. The plan should provide for remedial or mitigation measures to be put in place if the development leads to groundwater flooding or loss of amenity to neighbouring landowners. Given the concerns expressed by Spelthorne Borough Council and residents about the potential impact water levels in the Fordbridge Park water abstraction borehole the consultant recommended monitoring of levels south east of the site.
210. A groundwater monitoring plan was submitted and provides for monitoring of groundwater levels around the site at the 12 locations around the perimeter of the site (the seven (7) existing monitoring boreholes and five new monitoring locations⁷⁶). The plan includes setting of trigger action levels for rises in groundwater in up hydraulic gradient directions. If necessary mitigation would be provided by installing a drain running east–west along the north western corner of the site (landfilled area) west of the River Ash. Down gradient if monitoring shows levels are falling below baseline levels, and the agreed action level, at the new monitoring borehole further investigation would be undertaken. In the event the fall in levels is attributed to the site the applicant would make arrangements with Fordbridge Park to provide an alternative source of water.
211. The LLFA has raised no issues relating to groundwater flooding but notes that groundwater monitoring is proposed. The County Geological and Geotechnical Consultant has reviewed the applicant's assessment of the potential impacts on groundwater levels considers the submitted plan, which could be secured by planning condition, acceptable.
212. The concerns and reasons for objection cited by residents, residents' associations and actions groups about flooding and potential increased risks of flooding impacting on property and the surrounding area from the development are acknowledged. Following discussion and receipt of further information, amendments and information to amplify and clarify issues relating to the FRA and discussion with them, the EA, the LLFA and the County Geological and Geotechnical Consultants raise no objection to the proposed development, subject to conditions. The EA are now satisfied that the flood risk from the River Ash and River Thames will be adequately managed. The withdrawal of the EA objection on flood risk grounds addresses the objection by Spelthorne Borough Council on this issue. On the basis of responses from technical consultees and having assessed the proposal against relevant national and development plan policy, Officers consider that subject to the mitigation measures proposed in the application and recommended in

⁷⁶ Two to the north and two on the west for up gradient monitoring and one to the south east for down gradient monitoring (near Fordbridge Park).

the ES and subject to the imposition of planning conditions the proposed development is acceptable in flood risk terms.

Hydrogeological assessment

213. As set out in the Consultations and Publicity Section of the report local residents and residents associations and action groups are concerned about the restoration proposals involving backfilling with imported waste materials and have raised a number of issues in their objections including impact on groundwater flows from the change in permeability at the site, risk of pollution to groundwater from the waste material deposited (type and controls/regulation over inputs) at the site and adverse impact on the Fordbridge Park water abstraction borehole and the River Ash (water quality and river ecology), the applicant's proposals to apply for a recovery instead of a disposal environmental permit and concerns about the method of installation of the geological barrier and controls over types of waste inputs.
214. The concerns raised in respect of the geological barrier are not for the CPA to consider, as they will be addressed by the EA through the Environmental Permit (EP) application. The County Geological and Geotechnical Consultant also advised that this was an environmental permitting issue.
215. As referred to previously the land west of the River Ash would be restored to existing levels with imported inert waste material back to agriculture. Land east of the river would be restored by backfilling with silt from the processing of the sand and gravel and site derived materials (subsoils and clay overburden) to a nature conservation and amenity afteruse use (with most of the land to be restored to levels below existing). The applicant considered the backfilling with imported material to be a recovery activity and proposed applying for a recovery activity EP to cover the backfilling activity.
216. A hydrogeological impact assessment of the proposed development was undertaken and reported in the 2012 ES. This assessed the existing surface water bodies and groundwater conditions at the site and area in which the site is located (levels, flow direction, quality and uses) and the potential impact on the nearby abstractions, surface water bodies, surface and groundwater quality and statutory and non-statutory designated sites⁷⁷ from the proposed development. The assessment identified that there was hydraulic continuity between the groundwater in the sand and gravel at the site and the River Thames and River Ash.
217. Potential impacts during mineral extraction were assessed as being low due to the proposal to work the mineral without dewatering, which would protect existing waterbodies, licensed abstractions and amenities. The assessment identified that the proposed restoration involving backfilling the land west of the River Ash to original levels with imported inert fill material would create an area with lower permeability/lower hydraulic conductivity within the aquifer and this may impact on groundwater flow within aquifer altering the transport direction of the (existing) contamination in the groundwater and result in rises and lowering of groundwater levels up and down hydraulic gradient of the site. The lower permeability of the restored site had the potential to lead to increased surface water runoff.
218. Groundwater modelling undertaken demonstrated the proposed infilling with inert fill would have a very limited effect on groundwater levels in the area and predicted no significant impact on residential properties and roads (see Groundwater levels, Flood Risk above for more detail on this), water abstraction⁷⁸ and sensitive sites. No mitigation

⁷⁷ Statutory - SSSI, SPA and Ramsar sites, Non Statutory – SNCIs.

⁷⁸ The development would lead to loss of the well on site used in connection spray irrigation on the land. The applicant proposes to deal with the loss of this borehole by private agreement with the abstraction licence holder (compensation or replacement).

was identified as being necessary in respect of groundwater flow and levels. To mitigate increased surface water runoff the assessment identified the need for the landform to allow surface water to runoff the land or drain laterally through the soils, with land drains installed if required.

219. Potential impacts on water quality were identified as pollution from fuel/oil spills from plant operating at the site and discharge of sediment laden water (due to the wet extraction process) to groundwater and surface water courses. Effects from sediment were identified as being very localised and likely to be filtered out by settlement within the groundwater body within a short distance so not requiring mitigation. Pollution from spills would be mitigated by adoption of standard quarrying good practice measures.
220. The backfilling with imported inert waste materials requires an EP from the EA, which will ensure the landfilling is undertaken without endangering human health and without using processes or methods which could harm the environment. The applicant has provided some information of the outline EP operating plan waste quantities, types and acceptance procedures and pollution prevention plan information to demonstrate how they intend to minimise the risk of pollution of the ground and groundwater. This has been provided as background information to help inform people of measures and controls which would be available through the EP and is not something which be controlled through conditions on a planning permission.
221. Without a disposal activity EP the EA considered the restoration of the site set out in planning application was not achievable and that development of the site should not commence until this issue had been resolved. The applicant was asked to provide the information, clarification and assessments identified by the EA.
222. A Hydrogeological Risk Assessment was undertaken and submitted in 2014⁷⁹. This assessed in more detail the potential impact of the proposed backfilling of the western section of the site with imported inert fill materials on groundwater quality without the installation of a geological barrier⁸⁰. The HRA referred to the need for the development to obtain an EP from the EA and how the type (recovery or disposal) would be dependent on the outcome of the permit application process. The HRA referred to how the key issue of the permit was whether or not a geological barrier would be required to protect groundwater from the imported inert waste material. The document concluded that it would be possible to import inert materials to the site without causing pollution to controlled waters and that this was sufficient to satisfy the requirements of the planning application. The exact requirements for geological barriers or other pollution controls were a matter for the environmental permit.
223. The EA maintained that a geological barrier was necessary for this development to ensure the adjacent sensitive receptors are protected from contamination and that this would be a prerequisite for the EP application. Following further discussion between the applicant, the EA, and planning officers it was agreed in mid-2014 that while the detailed design and specification of a geological barrier would be a matter for the EP process, information would be submitted as part of the planning application stage to demonstrate how a geological barrier would be installed at the site. The EA had agreed an in principle approach which allowed the geological barrier to be constructed in phases (cells) as the site was worked, but required detail of the proposed geological barrier and method of installation to be provided in the information submitted as part of the planning application proposals for restoring the site. Providing this information at this stage would also enable the other consultees to assess the proposals and the county planning authority to consider any land use implications.

⁷⁹ Volume 4 (April 2014) (document Sections 3 and 5 and Appendix 9 Watersplash Farm: Hydrogeological Risk Assessment (ESI Report 60084R4D1, June 2013)

⁸⁰ Potential impact on groundwater levels was assessed in the groundwater flooding assessment and has been discussed and assessed above.

224. The applicant stated that the site would still be worked wet without dewatering and the geological barrier would be installed sub water table. The applicant has stated that, even with the installation of a geological barrier below water as proposed in the application, it would be possible for the timescales set out in the application for working and restoration of the site to existing levels for agricultural use and nature conservation use (east of the river) within a six year period to be met.
225. The applicant's hydrogeological consultants, ESI, provided a detailed response to the EA's concerns about the installation of the geological barrier and view that alternative designs should be considered. They noted the EA acknowledged that similar sub water construction has been agreed in connection with environmental permits at other sites, and met the requirements of the Landfill Directive for protection of the environment. In July 2018 the EA's position regarding tipping into water was clarified based on a technical guidance note⁸¹ provided to the MPA. It recognises that the deposit of waste may need to occur into water in certain exceptional circumstances. The technical note recognises the links to planning requirements and confirms that the wider environmental impacts of any such proposal should be considered through the waste and mineral planning process. It also clarifies the technical factors the EA will need to consider at the Environmental Permitting stage.
226. The MPA and the applicant independently received legal advice, which asserted that planning permission could be granted subject to imposition of a negatively worded condition to prevent any development from taking place until such time as an EP had been granted. Accordingly, although the EA no longer objects to the proposed development under the planning regime, they have reiterated that an Environmental Permit (EP) will be required. The suitability of the procedures to be put in place to manage the risk from the sites would need to be considered as part of the EP Application, which has been submitted and remains outstanding at the time of writing this report
227. Government guidance in Part 15 Conserving and enhancing the natural environment (paragraphs 170 to 183) of the NPPF and Planning Practice Guidance (Waste paragraphs 050 to 052) is that controls under the planning and pollution control regimes should complement rather than duplicate each other and that the planning system should ensure that the location of development is acceptable. The MPA could therefore follow Government guidance and grant planning permission and leave the matter of the construction of the geological barrier to be dealt with separately through the pollution control regime and EP process.
228. Having reviewed the planning application and environmental information provided, the responses from the Environment Agency, Spelthorne Borough Council, advice from the County Council Geological and Geotechnical Consultant, objections from residents and others concerned about the proposed backfilling and impact on water resources, and taken legal advice, planning officers consider that the development is acceptable, subject to a negatively worded condition preventing any development from taking place until an EP has been granted for the backfilling of the site. As such, the development complies with the SMP 2011 Policy MC14 and SWP 2008 Policy DC3.

Landscape and Visual impact

Policy context

229. Included in the core planning principles of the NPPF is the requirement for planning to take account of the different roles and character of different areas "*recognising the intrinsic character and beauty of the countryside*" (para 170). The impact on the natural

⁸¹ 'Compliance with the Landfill Directive when depositing inert waste in water', Technical Guidance 30_18, dated 18 January 2018

environment including from visual intrusion and on the landscape are matters to be considered in determining planning applications to ensure permitted mineral workings do not have unacceptable adverse impacts.

230. The SMP 2011 acknowledges that mineral working can result in significant changes to landscape character, both during the operational life of sites and following restoration. Policy MC14 requires proposals to assess and where necessary mitigate the visual impact of proposals and impact on landscape (appearance, quality and character) and any features that contribute to its distinctiveness. Assessment of the visual impacts on landscape and the character of the area is a key development requirement for the [Watersplash Farm preferred area](#).
231. As set out at the start of this Environment and Amenity Section, Spelthorne Borough Council objectives and development plan policies include protecting and improving the quality of the environment, including the landscape and that planning permission will be refused where development will have a significant harmful impact on the landscape (Strategic policy EN8). The contribution mineral working has had on the landscape in some parts of the borough, and legacy of poorly restored minerals workings, is identified as an issue with the borough council looking for timely restoration to a high standard of current and proposed workings.
232. Landscape character assessments have long been promoted by the Countryside Agency (now part of Natural England), who published their final guidance on “Landscape Character Assessment” in 2002 and National Map identifying broad landscape character areas throughout the whole country, of which six are identified in Surrey. [The Surrey Landscape Character Assessment \(LCA\) 2015](#) is a comprehensive assessment of the landscape character of the county and replaces the 1997 character assessment “The Future of Surreys Landscapes and Woodlands”.
233. The 2015 LCA identifies 21 landscape types in the county with the application site within the River Floodplain (RF) landscape type and Ash River Floodplain (RF2) character area with the Thames River Floodplain RF3 character area immediately to the south between Fordbridge Road and the River Thames.
234. The application site is in the River Floodplain (RF) landscape type and Ash River Floodplain (RF2) character area. RF2 is described as a disjointed character area, largely define by the flood zone associated with the River Ash and incorporating some small adjacent areas of land annexed from the wider landscape by settlement. Key characteristics of the character area include the underlying geology (London Clay with sand and gravel superficial deposits), flat low lying floodplain associated with the River Ash to the north of the wider Thames floodplain, contained and disjointed by surrounding settlement and urban infrastructure, small to medium scale pastoral fields and occasional arable fields, lakes and earthworks from gravel extraction, tree cover mainly associated with Waterbodies, distant views largely contained by settlement and urban infrastructure, relatively limited number of public rights of way and limited formal access to the River Ash.

The Development

235. The land at Watersplash Farm is a flat, low lying area of open farmland surrounded by perimeter vegetation with the River Ash running through it situated between Shepperton and Upper Halliford and to the north of the River Thames. As can be seen in Figures 1, 2, 3 and 4 the landform is very uniform and flat. The land west of the river is one large area of open farmland through which runs public right of way, Footpath 53. This part of the site is bounded by an established mature hedgerow and tree belt along the northern boundary with the adjacent property (Cuckoo Pound) and the River Ash. The section of the riverbank as it passes through the site is more open with semi natural grassland and individual trees along it and Watersplash Farm complex before the river runs under

Fordbridge Road. Along the southern boundary this part of the site is bounded by the Watersplash Farm complex, Watersplash Cottages and a mature established 2.5 m high hedgerow (with trees) to with Fordbridge Road beyond to the south west corner. Along the western boundary of the site is a 10 to 15 metre wide mature established tree belt with Gaston Bridge Road beyond on the east. As referred to in paragraph 9 above some of the mature vegetation was as advance screen planting in the late 1950s/early 1960s to provide screening for any future working of the land.

236. The land east of the river is two large fields bounded by an area of more recent advance tree planting to the north, and established hedgerow and tree belts to the east and south and established hedgerows and River Ash to the west.
237. The existing perimeter vegetation around the site restricts views into the application site from the surrounding roads, residential properties, commercial and other land uses. Although there are views direct into the site from some locations at field entrances and through the boundary vegetation in some places (such from the land adjacent to the eastern section of the land west of the river) the boundary vegetation on the whole prohibits or restricts direct views into and out of the application. As the boundary vegetation is largely deciduous the degree of screening it provides is seasonal with glimpsed/filtered views available through the hedgerows and tree belts when not in leaf. Users of footpath 53 have unrestricted views over the application site west of the river and partial views of the parts of the land to the east.
238. Local residents have raised various concerns and objections about the landscape and visual impacts of the proposed development and restoration scheme and after-use including: size of screen bunding along the Gaston Bridge Road boundary should be 6-8m high (2.5m bunds not considered adequate to completely screen operations), and that the deciduous tree belt along the Gaston Bridge Road boundary only provides seasonal screening.
239. Included in the ES submitted with the planning application are an Arboricultural Impact Assessment (AIA)⁸² and a Landscape and Visual Impact Assessment (LVIA) which assess the impact of the proposed development. A 25 year outline management plan has been submitted for the land to be restored to nature conservation afteruse (field margin areas and land east of the River Ash).
240. The AIA assessed the impact of the proposed development on the existing trees within and adjacent to the application area assessing the condition and amenity value of trees and vegetation which may be affected⁸³ and identifying, where necessary, appropriate mitigation measures to remove or reduce any impacts. Following the AIA the application was amended to revise the extent of the extraction area within the site⁸⁴ to protect the vegetation and other mitigation measures, such as erection of protective fencing, set out on a tree protection plan. Eight (8) trees would be removed to in order for the access off Gaston Bridge Road to be constructed. These would be replaced on completion of the development as part of the restoration works together with additional tree planting undertaken on the land east of the River Ash as part of the proposed restoration scheme.
241. The LVIA considered the landscape and visual impact of the proposed mineral working and restoration within the local area and landscape setting and in terms of impact on landscape character and visual amenity. The LVIA took account of the local visual and landscape characteristics of the site and surrounding area and assessed the different

⁸² Volume 5 April 2014 Appendix 6 (Arboricultural Impact Assessment dated August 2013, Tree Constraints Plan Reference L3/648/2/RevA and Tree Protection Plan Reference L3/648/3/RevA)

⁸³ The assessment was undertaken using British Standard S5837:2012 "*Trees in design, demolition and construction, Recommendations*".

⁸⁴ The revisions to the extraction area resulting in sterilisation of some 93,000 tonnes of mineral and reducing the void to backfill by some 48,000m³.

stages of the development (site establishment stage, operational stage (phased extraction and progressive restoration) and post restoration) in terms of landscape change, impact on local landscape character/quality and visual impact.

242. The LVIA identified that the proposed development would impact on landscape character and in visual impact terms from the: (a) site establishment works (including removal of 8 trees at the site entrance, construction works associated with the site access and road, the establishment of the plant site, erection of the bailey bridge across the river and soil stripping and bund formation); (b) phased extraction and progressing backfilling and restoration operations (from the presence and use of the site entrance, the presence of perimeter screen bunds, the presence and operation of the processing plant, extraction and backfilling operations, presence and use of the hoppers and conveyor belt system for transporting sand to the processing plant, the movement of mobile plant and vehicles within the site, progressive soil and overburden stripping and placing in bunds or directly placed as part of the phased restoration, phased removal of perimeter screen bunds and use of soils in phased restoration, and removal of the processing plant site and access and other restoration operations such as planting and aftercare); and (c) the restored site (the restored land and afteruse and bailey bridge across the river).
243. The assessment identified that the impact would vary during the different phases and the degree of impact would vary depending on which operations were taking place and where within the site.
244. The assessment concluded that the landscape impact during the site establishment and operational phases would be large in terms of scale of works and of Moderate-Major significance, but changes would be largely local in scale due to the phased operations and short duration of the works during the site establishment phase. During the operational phases the landscape impacts would be largely confined within the site due to the screen bunds and perimeter vegetation and not significantly impact on wider landscape character.
245. Following restoration and aftercare the proposed restoration to agriculture west of the river at original levels with replacement planting of the 8 trees removed to construct the access, nature conservation field boundaries and hedgerow planting (adjacent to footpath 53 and along Fordbridge Road) was considered to be in character with the existing landscape character at the site. The LVIA concluded the planting to the west of the river and improvements to the river corridor involving shallow open water, reed beds, flood meadow grassland and wet woodland planting to the east, together with the additional public footpaths, would involve a change in the character of the landscape at the site but one which contributed positively to the local landscape and local population and in the longer term would of a significant benefit.
246. In terms of potential impacts on visual amenity the LVIA identified that potential views of the development were from Footpath 53 and from roads, properties (residential, commercial) and land surrounding the site. It assessed the impact on road users, footpath users and residential properties from a number of viewpoint locations around the site at points to the north, east, south and west of the site. It identified that the most significant and adverse visual impacts would occur at visual receptors at locations close to the site, including users of Footpath 53 and residential properties off Gaston Bridge Road opposite the western boundary and in the vicinity of the proposed access off the Gaston Bridge/Green Lane roundabout. The LVIA identified that footpath users and residential properties with views of the roundabout opposite the proposed entrance would have direct uninterrupted views of part of the development.
247. The impact at residential properties and on road users would be greatest during the site establishment phases when: soils are being stripped and screen bunds constructed; the access off the roundabout and access into the site constructed; formation and

construction of the processing plant site and again during the removal of the bunds, processing plant, access road and access. For the properties opposite the access the impact would be adverse for the duration of the development due to the presence and use of the access.

248. The degree of impact at residential properties elsewhere around the site and what could be seen would be influenced where they are located relative to the site and proposed development, the orientation relative to the application site, type of property, floor of property and intervening development and vegetation.
249. The assessment identified that there would be significant views from residential properties opposite the site along the rest of Gaston Bridge Road but the impact of the significance would be less than opposite the site entrance due to the existing tree screen along the site boundary, proposed soil screen bunding, and phased extraction and restoration operations.
250. The assessment identified that the nature of the boundary vegetation along Gaston Bridge Road would allow screened views of the perimeter screen bunding. In some locations along the road all views into the site beyond the bunds would be screened. In other locations from road level and ground floor locations views into the site would be screened by the screen bunds but there would be filtered views above the bunds of the plant site structures and extraction in the eastern parts of the site from upper storey levels.
251. From viewpoints assessed to the north, east and south of the site the assessment concluded the impact in views would be more limited due to the distance, orientation of residential property and intervening development vegetation and that any impacts would be of moderate impact significance, and not considered of material importance.
252. The LVIA identified there would be significant views of the site from Footpath 53 on its current route through the western part of the site and when temporarily diverted from commencement of Phase 2 onwards. There would be direct open views of the development prior to diversion, and along the diversion route as the route runs adjacent to the screen bunding and passes across the vehicle crossing point over the River Ash from where there would be views into the processing plant site and views over the silt and water lagoons and land east of the river. On completion of the development and reinstatement of the footpath on the existing definitive route views to the west, land in agricultural use, would be similar to existing with the exception of the new hedgerow on the east which would affect views over the land between the path and river and land beyond, depending on the height of footpath users and hedge.
253. Mitigation measures to minimise the scale of the landscape and visual impact during the operational life of the site and enhance the local landscape character post restoration have been incorporated into the design of the development. These include protection of existing boundary vegetation and adjacent vegetation, phased extraction and progressive restoration, erection of temporary soil screen bunds of different heights including 5m high between Watersplash Cottages and the processing plant site, routing of the access road and erection of perimeter bunds along the first section of road to screen views into the site, grass seeding of screen bunds and phased removal so the bunds are in place for the minimum duration necessary to screen operations, temporary diversion of Footpath 53, and restoration at original levels and to agriculture west of the river and restoration proposals for the land east of the river to provide improvements to the river corridor and provision of footpaths to provide public access. The LVIA concluded that the proposed development would not have unacceptable impacts on landscape character or visual amenity.
254. The County Landscape Architect considers the applicant has adequately assessed the landscape and visual effects of the development and has no concerns given that

operations would be enclosed within bunding and existing vegetation. Appropriate mitigation and protection measures have been proposed and should be secured by planning condition, and other issues where additional information is required should be sought by condition.

255. Planning officers consider the current degree of enclosure of the application site within the existing boundary vegetation and setting in a flat landscape mean views into the application site are restricted and filtered. There would be an impact from the presence of the perimeter soil storage bunds behind the boundary vegetation of which there would be filtered views from many locations, and during their erection and removal but the impact would be short term and temporary. As well as their use for storing soils until required for use in restoration the bunds have visual and noise screening purposes. Residents have questioned whether bunding should be higher so as to prevent any views of the development, for example parts of the processing plant and distant views of operations in the eastern part of the site from upper floors of residential properties on Gaston Bridge Road. Planning officers consider the height of the bunds proposed in the application are appropriate and meet the necessary requirements for mitigating the visual impact of the development and noise attenuation purposes.
256. The screen bunds would be temporary in nature and removed when no longer required for mitigating the impact of operations on the site. The duration of any short term visual and landscape harm from the presence of the bunds has to be balanced against the need for the mineral and the noise and visual screening purposes of the bunds.
257. The impact on views, the amenity and enjoyment of the local landscape experienced by users of Footpath 53 would be significant and is acknowledged in the LVIA. The impact would be both when using the path on the current definitive route and temporary diversion. Instead of views across open farmland users would view the different activities and operations involved during site establishment and mineral extraction in Phase 1 east of the river. On the diverted route footpath the users experience would be of views of the perimeter soil bunds running adjacent to the route, the processing plant site at the bridge crossing point and operations east of the river. There would be an adverse impact on Footpath 53 throughout the duration of the proposed development from a visual perspective and change in the local landscape setting from current agricultural operations to a mineral development. In the longer term post restoration footpath users would again have similar views as existing over the land to the west. Looking east the outlook would be changed by the new hedgerow and restoration proposals east of the river but in landscape and visual amenity terms planning officers consider the changes would be beneficial in terms of local landscape setting and not detract footpath user's amenity and enjoyment of the local landscape.

Conclusion on landscape and visual impact.

258. In conclusion planning officers consider that subject to the implementation of the mitigation measures proposed in the planning application (AIA and LVIA), including agricultural aftercare scheme, secured by planning conditions and the 25 year aftercare and management of the land restored to nature conservation afteruse (secured by a s106 legal agreement) the proposed development complies with national and development plan policy relating to landscape and visual impact matters.

Noise

Policy context

259. The NPPF expects mineral planning authorities, in determining planning applications, to ensure that: (a) noise from new development does not have an unacceptable adverse effect on the natural 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; and (b) 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 (paragraph 205).
260. The March 2014 NPPG provides guidance and advice on how to assess and manage the noise impact of new development with specific guidance for assessing noise emissions from minerals extraction (part ID 27 Paragraphs 019 to 022). The NPPG states that applicants should carry out a noise impact assessment which identifies all sources of noise taking into consideration noise levels and characteristics, the proposed operating locations, procedures, schedules and duration for each noise source, the life of the proposed development, and likely impact on the surrounding neighbourhood. The guidance sets out matters to be considered for proposals for the control or mitigation of noise emissions. These include: considering the characteristics of the local neighbourhood; assessing the existing noise environment around the application site including background noise levels at nearby noise sensitive properties; and estimating the likely noise to be generated and its impact on the neighbourhood.
 261. Guidance is provided on how mineral planning authorities should determine the impact of noise. The NPPG provides noise emission standards and guidance on establishing noise limits, set through planning conditions, for day time 0700 to 1900 operations (normal working hours), evening operations (0900 to 2200) and night time operations (2200 to 0700) at noise-sensitive property. Limits are set for both the day to day normal operations such as extraction, movement of mineral between the working area and processing plant, mineral processing, and short term noisier activities such as soil stripping and replacement, screen bund construction and removal and works associated with construction and maintenance of site roads.
 262. For normal operations noise limits should not exceed the background noise level ($L_{A90,1h}$) by more than 10 decibels (dB) during normal (day time) working hours (0700 to 1900). In circumstances where a limit not exceeding the background by more than 10dB ($L_{A90,1h}$) will be difficult to achieve without imposing unreasonable burdens on the mineral operator the limit should be set as near that level as possible. In any event the total noise from operations should not exceed 55dB(A) $LA_{eq, 1h}$ (freefield).
 263. For the noisier short term activities involved in essential site preparation and restoration work temporary daytime noise limits, for periods up to eight weeks in a year at specified noise sensitive properties, of up to 70dB(A) $LA_{eq, 1h}$ (freefield), can be considered. This is regarded as the normal maximum for periods of up to eight weeks. If the short term activities are likely to take longer than eight weeks a lower limit over a longer period can be considered.
 264. Surrey County Council has produced its own '*Guidelines for Noise and Vibration Assessment and Control - Minerals, Waste and Other County Development*' March 2019. The Surrey Noise Guidelines are based on the approach set out in national guidance (NPPF) and associated guidance. The advice in the NPPF in terms of noise emissions and control of noise from mineral working, including noise standards/limits, although less detailed, remains broadly consistent with the Surrey Noise Guidelines.
 265. The Surrey Noise Guidelines set out noise levels and limits that would normally be appropriate at any noise sensitive area or development arising from different activities at a mineral site including different limits for temporary activities such as soil stripping and bund construction. The guidelines reflect the national maximum levels of 55dB(A) $LA_{eq, 1h}$ (freefield) and 70dB(A) $LA_{eq, 1h}$ (freefield). Within these upper limits and over the 24 hour period time, varying levels are set out for day, evening and night time periods, which operators should look to achieve with an upper limit set by planning condition.

266. SMP 2011 Policy MC14 requires assessment of the impact of noise, including that related to traffic, to be assessed and for proposals to demonstrate that there would not be an adverse effect on local communities and the environment. Assessing and identifying mitigation for potential impacts of noise on nearby residents from the proposed mineral extraction and processing is a key development requirement identified for the Watersplash Farm preferred area. SBC 2009 Policy EN11 Development and Noise seeks to minimise the impacts of noise and sets out a series of criteria by which to achieve this including measures to reduce noise to acceptable levels and ensuring provision of appropriate noise attenuation measures.

The development

267. As summarised in the Consultations and Publicity Section above, Spelthorne Borough Council, Green Street Action Group, Highfield Road Residents Association, Lower Sunbury Residents' Association (LOSRA), Sunbury and Shepperton Against Gravel Extraction (SSAGE), Shepperton Against Watersplash (SAW), the Lower River Ash Residents' Association (LRARA) and local residents have raised concerns and/or objected to the proposal on noise grounds.
268. The Borough Council have raised a very strong objection to the proposal. This is unless the CPA ensure that: a noise management plan is agreed; hours of operation are put in place to control the setting up of the site, transport movements associated with the erection of buildings, site operations and the operation of plant and machinery; and that provision is made for noise mitigation measures including bunding and enclosure of the processing plant.
269. The concerns and grounds for objection raised by residents associations and local amenity groups relate to: the general adverse impact of noise in a heavily built up residential area; the noise impact from additional HGV traffic; the adverse impact of noise on the enjoyment of residents' properties and gardens, concern that there should be no operations at night; the impact on the amenity of residents north east of the site on Halliford Road and Minsterley Avenue, which is exacerbated due to the prevailing wind direction, and the inadequacy of the mitigation proposed in terms of screening; that the bunds along the north eastern boundary of the site and on the north eastern side of the processing plant be increased in height to 5 metres with the latter being extended in length; that the bund along the north eastern side of the processing plant is increased in height and lengthened; and that the site boundary is amended so the northern extent to the east of the River Ash is south of the rear garden of 109 Halliford Road.
270. The noise implications of the proposed development have been assessed and submitted as part of the original ES (Volume 2, September 2012). The assessment includes baseline noise surveys undertaken in April, May and July 2009 adjacent to four dwellings at locations chosen as the nearest in each direction to the application site. These comprised: 1) Cuckoo Pound to the north of the site on the River Ash Walk between Rockford Close and Cuckoo Pound; 2) No 57 West Way to the west of the site; 3) Watersplash Cottages to the south of the site; and 4) Minsterley Avenue to the north of the site.
271. A series of noise conditions are proposed by the applicant. These include specific noise level limitations of 55 dB $L_{Aeq, 1 \text{ hour, free field}}$ for daytime operations at the site, except for temporary operations, applicable to each of the four chosen noise measurement locations. More stringent noise limits ranging between 50 to 55 $L_{Aeq, 1 \text{ hour, free field}}$ at the four locations are proposed in relation to daytime operations in association with the processing plant.
272. The noise from site operations has been assessed based on a worst case scenario. This indicates that, in the absence of mitigation, the proposed site noise limits would be

exceeded at all four measurement locations from routine site operations, and at two of the measurement locations from the static processing plant.

273. The assessment also considered the impact of temporary operations associated with topsoil and overburden stripping, bund formation and final restoration processes. These tend to be noisier than extraction and are usually unscreened. Such operations are exempted from nominal noise criterion in the Technical Guidance to the NPPF but must conform to a noise limit of 70 dB $L_{Aeq, 1 \text{ hour, free field}}$. They must not exceed a total of eight weeks duration at any noise sensitive properties in any twelve month period when they exceed the noise criteria for day to day operations. The applicant is proposing the imposition of a planning condition to reflect this requirement. The assessment concluded that the calculated noise levels for operations comply with a 70 dB $L_{Aeq, 1 \text{ hour, free field}}$ limit for temporary works in line with current Government guidance.
274. To mitigate the noise impact of the proposal, the processing plant itself will be enclosed. A series of noise attenuation bunds will be erected around almost all of the extraction and infill areas and between the plant site area and a few isolated dwellings to the south east at Watersplash Farm and Watersplash Cottages. The bunds generally range between 2 metres, 2.5 metres and 3 metres in height, with the bund south east of the processing plant 5 metres in height. However, to mitigate against flood risk, concrete culverts will be placed underneath all of the bunds at a spacing of 25 or 50 metres although no detailed assessment of the potential effects of noise passing through the culverts was made.
275. The noise was then reassessed with mitigation measures included at the four baseline measurement points with another five receiver locations also checked for completeness. This found that site noise levels would be at or below the suggested noise limit of 55 dB $L_{Aeq, 1 \text{ hour, free field}}$ at the dwellings other than Watersplash Farm. Here, a 2 dB(A) excess above the suggested site noise limit was indicated for work in the silt lagoon area within about 120 metres of the dwelling. As work within the radius of the dwelling at Watersplash Farm would take approximately 4 weeks, the applicant states that this could be regarded as a temporary operation and stresses that the assessment reflects a 'worst case' scenario.
276. All CEMEX plant equipment will be fitted with smart white-sound reversing alarms to reduce noise intrusion. Where reversing sirens or beepers are used on mobile site plant and give rise to noise problems, the assessment explains that the use of quieter or silent types of alarm or warning devices that are more environmentally acceptable should be explored.
277. In terms of traffic noise, the assessment states site vehicles would typically amount to around 17 HGV two-way movements per hour from and to the site access road from the local road system. Noise calculations indicate that the addition of the site traffic would increase the relevant $L_{Aeq, 16 \text{ hour}}$ and $L_{A10, 18 \text{ hour}}$ noise levels by less than 0.5 dB(A). A change of less than 1 dB(A) is normally considered to be negligible based on guidance from the government relating to highway design.
278. The assessment concludes that, with suitable mitigation incorporated, the relevant noise criteria as set out in the Technical Guidance to the NPPF would be met and that noise from the proposed site operations should be considered to be satisfactory.
279. The County Noise Consultant (CNC) was consulted on the proposals and requested: (i) an amendment to the proposals so that the four pre-loaded vehicles on Saturdays depart the site at 07.30 rather than 07.00; (ii) a noise assessment of the pre-loaded vehicle departures; (iii) clarification on noise level periods; and, (iv) further detail on the flood culverts and proposed noise attenuation. In addition, Spelthorne Borough Council requested that plant should be assessed against British Standard BS4141 (1997).

280. The applicant submitted an update to the ES (Volume 4, April 2014) in order to address the points raised during the consultation on the proposal. The statement agrees to the CNC's request to delay the four pre-loaded vehicles departing the site on Saturdays by half an hour until 07.30. The ES update includes an assessment of pre-loaded vehicle departures between 07.00 and 08.00 on a Saturday morning. The findings indicate that the calculated noise levels for site HGV movements on the access road are more than 5 dB(A) below the measured background noise levels and more than 10 dB(A) below the measured ambient noise levels. In relation to noise level periods, the applicant expressed a preference to use the 'dB LAeq, 1 hour, free field' noise limit as set out in the Technical Guidance on noise to the NPPF, rather than using a LAeq (30 minutes) noise limit in planning conditions as recommended by the CNC.
281. In terms of the flood culverts, the applicant submitted a drawing dated February 2014 showing 0.6 metre diameter piping through the base of the bunds, at 14 metre spacing within Flood Zone 2 and at 7 metre spacing within Flood Zone 3. The piping has the potential to allow noise through the bunds and this was assessed in order to ascertain whether any mitigation would be required. The assessment found that the increase in noise level due to the gap in the bund was 0.5 dB(A). As this was considered by the applicant to be insignificant, no mitigation such as acoustic flaps on the pipes was deemed to be required by the applicant. However, the assessment does conclude that the pipes are curved horizontally if possible so that there is not a direct line of sight through the pipes.
282. With regard to the request from Spelthorne Borough Council that the plant should be assessed against British Standards, the update to the ES points out that the relevant standard is actually BS4142 (1997) entitled, "*Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas*". It concludes that this is not appropriate in the context of noise standards set out in the Technical Guidance to the NPPF and is not necessary for any dwelling in the area. The update to the ES concludes that the proposal is therefore acceptable in noise terms for all aspects of the proposal including the processing plant, with noise mitigation measures incorporated.
283. In addition, the applicant is proposing to marginally raise bund heights in the northern part of Phase 1 from 2.5 to 3 metres. This is in response to resident concerns over potential noise intrusion and not because of any point raised by the CPA or the Borough Council. Even without this change, the applicant points out that the noise assessment has indicated that the development would meet the appropriate noise limits.
284. The CNC has considered the update to the ES submitted by the applicant and commented that the proposed precautionary flood culverts placed underneath the soil storage bunds would not degrade the performance of the bund as a noise barrier. However the CNC advised that it would be better if they were curved in the horizontal plane. In a further update to the ES (Volume 5, March 2016) submitted by the applicant, the applicant confirms that this can be achieved without impediment to potential flood water flows as the capacity of the culverts would not be prejudiced. Volume 5 of the ES also incorporates an earlier commitment from the applicant to construct an additional noise attenuation bund between the processing plant site and the River Ash. The bund would be 2.5 metres in height and has been proposed by the applicant in response to local resident's concerns about the impact of noise from the processing plant, and not at the request of the CPA or the Borough Council.
285. The CNC considers that the proposed development can be carried out within the provisions of the Surrey Noise Guidelines and raises no objection to the development overall subject to the imposition of planning conditions. These are in relation to site noise, hours of operation and hours for the dispatch of preloaded lorries. This is also subject to the provision of culverts through the noise bunds are curved in the horizontal plane.

Conclusion on noise matters

286. In conclusion on noise matters, Officers consider that noise can be adequately controlled and the proposal is acceptable and subject to securing controls through planning conditions the proposal is consistent with the aims and objectives of the NPPF, NPPG and relevant development plan policies.

Air Quality

Policy context

287. Dust impacts from mineral workings and air quality impacts from traffic generated by mineral developments are a source of concern to surrounding communities. This section of the report assesses the potential air quality and amenity impacts of the proposed development in terms of vehicle emissions and impact on air quality and the objectives of the Spelthorne AQMA, and dust as required by the key development requirements for the Watersplash Farm preferred area.
288. As set out in the Consultation and Publicity Section above air quality impacts are matters raised in objections. The areas of concern include effect of vehicle emissions on air quality and impact on the environment and health of local residents. The County Air Quality Consultant has raised no objection subject to a condition and Spelthorne Borough Council has removed their objection on this matter, subject to conditions.
289. Driven largely by EU legislation national air quality management is primarily concerned with protection of human health, but also concerned about biodiversity impacts. In relation to air quality paragraph 170, Section 15 Conserving and enhancing the natural environment of the NPPF, looks to the planning system to contribute to and enhance the natural environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution. To prevent unacceptable risks of pollution new development should be appropriate for its location and the effects of pollution on health, living conditions, and the natural environment taken into account when determining planning applications (paragraph 180). Paragraph 181 requires decisions to ensure any new development in Air Quality Management Areas is consistent with the local air quality action plan and takes account of the cumulative impacts from individual sites in local areas. Related guidance on air quality is set out in the national PPG.
290. The NPPF and guidance in the NPPG expect mineral planning authorities, through policies in plans and in determining planning applications, to ensure that mineral proposals do not have an unacceptable adverse effect on the natural environment or human health by “*preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution*” (paragraph 170). In relation to dust emissions from mineral development policy in the NPPF is that unavoidable dust and particle emissions should be controlled, mitigated or removed at source (paragraph 205).
291. The March 2014 national PPG provides guidance and advice on how to assess and manage the dust impact of new development, with specific guidance for assessing dust emissions from minerals extraction (part ID 27 Paragraphs 023 to 032). The NPPG states that where dust emissions are likely to arise, applicants should prepare a dust assessment study which should be undertaken by a competent person/organisation with acknowledged experience for undertaking such assessments.
292. The guidance advises that additional dust controls relating to suspended fine particulates (PM₁₀) might be necessary if a dust source at the proposed site is in close proximity to any residential property, or other sensitive use. Where residential properties or other sensitive receptors are within 1000 metres of the dust source, assessment of the

likelihood of the additional PM₁₀ contribution from the development leading to PM₁₀ levels likely to exceed national Air Quality Objectives should be undertaken (ID 27 Paragraphs 30 and 32). If not then good practice mitigation and control measures would be appropriate.

293. SMP 2011 Policies MC14 and MC15 require sufficient information to be submitted to enable the authority to be satisfied that there would be no significant adverse dust impacts and air quality impacts from vehicle emissions. SBC Policy SP6 (b) seeks to improve air quality in the borough and Policy EN3 requires air quality assessments for development proposals that involve a large number of vehicle movements and refusing development where significant adverse air quality impacts would result and not outweighed by other matters.
294. The air quality key development requirement for the Watersplash Farm preferred area requires applicants to assess the impact on the AQMA taking into account objectives set by the Borough Council's Air Quality Management Plan. The ES submitted with the planning application has assessed the potential impacts on local air quality, in terms of the generation of dust and emissions from vehicles transporting material to and from the site.

Air Quality Management Area

295. The whole of Spelthorne Borough is designated as an Air Quality Management Area (AQMA) due to levels of nitrogen dioxide (NO₂), mainly attributable to road traffic and Heathrow Airport. The AQMA does not apply to PM₁₀ particulate matter. Air quality from existing mineral workings and landfill sites in the borough are not identified as a source of emissions and concern in terms of air quality.
296. Spelthorne Borough Council monitors air quality and produces action plans on how air quality can be improved in the borough. For NO₂ the National Air Quality Objective is for Annual Mean Concentrations to be below 40ug/cubic metre (µg/m³). Within the borough NO₂ is monitored by continuous monitoring locations⁸⁵ and 47⁸⁶ diffusion tube monitoring locations, of which four are on roadside locations local to the application site⁸⁷. The 2014 Air Quality Progress Report for Spelthorne Borough Council reported that in 2014 apart from SP41 the levels were exceeded at the three other locations. Monitoring at SP41 since 2012 shows an upward trend, though was not exceeded in 2015⁸⁸. Nor were levels exceeded at the other three locations in 2015, but had been in previous years.
297. The Air Quality Overview for 2015 reports that levels of particulate matter (as PM10) monitored at the Heathrow Oaks Road continuous monitoring location for the past 11 years indicate there is a general downward trend of reducing concentrations of PM₁₀ and monitoring levels being below annual and daily thresholds. Although there is no obligation on the borough council to monitor PM_{2.5} this has been monitored since 2003 and shows a gradual decline with an annual average concentration in 2015 (9.6µg/m³) well below the Government's proposed objective of 25µg/m³. Levels of PM2.5 are reported as having reduced by over 30% between 2003 and 2013.

⁸⁵ Currently one at Heathrow Oaks Road. Two others were at Sunbury Cross (up to and due to be reinstalled for a 12 month period) and M25, J13 (up to 2010).

⁸⁶ In 2015 (SBC Air Quality Overview for 2015)

⁸⁷ SP10 Walton Bridge Road; SP11 Halliford Bypass; SP41 Green Street Sunbury; and SP55 Green Lane, Shepperton

⁸⁸ SBC Air Quality Overview for 2015

298. The Borough Council's 2018 Air Quality Annual Status Report⁸⁹ explains that in 2017 air quality monitoring showed a continuing trend of exceeding the annual mean objective at some but not all monitoring locations across the whole Borough AQMA, particularly at busy 'A' roads and major junctions. Correcting the results for distance to the residential properties from the kerb, no locations remained in exceedance of the annual mean objective.
299. In 2017 there were 4 monitoring locations where the annual average nitrogen dioxide levels exceeded the national air quality objective, of 40µg/m³. None of these locations are local to the application site. The also report concludes that results of monitoring over the past fifteen years indicate that there has been a noticeable trend of reducing concentrations of particulate matter (as PM₁₀) as an annual average and in the number of days where the mean concentration is elevated above 50 µg/m³ between 2003 and 2015. Levels of annual mean PM₁₀ concentrations at each of the three continuous monitoring stations are well below the annual average air quality objective of 40µg/m³, at 33% to 52% of the air quality action level. It also goes on to conclude that at the midpoint, levels of PM_{2.5} in Spelthorne had reduced by 7.6% between 2010 and 2015 as a three year mean. Levels of PM_{2.5} reduced by over 30% between 2003 and 2013.

Vehicle emissions

300. A detailed assessment of the air quality impacts arising from traffic had not been provided in the 2012 ES as the screening assessment scoped it out⁹⁰. Spelthorne Borough Council requested a quantitative assessment of the potential impact from vehicle emissions as they were concerned about the proposed development altering the traffic composition on local roads due to the percentage increase in HGVs and the overall percentage of HGVs becoming greater than 10% with the development. Although the number of HGVs that would be generated on any road was under the 200 vehicle threshold the traffic generated would be HGV traffic. Air quality monitoring work in 2011 had found that while HGVs in Spelthorne typically only accounted for between 2-5% of traffic movements along the borough's roads, emissions from HGVs accounted for 42% of NO_x emissions from road traffic sources.
301. Further information was submitted in respect of the air quality impacts associated with traffic following publication of updated guidance in May 2015 by Environment Protection UK and Institute of Air Quality Management (IAQM) on planning for air quality⁹¹, which lowered the threshold number of movements per day on any section of road that would trigger the need for a detailed assessment within or adjacent to an AQMA from 200 to 25 Heavy Duty Vehicles. The assessment reviewed local monitoring data together with data available from the Defra maps to establish background concentrations for the key traffic-related pollutants nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}), predicted annual-mean NO₂, PM₁₀ and PM_{2.5} concentrations with and without the generated traffic at four receptors on the A244. For all pollutants, the applicant has predicted that the change in pollutant concentration is below 0.5% of the EU Limit Value/Air Quality Strategy objective.
302. The quantitative air quality assessment of potential HGV vehicle emissions concluded that the worst case air quality impacts associated with the HGV traffic associated with the development would have a negligible impact and therefore was not considered to be significant, and no mitigation was necessary.

⁸⁹ [Spelthorne Borough Council Air Quality Annual Status Report, June 2018](#)

⁹⁰ Scoped out as the number of vehicle movements that would be generated by the site did not exceed the threshold of 200 HDV movements per day on any section of road that would trigger the need for a detailed assessment.

⁹¹ This guidance has been updated since – '[Land-Use Planning and Development Control: Planning for Air Quality, January 2017](#)'

303. Following assessment of the additional/clarifying information Spelthorne Borough Council has removed air quality from their grounds for objecting, subject to imposition of a suitable condition relating to the 20 company HGVs which would be based at the site relating to emission limits (London Low Emission Zone (LEZ) compliant and the positioning of exhaust pipes. However, such a condition would not meet the statutory tests under planning, as the County Air Quality Consultant has reviewed the submitted air quality assessment and agrees with the findings that the air quality effects from vehicle emissions are not likely to be significant.

Nuisance dust

304. Dust can be generated at mineral sites from a range of activities and processes including site preparation (soil stripping and bund construction), excavation, stockpiling, loading and transport of excavated mineral to the processing plant, minerals processing and restoration. Other factors such as weather conditions, including wind, precipitation and temperature will also influence dust generation and movement. Dust emissions can impact on adjoining land uses including living conditions and the natural environment.
305. Dust is a generic term used to describe particulate matter of different sizes, shapes and compositions in the size range 1–75 µm (micrometres) in diameter. Small particles that are less than or equal to (\leq) 10 µm in diameter are commonly referred as PM₁₀. There are two issues concerning airborne dust from surface mineral workings: the impact upon residential amenity by causing a nuisance; and the impact upon health.
306. Small particles (PM₁₀) are associated with effects on human health and only make up a small proportion of the dust emitted from most mineral workings. These are deposited slowly and may travel 1000m or more from the source but their concentration will decrease rapidly on moving away from the source due to dispersion and dilution. Larger particles (greater than 30µm (µ = microgram)) make up the greatest proportion of dust emitted from mineral workings, including sand and gravel sites, and will largely deposit within 100m of sources, with intermediate particles (10 - 30µm) being likely to travel up to 200-500m. Large and intermediate particles are often referred to as *nuisance dust*.
307. The ES identified that Spelthorne Borough Council's monitoring of PM₁₀ had not shown exceedances of the annual average PM₁₀ objective, and the borough council's assessment of local sources of dust suggested that dust from quarrying was unlikely to contribute to local/background levels of PM₁₀.
308. The ES assessed the nuisance dust implications the proposed development following the guidance which was current at the time⁹². The assessment reviewed local meteorological conditions (wind and rainfall), the potential dust sensitivity of neighbouring receptors (landuses and ecological receptors), site characteristics such as vegetation cover, site design, sources of dust from the proposed development and site management and dust control techniques. A site dust management plan which includes monitoring would be implemented and mitigation and dust control techniques employed. These would relate to: soil stripping and handling, extraction, haul road and conveyor movements, loading and unloading of mineral, mineral processing, stockpiles, and vehicle movements and housekeeping. The assessment concluded the potential risk of emissions from the site was low and that the scheme could result in a 'moderate/low' risk of dust nuisance.
309. Local residents and residents' associations have raised dust and air quality as a concern in respect of nuisance dust and potential health impacts from dust and vehicle emissions. The County Air Quality Consultant considered the dust assessment to be robust and the proposed mitigation measures to be appropriate and recommends securing these by planning condition to require the submission and approval of a Dust Management Plan. Spelthorne Borough Council have not objected on air quality grounds subject to the

⁹² Which included Technical guidance to the NPPF and Mineral Policy Statement 2 Annex 1: Dust

submission and approval of a Dust Management Plan and emission limits and exhaust positioning of the applicant's fleet of vehicles based at the site.

Conclusion on air quality

310. While the concerns of local residents and RA's are acknowledged, no objection has been raised by Spelthorne Borough Council and the County Air Quality Consultant subject to provision and approval of a Dust Management Plan. Planning officers consider appropriate dust and air quality assessments have been undertaken. These show that vehicle emissions are not likely to be significant in air quality terms and that the proposed development and mitigation and control measures proposed, should ensure there would be no significant adverse impact from nuisance dust on nearby receptors, or air quality impacts from vehicle emissions. As such planning officers consider the proposal is consistent with the aims and objectives of national policy and guidance and relevant development policies relating to air quality.

Rights of way, leisure and recreation

Policy Context

311. National policy in the NPPF identifies the planning system as playing an important role in promoting healthy communities. The NPPF looks for planning decisions to retain and develop accessible local services and community facilities such as open space (paragraph 83); and should aim to achieve healthy, inclusive and safe places that enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure that encourages walking and cycling (paragraph 91). Planning decisions should also protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users (paragraph 98).
312. SMP 2011 Core Strategy Policy MC14 seeks to protect public open space, the rights of way network and outdoor recreational facilities from significant adverse impacts arising from proposed mineral development. In relation to local amenity and Footpath 53 the key development requirements for the Watersplash Farm preferred area are for it to be diverted and suitable unworked margins left to protect users.
313. The Spelthorne Borough Core Strategy and Policies DPD 2009 identifies recreation as a significant land use in the borough. Sport and recreation facilities are recognised as having an important part to play in people's wellbeing and quality of life with continued and increased participation in sport and recreation recognised as contributing towards the Government's aim of improving the general health of the nation. Protection of existing facilities is seen as important and through Policy EN4 the borough council seeks to ensure there is sufficient, well sited and suitable open space to meet a wide range of outdoor, recreation and open space needs.

The development

314. Public footpath No 53 crosses the western part of the application site from Gaston Bridge south of Cuckoo Pound in the north-west to Fordbridge Road. The proposed development will require the temporary diversion of the footpath. As shown on Plan 4 from Fordbridge Road the temporary diversion route would run between the soil screen bunding and Fordbridge Road and then behind Watersplash Cottages and the Watersplash Farm buildings to link up with the western bank of the River Ash. It would then follow the River Ash northwards passing between the river and bunds and the processing plant site and alongside the boundary of the Cuckoo Pound property to link up with the existing (definitive) route and Gaston Bridge Road.

315. The route of the footpath would be protected by fencing prior to diversion and along the diversion route. At the crossing point over the access road and where the route passes over the from the processing plant site to the bailey bridge over the river gates and warning signs would be erected in order to provide safe crossing points.
316. Footpath 53 would remain open along its existing route after which it would be temporarily diverted. It would then be reinstated along the definitive route. As part of the restoration proposals a section of the diversion route (between the river crossing point and the edge of the Cuckoo Pound property) would be retained and a new footpath created crossing the River Ash and linking up with a footpath through the land east of the river running from the Halliford Road in the north to Fordbridge Road in the south, as shown on Plan 7.
317. Users would be able to use the current footpath or diverted footpath throughout the life of the development, although the route of the diverted footpath would be longer than the existing definitive route. Measures designed to reduce or mitigate the impact of the development on the route of the footpath and users include phased working and restoration, hours and days of operation and use of screen bunding (noise and visual screening), fencing and dedicated crossing points (at the site access road and river crossing points).
318. For the duration the scheme the development has the potential to result in short term effects on footpath users from changes in the nature and character of the land and noise and visual intrusion impacting on the enjoyment and amenity of footpath users. These impacts have been assessed in the landscape and visual impact and noise sections of this report. Planning officers consider the impacts would be short term and limited in duration and any harm is outweighed when balanced against the need for the mineral, the environmental benefit of mitigation measures such as the soil bunding, and the improvements to the public right of way network through the provision of the public amenity area new footpath route over the land east of the river and linking to Footpath 53.
319. It should be noted that the grant of planning permission does not give the right to divert, extinguish or obstruct any part of the public footpath. In the event planning permission is granted a formal diversion order will be required for the temporary footpath diversion. To facilitate this the planning application proposal includes seeking to establish the right to temporarily divert Footpath 53 for the duration of the extraction and restoration operations.

Conclusion on rights of way, leisure and recreation

320. As summarised in the Consultation and Publicity Section above local residents and interested parties have raised concerns about the impact of the proposal on the public footpath and loss of recreational opportunity. However, no objection has been raised by the County Rights of Way Officer and planning officers consider, subject to conditions, appropriate provision has been made in the application to protect the route and users of Footpath 53 such that there would be no loss of public access to the countryside and recreational opportunity and that the proposed development is in accordance with relevant national and development plan policy on such matters.

Biodiversity and ecology

Policy Context

321. The NPPF explains that planning decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing sites of biodiversity value and soils; b) recognising the intrinsic character and beauty of the countryside, and the wider

benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and c) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (paragraph 170).

322. When determining planning applications, the CPA should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity (paragraph 175)..

The development

323. As summarised in the Consultation and Publicity Section above, a number of objections have been received on biodiversity grounds relating to the River Ash and impact on protected species and wildlife and habitats within the application site and surrounding area, including the Swan Sanctuary to the south of Fordbridge Road. The Spelthorne Natural History Society has questioned the assessment of the impact of the bailey bridge and conveyor belt and silt and water pipes crossing along it on the river. SWT have referred to opportunities and potential to improve habitat for water voles and otters along the river bank as part of the restoration⁹³. Green Street Action Group has raised concerns over the loss of established trees to facilitate the creation of the site access.
324. The ES⁹⁴ accompanying the planning application has assessed the potential impact of the proposed development on ecology and biodiversity interests at the application site and surrounding area including statutory and non-statutory nature conservation sites. Further information was provided assessing the impact on the River Ash⁹⁵.
325. The Ecological Assessment submitted as part of the ES found that the habitats present in the site are common and widespread with no exceptional features although the River Ash is a SNCI. Consequently, there will be no effects on protected species resulting from the proposals. It concludes that the proposed development will have very low negative effects on species and habitats of local importance only. The applicant considers that the restoration proposals will result in moderate positive gain to biodiversity.
326. A key objective of the restoration scheme is the achievement of enhanced habitat creation and diversity and therefore greater biodiversity. In this instance, the applicant

⁹³ Provision of otter holt and ensuring bridges are clear span with bank available to allow safe passage in times of flood

⁹⁴ 2012 ES Chapter 13 with further information provided in the supplementary information Volume 4 (March 2014); Volume 6 (letter dated 29 September 2016); and Ecological Assessment dated October 2017.

⁹⁵ The river divides the application site in two with only the section and adjacent land at the river crossing point included in the site

has sought to strike a balance between the need to restore high quality agricultural land and restoring to a higher ecological value through the addition of new features such as hedgerows and flood meadow grassland.

327. The intention is to retain existing landscape and ecological features where possible. The applicant is then seeking to improve nature conservation and biodiversity value through proposals to enhance the River Ash corridor and the ecological value of the eastern part of the site with all planting comprising native species. The intention is to achieve this through the provision of additional hedgerow planting and the creation of fringe water reed bed areas. New hedgerows would be planted across the site which would create a former field boundary, enhance the adjacent footpath, and provide a link between established peripheral hedgerows and tree belts. A diverse wetland habitat will be created around the margins of the restored silt ponds. Additional wet woodland establishment by natural colonisation will be encouraged around the margins of the restored ponds and where necessary supplemented with appropriate planting.
328. The enhancements to nature conservation and biodiversity are designed to provide suitable habitat for priority bird species such as reed bunting, reed warbler, bittern, gadwall, and shoveller, and mammals such as water vole and otter, and great crested newts all of which are UK priority Biodiversity Action Plan (BAP) species. Further, the restoration will also provide opportunities for a range of terrestrial and aquatic invertebrate species, including common dragonflies and water beetles.
329. The applicant is also proposing to add ten metre wide field margins to the area of restored agricultural land west of the river. These would be established in the former soil bund areas and involve sowing of species rich grass seed mixes. The existing farm tenant has indicated that he would like to bring the land back into herb production. However, the land would initially need to be cereal cropped for at least the first few years.
330. The application is supported by a Biodiversity Action Plan (BAP) which aims to protect and enhance biodiversity across the life cycle of the site operations. This includes a baseline biodiversity assessment of the site and an action plan covering the operational and restoration phase, which will be delivered and monitored by a stakeholder Biodiversity Implementation Group that will meet annually. During the operation stage, bird and bat boxes will be put up around the site, sand martin management will be undertaken in early spring each year and 10 metre buffer strips will be maintained bordering the River Ash corridor to reduce nutrient run-off. Measures to be implemented during restoration comprise the planting of florally rich field margins around the restored agricultural fields and the restoration of the wetland habitats to create reedbeds, ponds, flood meadow grassland and wet woodland.
331. In response to initial concerns of the Environment Agency regarding nature conservation and the impact on the River Ash, a River Habitat Survey was undertaken by the applicant. This concluded that the proposal poses no risk to the river or to its flora and fauna. Consequently, the Environment Agency has raised no objection to the proposed development in respect of nature conservation and the potential impact on the River Ash.
332. In addition, the Surrey Wildlife Trust raise no objection but have commented that the banks of the River Ash could be managed to improve them for Water Vole burrows as much of the site is situated within a Water Vole Alert Area. However, the river banks are situated outside the application site. They also recommend that the new bridge is clear span to allow passage of animals, particularly otters and the applicant has confirmed that this is what is being proposed.
333. The Spelthorne Natural History Society have raised concerns that the integrity of the River Ash might be compromised as there is no plan showing the location for the crossing of the conveyor belt and silt pipeline and that the river must be protected from

the risk of material being dropped into it. In response, the applicant has confirmed that they propose to place the conveyor on the bailey bridge and to attach the silt and water pipes to the underlying floor of the structure. As the pipes will be sealed, the applicant explains that there will be no opportunity for a rogue emission into the river. In the unlikely event of an emission from the conveyor, the applicant states that any fall of mineral will be captured by the bridge floor. Accordingly, the applicant maintains that it is unnecessary to assess the potential impacts because there is no possibility of a rogue emission to the river.

334. Initial concerns on the application raised by the Countryside Management and Biodiversity Manager (CMBM) including the possible need for further up to date ecological surveys and a commitment to provide a 25 year aftercare / management plan were addressed by the applicant in the updated ES (April 2014). Consequently, the CMBM raises no objection to the proposals. However, as any leakages from the pipelines beneath the bailey bridge would not be readily visible, the CMBM has recommended the imposition of a planning condition requiring a monitoring and maintenance programme to be put in place to ensure there are no leakages into the river. In addition, a further condition is recommended by the CMBM requiring barge boards on the bridge and a requirement for the bridge design to include a solid base to prevent any risk of material spillage from the conveyor into the river. The CMBM also recommends 25-year Ecological and Landscape Management Plan to be secured by legal agreement.

Conclusion on biodiversity and ecology

335. The potential of the proposal to impact on biodiversity interests at Watersplash Farm are limited to some extent by the nature of the application site and the findings indicating that the habitats found within it are common and widespread. Subject to implementation of the mitigation and protection measures outlined in the ES during extraction and processing operations, and the land restored, landscaped and managed in accordance with the Final Restoration Plan, and long term management of the restored site, which could be secured through a legal agreement, Officers consider no material adverse impact would result on biodiversity and nature conservation interests. In the longer term, the new habitats created and nature conservation after-use covering the eastern part of the restored site offer the opportunity for biodiversity and nature conservation enhancement. Accordingly, Officers consider the aims, objectives and requirements of national policy in relation to conserving and enhancing the natural environment and, relevant development plan policies have been met.

Heritage assets

Policy context

336. Part 16 of the NPPF relates to heritage assets. Here it is stated that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).
337. In determining planning applications the CPA should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 192). Further guidance is provided in the NPPG on the assessment of heritage assets when considering planning

applications. Applicants are required to describe the significance of any heritage assets affected, providing information proportionate to the asset's importance sufficient to enable the potential impact of the proposal on their significance to be understood. For heritage assets with archaeological interest an appropriate desk-based assessment and, where necessary, a field evaluation should be submitted.

338. SMP 2011 Policy MC14 requires the impacts in relation to the historic landscape, sites or structure of architectural and historic interest and their settings, and sites of existing or potential archaeological interest or their settings to be considered. The policy requires sufficient information and assessment to be submitted on the loss or damage to archaeological resources such that appropriate mitigation measures can be identified so as to minimise or avoid any material adverse impact and compensate for loss. Key development requirements for the Watersplash Farm preferred area require proposals to demonstrate *“proposals will not cause unacceptable harm to the character and setting of the Upper Halliford conservation area; area lies within an area of high archaeological potential so prior archaeological assessment and evaluation is required.”*
339. SBC Strategic Policy SP6 Maintaining and Improving the Environment and Policy EN5: Buildings of Architectural and Historic Interest seek to preserve and protect the borough's cultural heritage architectural and historic heritage including historic buildings and Conservation Areas.
340. SBCLP 2001 Policy BE24 states there is a presumption against development which would affect a scheduled or any other nationally important ancient monument or its setting and that development adversely affecting a site or monument of County importance will not be permitted. Policy BE25 that for development proposals in areas of high archaeological potential a field evaluation should be carried out where an initial assessment has shown that important archaeological remains may exist, and that conditions should be imposed to ensure that damage to any remains is minimal or avoided.
341. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a material consideration in the determination of planning applications which have the potential to impact on designated and non-designated heritage assets. Under section 66 the county council is required when considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or features of special architectural or historic interest which it possesses. Section 72 requires the authority to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The development

342. The area in which the application site is situated is rich in archaeological and cultural heritage terms. Comments from consultees and matters raised by third parties and residents on heritage issues are summarised in the Consultation and Publicity Section above. Residents are concerned about the potential impact on and loss of heritage assets from the proposed development. No objection has been raised by the County Archaeological Officer and Historic Buildings Officer.
343. The ES submitted with the planning application has assessed the potential impact on heritage assets at the site and in the surrounding area. This was updated in 2016 to take account of changes in guidance published in 2015 by Historic England and arising out of case law relating to assessment of heritage assets.
344. The assessment identified that within the planning application site boundary there were four areas of high agricultural potential which together comprised some 9ha of the 28 ha

site area. There are no Scheduled Monuments (SM) at or within the immediate vicinity of the site, the nearest is a prehistoric barrow 1.3km to the north east. As well as the Upper Halliford and Lower Halliford Conservation Areas there were eight Grade II Listed Buildings and 10 Locally Listed Buildings (on Russell Road, Walton Lane and Halliford Road) in the wider area around the site. There were no listed buildings or locally listed buildings within the site.

345. The listed buildings are Halliford Manor Grade II listed railings and gate piers 170m to the north east of the site and the others at Lower Halliford between 200 and 500m to the south west: the Old Manor House, Battlecrease Hall and entrance wall, Dunally House and walls and Elmbank House.

Archaeology

346. The four areas of high archaeological potential have been investigated by trial trenching in 2011 in accordance with a Written Scheme of Investigation. In addition the National Monuments Record (NMR) and records held by Surrey County Council Historic Environment Record have been examined.
347. The investigations found Middle to Late Bronze Age remains and finds, crop marks and features dating from the Mesolithic to the modern period within 500m of the site. This includes Second World War bomb craters and within the western area a network of possible criss-crossing anti-glider banks. Evidence on aerial photographs showed that by 1953 these had been ploughed through and filled. Historic mapping dating from 1754 onwards appears to depict a south to north trackway crossing the site considered likely to be an early route between the ferry at Walton and Upper Halliford and the track, on different routes appears on various maps but is not shown by the 1904 Ordnance Survey map.
348. The significance of the Middle to Late Bronze Age known archaeological assets within the site were assigned a medium to low value and the possible early routeway and possible criss-crossing anti-glider defences a low value. The assessment identified that the magnitude of the potential impact of the proposed development on these known assets, and on any as yet unknown archaeological features within the site would be major adverse and would require mitigation.
349. The mitigation proposed is a programme of archaeological work for which a Written Scheme of Investigation (WSI) would be submitted and approved by the CPA and could be secured by planning condition. This would allow any assets present in the site to be identified and then depending on the significance of the find, excavated and recorded preserving them by record, any assessed to be of National Significance may require preservation in situ. The assessment concluded that the residual effects upon any archaeological assets would be neutral.

Listed buildings, Conservation Areas and Historic Landscape Character

350. The assessment considered these heritage assets and their setting. The significance of the Grade II Listed buildings was considered to be of Medium Value and the locally Listed Buildings of Low Value, Upper Halliford Conservation Area Medium Value, and the historic landscape character of the site of Low Value. Apart from Highfield Manor, there would be no direct impacts on Listed Buildings or Locally Listed Buildings. The magnitude of the potential impact of the proposed development on them was No change to the setting of the Listed Buildings, Locally Listed Buildings and Conservation Area. The magnitude of the impact on Highfield Manor was Moderate Adverse. The magnitude upon the historic landscape character was Minor Adverse.
351. The predicted change and significance of the effect was No change and Neutral for the Grade II Listed buildings. For the Locally Listed Buildings, except Highfield Manor, and

Upper Halliford Conservation Area it was No Change and Neutral. For Highfield Manor the change to the setting was of Moderate Adverse magnitude and the significance of the effect Slight Adverse. For the Historic Landscape Character it was Minor Adverse and a Neutral/Slight Adverse predicted significance of the effect.

352. For Highfield Manor Locally Listed Building the residual effect during operations would be Slight Adverse and on completion of restoration Neutral. For other Locally Listed Buildings, Listed Buildings and the Conservation Area the residual effect would be neutral both during operations and after restoration. For the Historic Landscape Character which would remain unchanged and unmitigated the effect is assessed as Slight/Neutral.

Conclusion on heritage assets

353. There are known and unknown heritage assets at the site and in the vicinity and the proposed development has the potential to impact on the assets and their setting. No objection has been raised by the County Historic Buildings Officer and the County Archaeological Officer, subject to securing the implementation of a programme of archaeological work for which a Written Scheme of Investigation will need to be submitted for approval. This can be secured by planning condition. Officers consider an appropriate assessment has been undertaken to assess the potential impact on heritage assets at the site and in the vicinity, and that the proposed development would not harm the setting or significance of heritage assets within the vicinity of the application site, and therefore meets the requirements of relevant national and development plan policies.

Restoration, agriculture and aftercare

Policy context

354. Government guidance relating to restoration of mineral workings looks to planning authorities to put in place policies in plans to ensure land where mineral working has taken place is restored at the earliest opportunity, taking account of aviation safety, to a high quality (NPPF Section 17 paragraph 205).
355. The national PPG (ID 27 paragraphs 036 to 049) provides more detailed guidance on restoration and aftercare of mineral workings. Paragraph 040 advises on the level of detail required and states that for proposals involving *“the best and most versatile land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer term capability, though the proposed after-use need not always be for agriculture”*.
356. Restoration schemes should indicate how restoration and aftercare is to be integrated with the working scheme and demonstrate the suitability of the proposals to the proposed after-use. For short term working detailed conditions relating to restoration and aftercare requirements are appropriate. In relation to financial guarantees the guidance states that the responsibility for the restoration and aftercare of mineral sites lies with the operator. The operator is a Member of the Mineral Products Association Restoration Guarantee Fund (MPA RGF) which provides guarantees to planning authorities against a restoration default and is endorsed by Government within the national PPG (para. 48, as referred to above). Therefore it is not necessary for the CPA to seek a financial guarantee.
357. Minerals can only be worked where they are found. In Surrey exploitable sand and gravel resources are concentrated in north west Surrey, impacting on communities and the landscape in Spelthorne Borough. Proximity to residential areas and need to protect local communities from adverse effects of working, airport safeguarding, flood risk, water supply and biodiversity constraints has influenced restoration and aftercare proposals at current and former mineral extraction sites. These matters also affect the allocation of

land in the minerals plan and sequencing of when land identified as suitable for working is worked.

358. For mineral working to be permitted in the Green Belt SMP 2011 Policy MC3 requires the land to be “*restored to beneficial after-uses consistent with Green Belt objectives within agreed time limits*”. Agricultural and nature conservation uses are appropriate to the designation and objectives for the use of land in the Green Belt. Green Belt issues are assessed in more detail later in the report.
359. SMP 2011 Policy MC17 states that mineral working will only be permitted where the county council is satisfied that the site can be restored and managed to a high standard, for sites to be restored progressively where appropriate, and restoration completed at the earliest opportunity. Applicants are expected to agree a scheme for restoration detailing how the land will be restored and managed before, during and after working. Restoration should be sympathetic to the character and setting of the wider area and capable of sustaining an appropriate after-use.
360. To facilitate the objective of achieving a high standard of restoration and land is brought back into use, the Minerals Site Restoration Supplementary Planning Document (SPD) 2011 provides best practice advice and indicative restoration schemes for the preferred areas identified in the minerals plan. In addition to restoration, a key objective of the minerals plan is environmental enhancement. This involves looking for opportunities to secure a range of different environmental enhancements before, during, and after restoration such as enhancing the setting of heritage assets or public access, or meeting biodiversity targets.
361. National policy for waste is set in the [National Planning Policy for Waste 2014 \(NPW\)](#). The Government’s ambition is to work towards a more sustainable approach to resource use and management with planning playing a role through delivery of more sustainable waste management by driving waste management up the waste hierarchy⁹⁶. Although national and development plan policy for waste is seeking to move away from landfill the importance of landfill in restoring current and former mineral workings is still recognised.
362. The Surrey Waste Plan 2008 recognises the importance of restoring mineral sites; the important part landfilling with waste materials plays in this, and the need to ensure restoration of mineral workings is not prejudiced by lack of suitable material and sets out policies on waste related development in Surrey. In this regard Policy WD7 states that planning permission will only be granted for waste disposal by landfilling, landraising or engineering provided the waste to be disposed of cannot practicably and reasonably be reused, recycled, or processed or may otherwise be required for the restoration of mineral workings and the proposal is both essential, and involves the minimum quantity of waste for, amongst other circumstances, the purpose of restoring current or former mineral working sites.
363. The key development requirements for the Watersplash Farm preferred area include assessing the impact of mineral working on the viability of the agricultural holding due to the high grade of the agricultural land at the site, and for restoration to existing levels for agricultural use and provide enhancements to the River Ash corridor.

The development

364. Issues raised about restoration and proposed afteruses in the objections and comments from local residents, LOSRA, SSAGE, Spelthorne Natural History Society and others include potential impact on agriculture and future use of the restored land, creation of additional waterbodies in the Spelthorne, duration and date for completion of restoration, aftercare and management of the restored land, ability of the applicant to restore the site,

⁹⁶ Prevention followed by preparing for re-use, recycling, other recovery and finally disposal

use of waste to backfill the land and concerns about toxic waste being used leading to pollution of the soils and River Ash and River Thames.

365. As outlined above the planning application proposes to work and progressively restore the land at Watersplash Farm in phases to agriculture on the land west of the River Ash and nature conservation with public access east of the river. The applicant's stated objectives for the restoration of the site are to restore to agriculture west of the river and a higher ecological value east of the river and improved public access. Land east of the river has been designed in particular to enhance the River Ash corridor and ecological value of the eastern part of the site. Ecological value would be added to the land west of the river by provision of 10 metre wide field margins and additional hedgerow planting.
366. Information has been provided in planning application and Environmental Statement for the working and restoration of the land including: (a) assessing the soil resource at the site and potential impact on soils and the viability of the agricultural holding; (b) soil stripping, handling, storage and replacement; (c) proposals for restoring the site with the importation of inert waste materials to backfill the land west of the river to original levels; (d) restoration and five year aftercare for the area to be restored to agriculture; (e) restoration and 25 year aftercare and management programme of the areas restored to nature conservation; and (f) a statement on restoration liabilities.

Agriculture and soils

367. The Surrey Minerals Plan 2011 refers to the land at Watersplash Farm as being a mix of Grade 1 and Grade 2 (Agricultural Land Classification (ALC) Grades) agricultural land. The importance of protecting soils and land capable of supporting agricultural and forestry uses in order to meet current and future needs, in particular the best and most versatile land classified as Grades 1, 2 and 3a, is acknowledged in the SMP 2011 Core Strategy (paragraph 6.29). The plan looks for proposals to work mineral on higher grade land to return land to a state suitable for agriculture even when not possible for land to be restored to its original agricultural classification.
368. In connection with the planning application a detailed ALC⁹⁷ of the 31.6ha of land owned by the applicant at Watersplash Farm was undertaken. This showed that within the landholding the land 20.9ha was Grade 2 (66.1%) with the remainder 7.3ha Grade 3a (23.1%), 2.2ha Grade 3b (7.0%) and 1.2ha (3.8%) other land⁹⁸. Land within Grades 1, 2 and 3a are referred to as best and most versatile land (BMV).
369. The assessment identified that within the 28ha application site boundary the proposed mineral development would impact on some 20 ha of Grade 2 and 3a land, and a smaller area of 3b land.
370. The proposal would involve the permanent loss of an area of Grade 2 and 3a land east of the river (some 6.6ha) where the restoration would be to flood meadows, lake and reed beds with public access, but the majority of the 20 ha of BMV land would be reinstated to a similar quality capable of being used for agriculture.
371. In terms of impact on the viability of the agricultural holding, the application identifies that the Watersplash Farm landholding is considered very small to be farmed in isolation. It is currently farmed by a tenant farmer as part of a wider network of parcels of land and the viability of the land depends on being part of the wider agricultural business. The land is predominantly used to grow salads and herbs for distribution to supermarkets and this is dependent on the quality of the soil resources and availability of water for irrigation at the site.

⁹⁷ Following the ALC system for assessing land introduced in 1989 which remains current.

⁹⁸ Grade 3b land was adjacent to the river and other land the area taken up by the woodland belt alongside Gaston Bridge Road.

372. The tenant farmer has indicated a willingness to continue to farm the land after it has been worked and restored. Measures have been incorporated into the proposed development to minimise the impact of the mineral development on soil resources and the viability of the land to form part of a wider farm business are not adversely affected. These include minimising the time the land is out of production by phased extraction and progressive restoration of the land west of the river so it is brought back into production in the short to medium term, good practice soil management techniques (stripping, handling, storage, replacement), adoption of fuel and oil storage and handling measures, replacement of the water abstraction borehole, and an agricultural aftercare scheme including provision of soil drainage if required.
373. Natural England, the statutory consultee on agriculture and soils, has reviewed the planning application and considers that the information provided in the application is sufficient to demonstrate that a substantial area of the BMV land affected by the proposed development would be reinstated to a similar quality and suited to a productive agricultural afteruse. NE raise no objection subject to conditions to safeguard soil structure and achieve a satisfactory standard of agricultural restoration.

Waste management issues

374. Objectors have raised concerns about the nature of the materials to be used in backfilling the site and controls over inputs. The concerns are noted but as referred to in the section on Hydrological and hydrogeological assessment above they are matters which relate to pollution control and would be matters addressed through the EP and controlled by the EA. Government advice in this regard is that the CPA should assume that the EA would operate effectively.
375. Countrywide and in Surrey a greater proportion of inert waste materials are now being re-used or recycled and there is some diversion of inert material to Landfill Tax 'exempt uses' including construction of golf courses, on farms for use as track material, and noise bunds. Inert waste fill material currently disposed of in landfill sites involved in backfilling mineral workings will be material arising from construction and demolition projects and include naturally occurring materials such as clays, soils and stones and residues from recycling facilities handling construction and demolition waste.
376. The applicant estimates that the vast majority of waste materials imported to the site would comprise naturally occurring clays, soils and stones arising from construction projects. The material for use in the construction of the geological barrier would be sourced from the incoming waste stream and comprise materials with sufficient clay content which would be capable of achieving the required properties for the barrier. The material would be sourced using relevant EA guidance on inert waste.
377. The applicant is certain that the timescales for the completion of the proposed development would be achievable even with the amendment to the application to provide for the installation of a geological barrier as part of the backfilling with imported inert waste materials. Given the location of the site, close to construction projects where the types of material generated for disposal in inert landfills arise, of which the bulk would be suitable for geological barrier construction, the applicant is confident there would be no issues sourcing such material and that there will be sufficient quantities of suitable inert waste materials available for use in construction of the barrier and backfilling the site. The latest Surrey County Council Annual monitoring report 2017/18 explains that in 2017 it is estimated that some 2.49 m tonnes of inert waste was generated in Surrey representing an increase on the preceding years.
378. The application proposes landfilling inert waste materials for the restoration of the mineral working west of the river to original ground levels and agricultural afteruse. Given drivers such as the Landfill Directive, officers consider the material that would be used in

the backfilling of Watersplash Farm is likely to meet the requirements of Policy WD7 in that it is likely to comprise inert waste which cannot practicably or reasonably be reused, recycled or processed⁹⁹. As such Officers consider it involves the minimum quantity of waste necessary to achieve this. Accordingly, Officers consider the proposal complies with SWP 2008 Policy WD7 and landfilling with imported inert waste materials is an appropriate means of restoring the site.

379. However, as set out in the hydrological and hydrogeological assessment section of the report above planning officers concluded that to comply with development plan policy more information about the geological barrier should be submitted so it can be assessed and considered as part of the current planning application. Further information was submitted to demonstrate how the geological barrier would be installed, as it remained appropriate to leave the technical design to be dealt with through the environmental permitting stage. The applicant, however agreed to a pre-commencement planning condition, requiring a copy of the EP to be submitted to the CPA.

Duration and aftercare/long term management

380. The application proposes to work and restore the site over a six year period - five for extraction and backfilling and a year to complete restoration. The rate of extraction would be dependent on market conditions, and could be quicker or slower than the anticipated average annual extraction rate and five year extraction period stated in the application. A further factor which could impact on timescales is the availability of suitable inert waste materials required for backfilling the land west of the river. As set out above, based on information on current waste arising and imports into the county, officers do not envisage there would be a problem with the availability of suitable waste materials.
381. Planning permissions granted for mineral extraction are subject to planning conditions setting timescales for completion of restoration. Mineral sites would also be subject to aftercare conditions to require aftercare for five years from completion of restoration¹⁰⁰. For restoration to agricultural afteruse five years of aftercare is required. For nature conservation afteruses a longer period of aftercare is appropriate. The land restored to agriculture would be subject to a five year agricultural aftercare scheme and the land restored to nature conservation uses subject to a 25 year aftercare and management programme - five years standard aftercare period required following mineral working and 20 year extended management period. As with other mineral sites in the County such aftercare schemes can be secured by legal agreement.
382. The applicant is experienced in working and restoring sand and gravel sites in the county and elsewhere in the country, to agricultural and nature conservation after-uses, and achieving high standards of restoration. Information has been provided on what provision would be made to cover the applicant's liabilities for restoration, five year aftercare and longer term management period.

Conclusion on agriculture, restoration and aftercare

383. The proposed restoration to original levels and agricultural use on the land west of the river and nature conservation uses to the east which would provide enhancement to the River Ash corridor and improved public access are considered appropriate and in accordance with the key development requirements for the site. The development would lead to the loss of some Grade 2 and 3a BMV land but details have been provided for soil stripping, handling, storage and replacement, restoration and aftercare, which could be secured by planning condition, to ensure soils are protected and the restored land capable of long productive agricultural afteruse.

⁹⁹ Including its provenance and proximity to sites where these activities are undertaken; physical characteristics; and composition

¹⁰⁰ Aftercare would commence on completion of restoration of each phase, not on completion of restoration of the whole site.

384. Planning officers therefore consider that the restoration scheme and proposals set out in the planning application are acceptable, subject to the implementation of the mitigation and protection measures outlined in the application, planning conditions and the long term management of the nature conservation interest secured by the section 106 legal agreement. Officers consider that adequate information has been provided in the application to show how the site would be progressively restored and managed such that the site would be capable of being returned to an acceptable afteruse at the earliest practicable date. In the longer term the new habitats created and nature conservation after-use at the restored site offer the opportunity for biodiversity enhancement on the site and surrounding area. The proposal therefore is considered to accord with national minerals planning policy and development plan policy regarding restoration and aftercare following mineral extraction.

Airport safeguarding

Policy context

385. The NPPF requires planning authorities when determining planning applications for mineral working to ensure that there are no unacceptable adverse impacts on aviation safety. Government Circular 01/03 "Safeguarding aerodromes, technical sites and military explosives storage areas" sets out the importance of safeguarding certain civil aerodromes to ensure their operation and development are not inhibited or placed at risk. The Circular states that the primary aim is to guard against new or increased hazards caused by development.
386. SMP 2011 Policy MC14 states that proposals for mineral working will only be permitted where a need has been demonstrated and sufficient information has been submitted to enable the authority to be satisfied that there would be no significant adverse impacts arising from the development. Potential impacts to be considered include the need to manage the risk of birds striking aircraft, and the key development requirements for the site include the need to assess the potential hazard to aircraft from birds attracted by the development during operations, restoration and from the proposed afteruse.

The development

387. The application site lies within the 13km identified birdstrike safeguarding zone for Heathrow Airport being situated almost 8 kilometres to the south of the airport.
388. The proposed restoration scheme for the site seeks to strike a balance between the need to restore high quality agricultural land and restoring to a higher ecological value through the addition of new features such as hedgerows and flood meadow grassland. The applicant has identified a number of key objectives for the design of the restoration scheme, one of which is to minimise open water to reduce potential bird-strike given the location of the site within the Heathrow Airport safeguarding zone. The Written Statement submitted by the applicant advises that BAA Airports Ltd were consulted on the draft proposals and only had minor reservations about the creation of shallow wetland given the distance of the site from the airport.
389. The applicant submitted an Outline Management Plan in April 2014 covering the aftercare / management of part of the site for 25 years following the completion of the restoration of each phase. This document identifies the need to address the issue of birdstrike by managing the nature conservation value of the restoration scheme as a long-term objective. The document points out that the design of the restoration scheme for the site has not presented significant issues of birdstrike risk although the provision of bird management due to the proximity of Heathrow Airport is referred to as one of the restoration aims.

390. The plan explains how the restoration scheme has been designed to decrease the attractiveness of the site to species including geese, swans, gulls, starlings and ducks which can pose a risk to aircraft safety. The planting of trees has been limited with only 6% berry bearing trees on site which will be pruned as appropriate for bird management. Further, the fringing reedbeds around the small waterbodies on site will significantly reduce the attractiveness to geese and swans.

Conclusion on airport safeguarding

391. The applicant has clearly demonstrated that the proposed restoration scheme and afteruse has been designed to take account of the risk of bird-strike. The statutory consultee, Heathrow Airport Safeguarding, has assessed the application against safeguarding criteria and confirmed that they have no safeguarding objections to the proposed development. Officers therefore conclude that the proposal meets the requirements of national policy and guidance and complies with development policy in relation to airport safeguarding.

Cumulative impact

Policy context

392. Paragraph 205 of the NPPF states that in granting planning permission for mineral development mineral planning authorities should “*take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality*”. Paragraph 6.35 of the SMP 2011 Core Strategy DPD identifies the cumulative effects of working quarries and the way they relate to existing developments as important issues, particularly so in areas which are already under significant development pressure, or have concentrations of several existing and potential mineral workings.
393. The paragraph goes on to state that cumulative impacts may, for example, arise where mineral sites that are in close proximity to each other would be worked at the same time, or where working has taken place over a long period of time. Measures to avoid or mitigate cumulative impacts include phasing of working and restoration, imposing planning conditions and controlling the number and timing of permissions.

The development

394. The application site at Watersplash Farm is located in an area of Surrey with a long history of mineral working. Within 5 to 10km of the site are operational sites at Queen Mary Quarry (QMQ), access onto the A308 Kingston Road/Staines Road, Laleham, Staines; Hengrove Farm and Hengrove Park (landfill and restoration only), access onto the A30.
395. Planning permission was granted in 2015 for the working and restoration from land within the Homers Farm (extraction and landfill), access onto the A30 and Manor Farm (extraction only), and access onto the A308 via QMQ. Both were identified as preferred areas in the SMP 2011 Primary Aggregates DPD both within 10 km of the application site. Homers Farm commenced operations in 2018, however Manor Farm is not operational yet. Subject to planning permission being granted these could be worked concurrently with the Watersplash Farm site and the ongoing mineral and waste developments at QMQ.
396. Objectors have raised concerns about the cumulative impact of the proposed development with other developments, existing and under development, in the surrounding area. Issues raised include traffic, in respect of the number of vehicles on the road, impact on traffic flow and pollution from vehicle emissions.

397. The potential impacts of the proposed development including cumulative impacts associated with the proposal (e.g. noise and visual at the site) and in the wider area in combination with mineral sites and other developments including housing developments, Shepperton Studios redevelopment, Walton Bridge construction and the Charlton Lane Eco Park was assessed in the ES, and in consultation with statutory and non-statutory consultees, during the consideration of the planning application. Issues assessed included traffic, effects on air quality, hydrology and hydrogeology, flood risk, biodiversity and noise. These are issues which in combination with impacts from other mineral and types of development in the area could result in “*the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality*”. The ES concluded would be no adverse cumulative impact associated with the proposed development at Watersplash Farm.

Conclusion on cumulative impact

398. No issues of concern relating to potential cumulative impact effect were raised by technical consultees. Given the nature, location and duration of the existing mineral developments, and sites with planning permission but not yet operational referred to above and distances between them and the Watersplash Farm site, Officers conclude there would be no cumulative effect of multiple impacts from this proposal.

OTHER MATTERS

Public safety

399. Concerns have been raised about public safety and risk of drowning or accidents, and the concerns are acknowledged. Health and safety issues associated with unauthorised access to the site during operations, and waterbodies and wetland areas post restoration are matters the applicant would need to address under their responsibilities as landowner and operating the site.
400. Provision and maintenance of barriers to secure an operational mineral site, or parts of a site, with suitable barriers such as fencing or hedgerows (and maintaining them) to discourage unauthorised access to an operational site, is addressed through other legislation relating to health and safety and quarrying operations, and related regulations such as the Quarries Regulations 1999.

GREEN BELT

Surrey Minerals Plan 2011 (SMP 2011)

Policy MC3 – Spatial Strategy – mineral development in the Green Belt

Policy MC17 – Restoring mineral workings

Spelthorne Borough Local Plan 2001 (saved policies) (SBLP 2011)

Policy GB1 Development proposals in the Green Belt

Policy context

401. The application site lies within the Metropolitan Green Belt where policies of restraint apply. Government policy on Green Belt is set out in part 13 ‘Protecting Green Belt land’ of the NPPF. Government policy and guidance in relation to minerals planning is set out part 17 ‘Facilitating the sustainable use of minerals’ and the minerals section of the NPPG.
402. Protecting Green Belts around main urban areas is included in the core planning principles of the NPPF. Paragraph 133 states 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*”. The Green Belt

is seen as serving five purposes including to check the unrestricted sprawl of large built up areas and assisting in safeguarding the countryside from encroachment.

403. The NPPF states at paragraph 143 that “*inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances*” and paragraph 144 goes on to state that when considering “*any planning application*” authorities should ensure that “*substantial weight is given to any harm to the Green Belt*” and that “*very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*”
404. Minerals can only be worked where they are found and mineral working is a temporary use of land. Mineral extraction is included in the forms of development listed in paragraph 146 that are not inappropriate in Green Belt “*provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*”. When determining planning applications paragraph 205 of the NPPF states local planning authorities should “*provide for restoration and aftercare of mineral workings at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions*”.
405. Except for a limited range of circumstances, set out in paragraph 145 of the NPPF, the construction of new buildings in the Green Belt is inappropriate development. Buildings associated with packaging of mineral for sale, or industrial processes (which would include secondary processing of mineral such as production of concrete or mortar) are not specifically referred to so would constitute inappropriate development in the Green Belt.
406. SMP 2011 Policy MC3 states that ‘*Mineral extraction in the Green Belt will only be permitted where the highest environmental standards of operation are maintained and the land restored to beneficial after-uses consistent with Green Belt objectives within agreed time limits*’. This would apply to both the extraction and initial processing (primary treatment) of excavated mineral.
407. The policy goes on to state that proposals for other forms of mineral development (secondary processing or treatment of processed mineral) in the Green Belt, will only be permitted where an applicant has demonstrated very special circumstances to outweigh the harm by inappropriateness and any other harm. Other forms of mineral development would include concrete batching plant, industrial development involving secondary processing of mineral and aggregate bagging plant (packaging mineral for sale).
408. The supporting text at paragraph 3.47 refers to how land in the Green Belt can make a positive contribution to providing opportunities for, amongst other matters, securing nature conservation interests and how restoration of mineral workings should have regard to these objectives; and give particular attention to any priorities in the area in which a site is situated.
409. SMP 2011 Policy MC17 requires mineral working proposals to provide for restoration which is sympathetic to the character and setting of the wider area in (which it is situated), and capable of sustaining an appropriate afteruse. Mineral working will only be permitted where the mineral planning authority is satisfied that the site can be restored and subsequently managed to a high standard. The final part of the policy states that restoration should be completed at the earliest opportunity, and where appropriate progressively restored, with applicants expected to agree a scheme with the mineral planning authority detailing how the land will be restored and managed before, during and after working.
410. The supporting text at paragraph 8.6 refers to the majority of mineral workings in Surrey being in the Green Belt, and that mineral sites can be appropriately restored to a range

of after-uses including nature conservation. Paragraph 8.7 refers to the need for applicants to show they have both technical and financial competence to undertake the proposed restoration scheme. For some types of after-use, such as nature conservation, periods of management longer than the five year period advocated in national policy is appropriate, and should be secured by use of legal agreements.

411. Spelthorne Borough Local Plan 2001 Saved Policy GB1 Green Belt advises that development located within the Green Belt which would conflict with the purposes of the Green Belt and maintaining its openness will not be permitted.

Openness

412. Given the Green Belt location it is necessary to assess whether the proposed development would cause harm to the Green Belt; consider whether high standards of operation would be maintained during operations (SMP 2011 Core Strategy Policy MC3), and provisions for restoration and afteruse.
413. The planning application is for the phased extraction of sand and gravel together with the erection of processing plant (enclosed within buildings) and associated infrastructure, construction of a new access off the Gaston Bridge Road/Green Lane roundabout and progressive restoration involving backfilling with imported inert waste materials to original levels and agricultural afteruse west of the River Ash and nature conservation afteruse (flood meadows, lake and reed beds) using site derived materials with public access and temporary diversion of public footpath 53 for the duration of operations.
414. For the duration of operations: the mineral extraction; backfilling and restoration works; associated perimeter soil screen bunds; processing plant and other site infrastructure and facilities; access off the roundabout, access road and bailey bridge across the river; and the conveyor system; all would have a temporary impact on openness. However, this is short term, as such the openness of the Green Belt would be preserved in the long term, with the complete removal of the infrastructure and restoration of the site. As such, Officers consider that there would be no permanent spatial or visual impact on the Green Belt.
415. The previous sections of this report have assessed the potential transport impacts and impacts on the environment and local amenity including flood risk and groundwater, landscape and visual impact, noise, air quality and provision for restoration and aftercare. These confirm that, apart from issues relating to protection of groundwater and the EP which is required to enable the backfilling with imported inert waste materials of the land west of the river and implications for the implementation and delivery of the restoration proposals, subject to the control and mitigation measures identified being implemented, which could be secured by planning condition the proposal would be capable being undertaken at the highest environmental standards.
416. The application proposes phased working and progressive restoration over a six year period. The restoration would be to agriculture and nature conservation uses with improved public access, which are appropriate to the designation and objectives for the use of land in the Green Belt. Subject to the delivery of the restoration proposals as set out in the planning application planning officers consider the openness of the Green Belt would be maintained and the proposal does not constitute inappropriate development in the Green Belt.

Conclusion on Green Belt

417. Subject to imposition of planning conditions to ensure relevant standards of working, restoration and management of the land, and entering into a legal agreement to secure the long term management of the restored site, Officers are satisfied that the proposed extraction and primary processing of minerals is not inappropriate development in the

Green Belt, and does not conflict with the purposes of including land within it. As such, the proposed development complies with national policy in the NPPF and relevant development plan policy MC3 of the SMP 2011, which seek to ensure the restoration of the mineral working at the earliest opportunity/within agreed time limits.

HUMAN RIGHTS IMPLICATIONS

418. 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 paragraphs.
419. The proposal involves extraction and processing of mineral at Watersplash Farm, provision of a new access, restoration involving the backfilling with imported inert waste materials and restoration to agriculture west of the River Ash and flood meadows, lake and reed beds with public access to the east and temporary diversion of Footpath 53 for the duration of the operations. It is recognised the development has the potential to impact on the local environment and local amenity in terms of traffic, flood risk, groundwater, local landscape and visual amenity, noise, dust, biodiversity, rights of way and people's enjoyment of the countryside at Watersplash Farm. Issues and concerns have been raised by objectors on these matters concerned about the impact on residents and users of the public right of way.
420. These issues are acknowledged and have been assessed and discussed in the body of the report. It is recognised that there would be some short term impact in terms of visual impact and noise on the local landscape and the amenity and recreational value of the public footpath which crosses the site.
421. The scale of the impacts is not considered sufficient to engage Article 8 or Article 1 of Protocol 1 and, if planning permission were to be granted any impact is capable of being controlled or mitigated by the measures incorporated in the planning application proposal, planning conditions, and secured through a S106, and controls available through other regulatory regimes. As such this proposal is not considered to interfere with any Convention right.

CONCLUSION

422. The proposal involves the phased extraction of sand and gravel from a 28ha site and progressive restoration involving backfilling with imported inert waste materials to original levels and agriculture on land west of the River Ash and nature conservation after use with public access to the east using site derived materials, construction of a new access and access road to, erection of processing plant and ancillary infrastructure and temporary diversion of Footpath 53.
423. The application site is high grade agricultural land in productive use in the Green Belt where policies of restraint to development apply. Minerals can only be worked where they are found. The NPPF indicates that development involving mineral extraction (and processing) in the Green Belt is not inappropriate provided openness is maintained and the development does not conflict with the purposes of including land in Green Belt. Mineral working should provide for restoration and aftercare to be carried out to high environmental standards at the earliest opportunity.
424. The land at Watersplash Farm is identified in the Surrey Minerals Plan 2011 as a preferred area for the extraction of sand and gravel. Aggregate minerals are essential to support sustainable economic growth and quality of life which includes maintaining and repairing existing development and infrastructure such as houses, schools and roads. Assessment of the current landbank position has demonstrated a strong case of need for

additional reserves of primary land won sand and gravel to be permitted. The proposal to extract minerals in accordance with a plan allocation would satisfy a clear need with regard to a national policy requirement to maintain a landbank and so maintain a steady and adequate supply of aggregates and help maintain security of supply.

425. The development has been assessed in terms of Green Belt. The proposed mineral extraction and processing are temporary uses of the land and once the land is restored would preserve the openness of the Green Belt in the long term. Any harm to the visual amenities of the Green Belt from outside the site would be limited in extent and duration so are not considered significant by Officers. There would be an impact on users of Footpath 53 for the duration of the development, which is acknowledged. Officers consider the impacts would be short term and limited in duration and any harm is outweighed when balanced against the need for the mineral, the environmental benefit of mitigation measures such as the soil bunding, and the improvements to the public right of way network which would be delivered as part of the restoration scheme.
426. The application proposes phased working and progressive restoration over a six year period. The restoration would be to agriculture and nature conservation uses with improved public access, which are appropriate to the designation and objectives for the use of land in the Green Belt. Subject to the delivery of the restoration proposals as set out in the planning application planning officers consider the openness of the Green Belt would be maintained and the proposal does not constitute inappropriate development in the Green Belt.
427. The proposal has the potential to cause harm in terms of transport impacts and impacts on the environment and local amenity including flood risk and groundwater, landscape and visual impact, noise, air quality. These, and proposals for restoration and aftercare have been assessed and issues raised by objectors, and the views of statutory and non-statutory consultees have been taken into consideration.
428. Officers acknowledge that matters relating to the detailed design and installation of the geological barrier would be dealt with through the EP process, and Government guidance states that the planning and other regulatory regimes are separate but complementary. The planning system controls the development and use of land in the public interest, ensuring that new development is appropriate for its location and an acceptable use of the land, and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. Mineral planning authorities should assume that these non-planning regimes, which includes the environmental permitting regime will operate effectively. Any conditions requiring compliance with other regulatory regimes will not meet the test of necessity, one of the six tests for conditions set out in the NPPF.
429. On other matters no objections have been received from technical consultees and having had regard to the environmental information contained in the ES, national and development plan policy, and subject to the control and mitigation measures identified being implemented, which could be secured by planning condition and a s106 legal agreement, together with controls through other regulatory regimes, the proposal would be capable being undertaken at the highest environmental standards and would not give rise to unacceptable environmental impacts, and would be consistent with the NPPF and the development plan.
430. Taking all these matters into account, officers consider that planning permission should be granted.

RECOMMENDATION

The recommendation is to **PERMIT** subject to conditions, as outlined below. The recommendation to permit would be subject to the prior completion of a section 106 legal agreement to secure: a) the long term landscape and ecological management, maintenance and aftercare of part of the land at Watersplash Farm; and b) the long term monitoring of the groundwater. (Draft 'Heads of Terms' in respect of the legal agreement are set out in Annex 1)

**IMPORTANT - CONDITION NO(S) 2, 10, 15, 24, 28, 30
MUST BE DISCHARGED PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT.**

THERE ARE OTHER CONDITIONS REQUIRING SCHEMES TO BE APPROVED PRIOR TO THE COMMENCEMENT OF CERTAIN OPERATIONS

CONDITIONS

Commencement

1. The development hereby permitted shall be begun no later than the expiration of five years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing within 7 days of commencing the development.

Reason: To comply with Section 91(1)(b) of the Town and Country Planning Act 1990 as amended by Section 5(1) of the Planning and Compulsory Purchase Act 2004.

Environmental Permit

2. **No development shall commence until** an Environmental Permit to achieve the restoration identified in the planning application hereby permitted has been granted by the Environment Agency and a copy provided to the County Planning Authority by the applicant.

Reason: To enable the County Planning Authority to exercise planning control over the mineral development hereby permitted at a site in the Metropolitan Green Belt and to ensure development does not commence until an Environmental Permit which is necessary to achieve the restoration of the site has been granted and to minimise the impact on local amenity and to enable the prompt and effective restoration of the land in accordance with the approved restoration scheme to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Surrey Minerals Plan 2011 Core Strategy Policy MC17.

The imposition of a pre-commencement condition is recommended by the County Planning Authority to ensure there would be no significant adverse impact on the landscape by providing the necessary permit to achieve the necessary restoration of the site, in accordance with the development plan policies.

Time Limits

3. The extraction and transport of minerals shall cease within 5 years from the date of commencement as notified to the County Planning Authority in accordance with Condition 1 above.

Reason: To enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity and to ensure the prompt and effective restoration to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Surrey Minerals Plan 2011 Core Strategy Policy MC17.

4. Restoration of the site shall be completed within 6 years from the date of commencement as notified to the County Planning Authority in accordance with Condition 1 above by which date all buildings, erections and structures, fixed and mobile plant and machinery, internal access roads and areas of hardstanding together with their foundations and bases, shall be removed from the land.

Reason: To enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity and to ensure the prompt and effective restoration to comply with Schedule 5 paragraph 1 of the Town and Country Planning Act 1990 and Surrey Minerals Plan 2011 Core Strategy Policy MC17.

Approved Plans and Drawings

5. The development hereby permitted shall be undertaken in accordance with the following plans/drawings:

Drawing Ref. P3/648/2 Site Plan dated September 2012
 Drawing Ref. P3/648/3 Proposed Access Arrangements dated September 2012
 Drawing Ref. P3/648/4 Infrastructure Plans and Elevations dated September 2012
 Drawing Ref. P3/648/5 Processing Plant Plan and Elevations dated September 2012
 Drawing Ref. P3/648/6 General Bund Elevations dated September 2012
 Drawing Ref. P3/648/7 Proposed Workable Boundaries and Site Infrastructure dated September 2012
 Drawing Ref. P3/648/8 Rev 4 8a, Method of Working Phases dated April 2016
 Drawing Ref. P3/648/8 Rev 4 8b, Method of Working Phases dated April 2016
 Drawing Ref. P3/648/8 Rev 4 8c, Method of Working Phases dated April 2016
 Drawing Ref. P3/648/8 Rev 4 8d, Method of Working Phases dated April 2016
 Drawing Ref. P3/648/8 Rev 5 8e, Method of Working Phases dated April 2016
 Drawing Ref. P3/648/8 Rev 5 8f, Method of Working Phases dated April 2016
 Drawing Ref. P3/648/8 Rev 5 8g, Method of Working Phases dated April 2016
 Drawing Ref. P3/648/8 Rev 2 8h, Method of Working Phases dated April 2016
 Drawing Ref. P3/648/9A Final Restoration dated August 2013
 Drawing Ref. P3/648/10 Restoration Sections dated September 2012
 Drawing Ref. P3/648/11B Rev B Site Survey dated Feb 2014
 Drawing Ref. P3/648/12 Management Plan Area dated July 2013
 Drawing Ref. P3/648/13 Cross Section of Flood Mitigation and Piping through Bunds dated February 2014
 Drawing Ref. WS002 Cross Sections through Peripheral Bunds dated September 2013
 Drawing Ref. L3/648/2 Rev A Tree Constraints Plan dated Feb 2014
 Drawing Ref. L3/648/3 Rev A Tree Protection Plan dated Feb 2014

Reason: For the avoidance of doubt and in the interests of proper planning.

Limitations

6. Notwithstanding any provision to the contrary under Parts 17 (Class A and B) of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order,
 - (a) no plant, building or machinery whether fixed or moveable other than those permitted by this application, shall be erected on the application site;
 - (b) no lights other than those permitted by this application shall be installed or erected at the application site.

Reason: To safeguard the environment (including Green Belt) and protect the amenities of the locality in accordance with the terms of Surrey Minerals Plan 2011 Core Strategy

Hours of Operation

7. No lights shall be illuminated (except for security purposes) nor shall any operations or activities authorised or required by this permission (including deliveries by Heavy Goods Vehicles - HGVs) be carried out except between the following times: 0730 to 1730hrs Monday to Friday, and 0800 to 1300hrs Saturday. There shall be no working on Sundays, Bank Holidays, Public Holidays, or National Holidays. This condition shall not prevent emergency operations but these shall be notified to the County Planning Authority in writing within 5 working days.

Reason: To comply with the terms of the application and in the interests of local amenity in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008 and Policy EN11 of the Spelthorne Borough Core Strategy 2009.

8. Notwithstanding the permitted hours specified in Condition 7, four (4) pre-loaded aggregate HGVs shall be allowed to depart from the site at 07:00hrs, Monday to Friday, and 07.30hrs on Saturday.

Reason: To comply with the terms of the application and in the interests of local amenity in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy and Policy EN11 of the Spelthorne Borough Core Strategy 2009.

Programme of Working

9. The working of minerals from the site shall be carried out in accordance with the working phases (1-4), as shown on Drawings Ref. P3/648/8 Rev 4 8a-8h, 'Method of Working Phases' dated April 2016, and on completion of restoration, the site access shall be removed and the roundabout kerbline reinstated to the satisfaction of the County Highway Authority.

Reason: To comply with the terms of the application and enable the County Planning Authority to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy and Policy DC3 of the Surrey Waste Plan 2008.

Highways, Traffic and Access

10. **Prior to commencement of the development**, with the exception of initial soil stripping, a construction scheme for the proposed access onto the Gaston Bridge Road (A244) roundabout junction with Green Lane (B3366) and the first 100 metres of the proposed access road, including security gates, shall be submitted to and approved in writing by the County Planning Authority. The approved access shall be constructed in accordance with the Section 278 legal agreement to be entered into with the County Highway Authority and maintained for the duration of the development hereby permitted.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and Policy CC2 of Spelthorne Borough Core Strategy 2009, Policies MC14 and MC15 of the Surrey Minerals Plan 2011 Core Strategy, and Policy DC3 of the Surrey Waste Plan 2008.

The imposition of a pre-commencement condition is recommended by the County Highways Authority to secure the submission of a Construction Scheme to safeguard the

environment and local amenity in terms of traffic and highways, in accordance with the development plan policies.

11. Prior to operation of any processing plant the following details shall be submitted to and approved in writing by the County Planning Authority:
- a) Parking for vehicles of site personnel, operatives and visitors
 - b) Loading and unloading of plant and materials
 - c) The remaining length of the access road
 - d) Turning facilities for vehicles to enter and leave the site in forward gear

The approved details shall be implemented before any processing operations commence and the approved details shall be maintained for the duration of the development hereby approved.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and Policy CC2 of Spelthorne Borough Core Strategy 2009, Policies MC14 and MC15 of the Surrey Minerals Plan 2011 Core Strategy, and Policy DC3 of the Surrey Waste Plan 2008.

12. Before any operations which involve the movement of materials (aggregate and/or waste) in bulk to or from the site are commenced, details of facilities to be provided to ensure the public highway is kept clean and free of debris shall be submitted to and approved in writing by the County Planning Authority. The approved facilities shall thereafter be installed prior to the movement of materials, retained and used whenever the said operations are carried out and no vehicles used in connection with the development hereby permitted shall deposit mud, debris, waste or aggregate on the public highway when leaving the site onto the Gaston Bridge Road (A244) / Green Lane (B3366) roundabout.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and Policy CC2 of Spelthorne Borough Core Strategy 2009, Policies MC14 and MC15 of the Surrey Minerals Plan 2011 Core Strategy, and Policy DC3 of the Surrey Waste Plan 2008.

13. The total number of HGV movements over the access hereby permitted onto Gaston Bridge Road (A244) / Green Lane (B3366) roundabout shall not exceed 200 movements per day (one vehicle entering and the same vehicle leaving equates to two movements). The site operator shall maintain accurate records of all HGV vehicles accessing and egressing the site and shall submit these to the County Planning Authority quarterly, on 1st February, 1 May, 1st August and 1st November.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and Policy CC2 of Spelthorne Borough Core Strategy 2009, Policies MC14 and MC15 of the Surrey Minerals Plan 2011 Core Strategy, and Policy DC3 of the Surrey Waste Plan 2008.

14. Vehicular access to the site shall be from the Gaston Bridge (A244) / Green Lane (B3366) roundabout only. There shall be no vehicular access to the site from Fordbridge Road.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, and to accord with the National Planning Policy

Dust Management

15. **Prior to the commencement of the development** a Dust Management Plan, including details of a programme of ongoing dust monitoring to validate the continuing effectiveness of control/mitigation measures, shall be submitted to and approved in writing by the County Planning Authority. The approved Dust Management Plan shall be implemented and maintained for the duration of extraction and restoration operations.

Reason: In the interests of the environment and local amenity in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008, and Policy EN3 of the Spelthorne Borough Core Strategy 2009.

The imposition of a pre-commencement condition is recommended by the County Air Quality Consultant to secure the submission of a Dust Management Plan to provide appropriate dust control and mitigation measures to ensure there would be no significant adverse impact from dust nuisance on nearby receptors, in accordance with the development plan policies.

Noise

16. Noise levels from short-term operations to facilitate essential site preparation, restoration works, and the construction of baffle mounds shall be allowed up to 70 dB(A) LAeq, 1h (Freefield) at specified noise sensitive receptors for a temporary period of up to eight weeks, over a 12-month period.

Reason: In the interests of local amenity in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008, and Policy EN11 of the Spelthorne Borough Core Strategy 2009.

17. Noise levels from normal operations at specified noise sensitive properties shall not exceed the existing/pre-works representative background sound level (LA90, 1h, freefield) by more than 10 dB(A), or as near to this level as practicable, up to a maximum noise limit of 55 dB LAeq, 1h (freefield).

Reason: In the interests of local amenity in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008, and Policy EN11 of the Spelthorne Borough Core Strategy 2009.

18. Other than vehicles involved in exporting aggregate product from the site or delivery of consumables to the site, all other vehicles and mobile plant operating at the site under the control of the operator (which shall include plant and equipment hired by the operator or used by contractors), must be fitted with, and use, a white noise type vehicle alarm or switchable system.

Reason: In the interests of local amenity in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008, and Policy EN11 of the Spelthorne Borough Core Strategy 2009

Lighting

19. Prior to installation of any external lighting at the site compound details of the design and appearance of the lighting, its brightness, direction and methods of shielding shall be

submitted to and approved in writing by the County Planning Authority. The development shall be carried out and maintained in accordance the approved details.

Reason: In the interests of local amenity in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008, and Policy EN11 of the Spelthorne Borough Core Strategy 2009

Surface Water Management

20. Prior to the commencement of extractive operations in working phases (1-4), as shown on Drawings Ref. P3/648/8 Rev 4 8a-8h, 'Method of Working Phases' dated April 2016, the following information, where applicable to the phase, shall be submitted to and approved in writing by the County Planning Authority:
- a) Where infiltration based swales and/or soakaways are proposed, the results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels;
 - b) Evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change for the post-restoration phase) storm, during all stages of the development (pre, post, and during);
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.);
 - d) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage is operational;
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system;
 - f) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

The approved details shall be implemented and maintained for the duration of the development.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008, and Policy LO1 of the Spelthorne Borough Core Strategy 2009.

21. Prior to the commencement or use of working phases (1-4), as shown on Drawings Ref. P3/648/8 Rev 4 8a-8h, 'Method of Working Phases' dated April 2016, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the County Planning Authority demonstrating that the drainage system has been constructed as per the approved scheme (including any minor variations), providing details of any management arrangements, and confirming the national grid reference for any key drainage elements (surface water attenuation devices/areas, flow restriction devices, and outfalls).

Reason: To ensure that the drainage system is constructed to the National Non-Statutory Technical Standards for SuDS, and to accord with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008, and Policy LO1 of the Spelthorne Borough Core Strategy 2009.

22. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the operations permitted or required by this permission. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site over the course of the development.

Reason: In the interests of the environment and local amenity in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008, and Policy LO1 of the Spelthorne Borough Core Strategy 2009.

Groundwater

23. The Groundwater Monitoring Plan Ref. 60084 R7 Rev 3 dated November 2016, shall be implemented and maintained for the duration of the development hereby permitted including restoration and long term management until such time that it can be demonstrated through periodic reviews of the data and updates of the modelling, that significantly adverse impact has not been caused.

Reason: To reduce the impact of flooding both on and off site, ensuring the satisfactory storage of/disposal of surface water from the site, minimising the risk of pollution of watercourses and groundwater in accordance with Policy SP6 of the Spelthorne Borough Core Strategy 2009 and Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.

Contamination

24. **Prior to the commencement of the development** a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports, shall be submitted to and approved in writing by the County Planning Authority and thereafter implemented as approved. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring shall be submitted to and approved in writing by the County Planning Authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures; and to prevent deterioration of a water quality element to a lower status class and prevent the recovery of a drinking water protected area all in accordance with paragraph 170 of the National Planning Policy Framework 2019, Policy SP6 of the Spelthorne Borough Core Strategy 2009, Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, and Policies DC2 and DC3 of the Surrey Waste Plan 2008.

The imposition of a pre-commencement condition is recommended by the Environment Agency and County Geotechnical Consultant to secure the submission of a contamination monitoring and maintenance plan to provide appropriate control and mitigation measures to ensure there would be no significant adverse impact from pollution on nearby receptors, in accordance with the development plan policies.

25. If, during the development hereby permitted, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented and maintained as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously identified contamination sources at the development site; to prevent deterioration of water quality element to a lower status class and prevent the recovery of a drinking water protected areas all in accordance with paragraph 170 of the National Planning Policy Framework 2019, Policy SP6 of the Spelthorne Borough Core Strategy 2009, Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, and Policies DC2 and DC3 of the Surrey Waste Plan 2008.

26. Any oil, fuel, lubricant, paint or solvent within the site shall be so stored as to prevent contamination of topsoil, subsoil, soil forming material, or such material reaching any watercourse.

Reason: In the interests of the environment and local amenity in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008, and Policy LO1 of the Spelthorne Borough Core Strategy 2009.

27. No infiltration of surface water drainage into the ground is permitted other than the scheme hereby permitted. The development shall be carried out and maintained in accordance the approved details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants; and to prevent deterioration of water quality element to a lower status class and percent the recovery of a drinking water protected area all in accordance paragraph 170 of the National Planning Policy Framework 2019, Policy SP6 of the Spelthorne Borough Core Strategy 2009, Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, and Policies DC2 and DC3 of the Surrey Waste Plan 2008.

Boreholes

28. **Prior to commencement of the development** hereby permitted a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the County Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The approved scheme shall be implemented as approved.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with paragraph 170 of the National Planning Policy Framework 2019, the Environment Agency's Approach to Groundwater Protection February 2018 Version 1.2, Policy SP6 of the Spelthorne Borough Core Strategy 2009, Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, and Policies DC2 and DC3 of the Surrey Waste Plan 2008.

The imposition of a pre-commencement condition is recommended by the Environment Agency to secure the submission of a scheme for the monitoring and maintenance of boreholes on site to ensure there would be no significant adverse impact from pollution on groundwater and the environment, in accordance with the development plan policies.

Buffer to Watercourse

29. Prior to the extraction of mineral a scheme for the provision and management of a minimum 10 metre wide buffer zone alongside the River Ash shall be submitted to and approved in writing by the County Planning Authority. The scheme shall provide for:

- a) Scaled plans showing the extent and layout of the buffer zone;
- b) Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management and the production of detailed management plan;
- c) Details of any proposed footpaths, fencing or other structures;
- d) Confirmation that there shall be no light spill into the watercourse or adjacent buffer zone. Lighting levels shall be a Lux level of 0-2 (intrinsically dark);
- e) Details of the proposed clear span bridge;
- f) Details of how the buffer zone shall be kept free from built development and formal landscaping.

The approved scheme shall be implemented as approved and maintained for the duration of the development hereby permitted.

Reason: So as to protect and enhance the river and buffer zone during the development in accordance with paragraphs 170 and 175 of the National Planning Policy Framework 2019, Policies MC14 and MC18 of the Surrey Minerals Plan 2011 Core Strategy, and Policies DC2 and DC3 of the Surrey Waste Plan 2008.

Archaeology

30. **No development shall take place until** the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the County Planning Authority.

Reason: To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide upon a course of action required for the preservation or recording of such remains in accordance with the Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy.

The imposition of a pre-commencement condition is recommended by the County Archaeological Officer to secure the submission of a Written Scheme of Investigation, and implementation of the archaeological work, to ensure there would be no significant adverse impact on the historic landscape and potential archaeological interest, in accordance with the development plan policies.

Rights of Way

31. For the duration of the development hereby permitted safeguards shall be maintained to protect persons using the Public Footpath 53 (existing and temporarily diverted) so that the route is safe and unobstructed for the public to use at all time; such protection to include suitable surfacing; signage; gates; and fencing.

Reason: To protect the route of the public footpath and the amenities of the users and comply with Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste Plan 2008 Policy DC3

32. Within three months of the completion of the restoration of the site, Public Footpath 53 shall be re-instated to its original line as shown on the approved restoration plan Drawing Ref. P3/648/9A Final Restoration dated August 2013 and to an appropriate standard and specification, to the satisfaction of the County Countryside Access Team.

Reason: To protect the route of the public footpath and the amenities of the users and comply with Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Surrey Waste

Soil Handling

33. Written notice shall be given to the County Planning Authority five (5) working days before any soil stripping commences in any phase of the development hereby permitted.

Reason: So that the County Planning Authority is aware of the operator's intention to start soil stripping operations and to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation in accordance with Policies MC17 and MC18 of the Surrey Minerals Plan 2011 Core Strategy.

34. Soil movements shall be carried out in accordance with the 'Soil Movements and Handling Scheme' dated February 2014 and approved drawings Ref. P3/648/8 Rev 4 8a-8h, 'Method of Working Phases' dated April 2016. Following construction of bunds, final soil bund plans shall be submitted to the County Planning Authority providing the following:

- a) Bund location; length; height; position; materials; and phased deconstruction for restoration purposes

Reason: So as to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation in accordance with Policies MC17 and MC18 of the Surrey Minerals Plan 2011 Core Strategy.

35. Soils identified for use as a subsoil substitute shall be stripped separately and, wherever possible, be immediately re-spread over the replaced overburden. If immediate re-spreading is not practicable, the subsoil substitute shall be stored separately for subsequent replacement.

Reason: So as to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation in accordance with Policies MC17 and MC18 of the Surrey Minerals Plan 2011 Core Strategy.

36. Bunds for the storage of agricultural soils shall conform to the following criteria:

- a) Topsoil, subsoil and subsoil substitutes shall be stored separately;
- b) Where continuous bunds are used dissimilar soils shall be separated by a third material which is to be agreed with the County Planning Authority;
- c) Topsoil bunds shall not exceed 3m in height and subsoil (or subsoil substitute) bunds shall not exceed 5m in height;
- d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

Reason: So as to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation in accordance with Policies MC17 and MC18 of the Surrey Minerals Plan 2011 Core Strategy.

37. All storage bunds intended to remain in situ for more than six (6) months or over the winter period are to be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the County Planning Authority. The seed mixture and the application rates shall be agreed in writing with the County Planning Authority prior to completion of bund formation.

Reason: So as to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation in accordance with Policies MC17 and MC18 of the Surrey Minerals Plan 2011 Core Strategy.

38. All topsoil, subsoil, and soil forming material shall be retained on the site.

Reason: So as to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation in accordance with Policies MC17 and MC18 of the Surrey Minerals Plan 2011 Core Strategy.

39. Pockets of suitable soil forming material shall be recovered, wherever practicable and necessary during stripping or excavation operations, for use during the restoration phase of the development hereby permitted.

Reason: So as to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation in accordance with Policies MC17 and MC18 of the Surrey Minerals Plan 2011 Core Strategy.

40. All stones and other materials in excess of 100mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.

Reason: So as to achieve a satisfactory standard of restoration in accordance with Policies MC17 and MC18 of the Surrey Minerals Plan 2011 Core Strategy.

41. The operator shall notify the County Planning Authority in writing at least five (5) working days before commencement of the final subsoil placement on each phase, or part phase, of the development hereby permitted.

Reason: So that the County Planning Authority is aware of the operator's intention to start soil placement operations and to safeguard soil resources and achieve a satisfactory standard of agricultural reclamation in accordance with Policies MC17 and MC18 of the Surrey Minerals Plan 2011 Core Strategy.

42. In any part of the site where differential settlement occurs during the restoration and aftercare period, the operator, where required by the County Planning Authority, shall fill the depression to the final contours as shown on Drawings Ref. P3/648/9A Final Restoration dated August 2013 and P3/648/10 Restoration Sections dated September 2012 with suitable imported soils and to a specification to be agreed in writing with the County Planning Authority.

Reason: So as to achieve a satisfactory standard of restoration in accordance with Policies MC17 and MC18 of the Surrey Minerals Plan 2011 Core Strategy.

Landscape Management and Aftercare

43. Trees within the site shall be protected in accordance with the measures outlined in the 'Arboricultural Impact Assessment' dated August 2013, 'Tree Constraints Plan' Drawing Ref. L3/648/2 Rev A dated Feb 2014 and 'Tree Protection Plan' Ref. L3/648/3 Rev A dated Feb 2014.

Reason: In the interests of the environment and local amenity in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008, and Policies EN4 and EN8 of Spelthorne Core Strategy 2009.

44. The restoration of the site shall be carried out in stages, progressively as the extraction proceeds in accordance with the Drawings Ref. P3/648/8 Rev 4 8a-8h, 'Method of Working Phases' dated April 2016 and Drawing Ref. P3/648/9A Final Restoration dated

August 2013.

Reason: In the interests of the environment and local amenity in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008, and Policies EN4 and EN8 of Spelthorne Core Strategy 2009.

45. Within 12 months of the date of this planning permission a 25-year (5-years aftercare and 20-years management) Landscape and Ecology Management Plan (LEMP) (as detailed within the s106 legal agreement) shall be submitted for approval in writing by the County Planning Authority. The LEMP shall be implemented, carried out, and maintained as approved and in accordance with the s106 legal agreement.

Reason: In the interests of the environment and local amenity in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Core Strategy, Policy DC3 of the Surrey Waste Plan 2008, and Policies EN4 and EN8 of Spelthorne Core Strategy 2009.

INFORMATIVES:

1. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Transportation Service.
2. The permission hereby granted shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a Section 278 Agreement must be entered into with the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please see <https://www.surreycc.gov.uk/land-planning-and-development/planning/transport-development/delivery-of-development-highway-works>. The applicant is also advised that consent may be required under Section 23 of the Land Drainage Act 1991. Please see <http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice/ordinary-watercourse-consents>.
3. When a temporary access is approved or an access is to be closed as a condition of planning permission and agreement with, or licence issued by, the Highway Authority Local Transportation Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform to existing adjoining surfaces at the developer's expense.
4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing any highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).
5. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints, and any other street furniture and/or equipment.
6. The permission hereby granted shall not be construed as authority to retain the proposed Bailey bridge (as shown on Drawings Refs: P3/648/8 Rev 4 8a, Method of Working Phases dated April 2016 and P3/648/4 Infrastructure Plans and Elevations dated

September 2012) over the River Ash for the purposes of extending the public right of way network. The applicant is advised to submit details of the bailey bridge to the Structures Team at Surrey County Council before extending the public right of way network over the bridge.

7. The developer is advised that the design of the proposed access arrangement as submitted with the application may have to be altered to accommodate the future provision of an off road shared footway cycleway along both sides of Gaston Bridge Road.
8. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written consent. More details are available at www.surreycc.gov.uk.
9. If the proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.
10. 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.
11. 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.
12. Prior to the commencement of the development, and throughout the period of working, restoration, and aftercare, it shall be the responsibility of the developer to make enquiries and, in consultation with the County Planning Authority, take appropriate steps to prevent the spread of any soil-borne plant or animal diseases.
13. The applicant's attention is drawn to the need to employ an ecological clerk of works to check the perimeter bunds for protected species, in particular reptiles, prior to the removal/stripping of vegetation on the bunds to avoid a possible offence being committed under the Wildlife and Countryside Act 1981 (as amended).
14. The routing of HGVs (under the control of the applicant) to and from the site shall be from the A244 via the A308 or Walton Bridge only.
15. The applicant is reminded that the granting of planning permission does not permit the alteration or obstruction of any part of the public right of way in any form, and that a temporary diversion order needs to be applied for and secured prior to any diversion on the ground.
16. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice 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. Issues of concern have been raised with the applicant including impacts the environment and amenity and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2019.

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 \(NPPF\) 2019](#)

[Planning Practice Guidance 2014](#)

[National Planning Policy for Waste 2014 \(NPW\)](#).

[Circular 06/2005 Biodiversity and Geological Conservation- Statutory Obligations](#)

[Government Circular 01/03 Safeguarding aerodromes, technical sites and military explosives Storage areas](#)

The Development Plan

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

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

[Surrey Waste Plan 2008](#)

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

[Spelthorne Borough Local Plan 2001 \(saved policies\) \(SBLP 2001\)](#)

Other Documents

North West Surrey Minerals Local Plan 1985

Surrey Minerals Local Plan 1993

Primary Aggregates Land Assessment Report 2009

Surrey County Council Guidelines for Noise Control Minerals and Waste Disposal 1994 (Surrey Noise Guidelines)

[IAQM \(2016\) Guidance on the Assessment of Mineral Dust Impacts for Planning](#). Institute of Air Quality Management, London

[IAQM \(2016\) Guidance on the Assessment of Mineral Dust Impacts for Planning](#). Institute of Air Quality Management, London.

Surrey County Council [Aggregates Monitoring Update - September 2018](#)

[Surrey Future Congestion Programme 2014](#) (Consultation report March 2013 no longer available to view online)

[Surrey Landscape Assessment \(2015\)](#) ([LCA 2015 Spelthorne Report](#) and [Surrey LCA 2015 Spelthorne Figure 18 Character Areas](#))

[2014 Air Quality Progress Report for Spelthorne Borough Council](#)

Spelthorne Borough Council air quality latest air quality reports:

<https://www.spelthorne.gov.uk/article/2108/Air-quality---latest-reports>

Walton Bridge links cycle path scheme – information on Surrey County Council website about the [Walton Bridge links cycle path](#) scheme and [information leaflet with map](#)

Environment Agency (and others) Waste Classification Guidance on the classification and assessment of waste (1st edition 2015) [Technical Guidance WM3](#)

Environment Agency [Groundwater vulnerability maps: summary and user guide May 2014](#)

Environment Agency website: [information about aquifers](#)

Environment Agency 2013 [Groundwater Protection: Principles and Practice \(GP3\)](#)

Environment Agency [Groundwater protection](#) guides covering: requirements, permissions, risk assessments and controls: [The Environment Agency's approach to groundwater protection](#)

Environment Agency [Groundwater protection technical guidance 14 March 2017](#)

Environment Agency [Protect groundwater and prevent groundwater pollution](#) 14 March 2017

Environment Agency October 2012 [Guidance for developments requiring planning permission and environmental permits](#)

[The Environment Agency's approach to groundwater protection February 2018 Version 1.2](#)

Ministry of Agriculture Fisheries and Food (MAFF) [Good Practice Guide for Handling Soil, Sheets 1 - 4 \(handling soil using excavators and dump trucks\)](#)

August 2004 Defra [Guidance for Successful Reclamation of Mineral and Waste Sites](#)

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

ANNEX 1

Draft Heads of Agreement

These Draft Heads of Agreement relate to the following planning application which is being reported to the 10 July 2019 Planning and Regulatory Committee:

Application Ref SP12/01487: *Proposed extraction of concreting aggregate from land at Watersplash Farm together with the erection of processing plant and associated mineral infrastructure, the provision of a new access from the Gaston Bridge Road/Green Lane roundabout, restoration involving the importation of inert restoration materials to agriculture, flood meadows, lake and reed beds with public access, on a site of 28ha and temporary diversion of public footpath 53 for the duration of operations.*

Site: *Land at Watersplash Farm, Gaston Bridge Road and Fordbridge Road, Shepperton, Surrey TW16 6AU*

Set out below are the broad heads of agreement, subject to the grant of planning permission for the above planning application, to be included in a legal agreement between CEMEX Operations Ltd. (Applicant and Landowner) and Surrey County Council (County Planning Authority) to secure:

- i) the long term (25 year) landscape and ecological management, maintenance and aftercare of the land at Watersplash Farm; and
- ii) the long term monitoring of the groundwater levels

Outline of Basic Management Plan Agreement

1. Within 12 months of the date of the planning permission a 25-year (5-years aftercare and 20-years management) Landscape and Ecology Management Plan (LEMP) in general accordance with 'Watersplash Farm Biodiversity Action Plan dated November 2018' and 'Outline Restoration and Five Year Aftercare Strategy for Watersplash Farm dated May 2012' shall be submitted for approval in writing by the County Planning Authority. The LEMP shall include (but not be limited to) the following details:
 - a) Outline strategy for the five-year aftercare period in accordance with paragraph 057 (Ref ID. 27-057-20140306) of the National Planning Practice Guidance (March 2014) specifying steps to be taken and the period during which they are to be taken including provision for (i) an annual meeting between the operator, the County Planning Authority, and other interested parties; (ii) a remedial field drainage system; and (iii) a pre-release report to demonstrate that the agricultural land has been reclaimed to the required standard;
 - b) Detailed annual aftercare programme, in accordance with paragraph 057 (Ref ID. 27-058-20140306) of the National Planning Practice Guidance (March 2014), to be submitted to the County Planning Authority not later than two months prior to each annual aftercare meeting;
 - c) A detailed and scaled plan showing the extent of management compartments;
 - d) Species management including indicator or range or typical or optimum species and details of management for undesirable species or alien invasive species for all management compartments;
 - e) Detailed and scaled landscape plans and management arrangements for the oxbow lake;
 - f) Management of hedgerows with standard trees (excluding Ash);
 - g) Additional planting (closing gaps) within the hedgerows along Fordbridge Road prior to commencement of extraction operations;

- h) Provision and locations of bird and bat boxes;
- i) Arrangements for the implementation, training, management and supervision of monitoring and recording by community volunteers;
- j) Means of implementing and securing management of amenity open space;
- k) Fencing and gate furniture for amenity open space.

All management shall only take place in accordance with the approved Landscape and Ecological Management Plan.

2. Groundwater monitoring shall be carried out in accordance with Condition 23 of planning permission ref.SP12/01487, and the Groundwater Monitoring Plan Ref. 60084 R7 Rev 3 dated November 2016, with a timetable of monitoring and submission of reports, throughout the 20 year management plan until such time that it can be demonstrated through periodic reviews of the data and updates of the modelling, that significantly adverse impact has not been caused.

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