


**To:** Planning & Regulatory Committee

**Date:** 29 March 2023

**By:** Planning Development Manager

**District(s)** Tandridge District Council

**Electoral Division(s):**
**Godstone**
**Chris Farr**
**Case Officer:**
**Katie Rayner**
**Purpose:** For Decision

**Grid Ref:** 530727 151601

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**Title: Minerals/Waste TA/2022/1220**
**Summary Report**
**Mercers South Quarry, Bletchingley Road, Nutfield, Redhill, Surrey RH1 4EU**

**Extraction and screening of sand from Mercers South Quarry with progressive restoration to agriculture using inert waste materials, together with associated infrastructure, on a site of 52.2ha and the temporary diversion of public footpath 173 for the duration of the operations without compliance with Conditions 1, 9 and 24 of planning permission Ref: TA/2019/2147 dated 10 September 2020 to allow for the revision to Phase 1 of the phased restoration of the site and the relocation of the wheel wash facility.**

This application relates to the established Mercers South Quarry (hereon referred to as 'the Quarry'), located in the open countryside on land at Mercers Farm and extends to approximately 54 hectares (ha). The Quarry has planning permission for the extraction, screening, and export of sand with progressive restoration to an agricultural end use, with landscape and ecological enhancements, using imported materials until 2036. This application is seeking planning permission under Section 73 of the Town and Country Planning Act 1990, to allow for amendments to Conditions 1, 9 and 24 of planning permission Ref: TA/2019/2147 dated 10 September 2020, to allow a delay to the restoration of a 0.6ha area of Phase 1 and amendments to plans and drawings alongside the relocation of the wheelwash within the Quarry.

The Quarry lies within the Metropolitan Green Belt and within the Holmethorpe Sandpits Complex Site of Nature Conservation Importance (SNCI), the latter of county importance for birds. The northern boundary of the Quarry, marked by Redhill Brook, borders the southern edge of the Surrey Hills Area of Outstanding Natural Beauty (AONB). The eastern most point of the access to the quarry adjoins the Surrey Hills Area of Great Landscape Value (AGLV) boundary.

This application should be read in conjunction with the planning application Ref: TA/2022/1155 which is seeking planning permission for the installation and use of a Soil Recovery Facility (SRF) on an area of 0.6ha within Phase 1 in the Quarry. Should planning permission be granted for the SRF this would mean that this part of Phase 1 would not be restored as is currently permitted (by the end of Year 8 of Quarry workings) but would be

restored at the end of Quarry operations. There is no proposed extension to the end date of the Quarry proposed.

The extraction of minerals is a temporary activity and government guidance and development plan policy states that minerals extraction need not be inappropriate development in the Green Belt, provided it preserves openness and does not conflict with the purposes of including land within it. Due to the temporary nature and reversibility of the application site, and that it will be restored to high quality environmental standards in accordance with the approved restoration scheme, Officers are satisfied that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

Officers consider the amendment to Conditions 1, 9 and 24 are necessary and support the on-going restoration of the site at the earliest opportunity. Officers are satisfied that in conjunction with the planning application for the SRF facility (Ref: TA/2022/155) the applicant has adequately demonstrated the need for the changes to Conditions 1, 9 and 24 of planning permission Ref: TA/2019/2147 and has provided sufficient information to support this Section 73 submission.

Having regard to the environmental information contained in the Environmental Statement (2013) the Environmental Statement Addendum (2019) and the EIA Statement of Conformity (2022), national and development plan policy, consultee views and concerns raised by local residents, Officers consider, subject to the imposition of conditions together with control through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and the development is consistent with the NPPF and the development plan in this regard.

**The recommendation is to PERMIT subject to conditions.**

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### **Application details**

#### **Applicant**

J & J Franks Ltd

#### **Date application valid**

16 August 2022

#### **Period for Determination**

6 December 2022, extension of time agreed until 10 April 2023.

### **Amending Plans and Documents**

Drawing No: Figure 14 Proposed Restoration Plan – Quarry Area dated 03/02/23 Drawing No: LMSL/16/JJF/MC/10 Rev B Access Road Landscape Restoration dated 06/02/23 Drawing No: LMSL/16/JJF/MC/9 Rev A Final Site Restoration dated 06/02/23 Drawing No: LMSL/16/JJF/MC/7 Rev D Landscape Proposals Years 8-16 (Year 12) dated 10/02/23; and Drawing No: Figure 11 Rev A Indicative Quarry Phasing Year 20 dated 03/02/23.

Drawing No: Figure 10-5, Proposed Site Layout Phases 1 and 2, dated December 2022 Drawing No: Figure 10-4 Rev B, Proposed Site Layout Phases 3 and 4, dated February 2023.

Revised Certificates and Agricultural Declaration  
 Revised Planning Application Form dated February 2023  
 Planning Statement Addendum dated February 2023  
 Appendix B2 of the Planning Statement Addendum  
 Appendix B3 of the Planning Statement Addendum  
 Amplifying e-mail dated 17 March 2023 providing clarification on the wheel wash facility.

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## 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.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the reports where this has been discussed</b>
Restoration and Aftercare	Yes	74-87
Landscape and Visual Impact	Yes	93-101
Cultural Heritage	Yes	102-115
Noise	Yes	116-123
Air Quality and Dust	Yes	124-132
Ecology and Biodiversity	Yes	133-143
Highways, Traffic and Access	Yes	144-149
Flood Risk and Drainage	Yes	150-154
Residential Amenity	Yes	155-160
Metropolitan Green Belt	Yes	162-175

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## Illustrative material

### Site Plan

Figure 7 Rev B Indicative Quarry Phasing Year 8 dated 27.05.22

Figure 8 Rev A Indicative Quarry Phasing Year 12 dated 27.05.22

Figure 10-5 Proposed Site Layout Phases 1 and 2 dated December 2022

Figure 10-4 Rev B Proposed Site Layout Phases 3 and 4 dated February 2023

### Aerial Photographs

Aerial 1

Aerial 2

### Site Photographs

Figure 1: View looking north towards the Quarry from the internal haul road and built site compound area.

Figure 2: View looking north-west of the area of Phase 1 to be restored toward the end of the life of the Quarry.

Figure 3: View looking south-west from the eastern site boundary soil mound into Phase 1 of the Quarry.

Figure 4: View looking north of the wheel wash facility, located to the west of the eastern site boundary soil mound.

Figure 5: View of the wheel wash facility looking north.

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## Background

### Site Description

1. This application relates to the established Mercers South Quarry, located in the open countryside on land at Mercers Farm. The quarry covers some 52 hectares (ha) of land approximately 2.5 kilometres (km) north-east of Redhill, with Merstham to the north, and the villages of Nutfield and Bletchingley on the A25 to the south and southeast respectively. The quarry is situated approximately 0.25 kilometres (km) to the west of the M23 motorway (Junction 8) and 1km south of the M25 motorway (Junction 7).
2. The Quarry has permission for the extraction, screening, and export of sand with progressive restoration to an agricultural end use, with landscape and ecological enhancements, using imported materials until 2036. The site is accessed to the south, from the A25 (Nutfield Road/Bletchingley Road) via a purpose built tarmac surfaced haul road built to highway specifications. At the foot of the dedicated internal haul road is the built site compound (site office, weighbridge and staff parking facilities). Footpath 173 has been diverted for the duration of the permission to follow the southern site boundary of the sand extraction area running from Nutfield Marsh Lane to the junction with Footpaths 175 and 188. The applicant has implemented the safeguarding measures (gates and signage) secured by planning conditions to maintain safe public access along the footpaths at the crossing point with the haul road.
3. To the west of the Quarry is Mercers Park, a former silica sand quarry and now a countryside park used mainly for water sports. To the north lies Spynes Mere, another former silica sand quarry, restored to a lake and nature reserve. The Quarry lies within the Metropolitan Green Belt and within the Holmethorpe Sandpits Complex Site of Nature Conservation Importance (SNCI), the latter of county importance for birds. The northern boundary of the quarry, marked by Redhill Brook, borders the southern edge of the Surrey Hills Area of Outstanding Natural Beauty (AONB). The Quarry lies within 13km of the safeguarding area for the Biggin Hill Airfield and Gatwick Airport. The eastern most point of the access to the quarry adjoins the Surrey Hills Area of Great Landscape Value (AGLV) boundary.
4. The extraction area of the quarry lies to the south and east of Mercers Farm buildings. Land to the south of the extraction area incorporates the mineral working's access to the A25 and Glebe Lake which is in the process of being enhanced for nature conservation purposes. Public Footpath No.173 crosses the southern end of the mineral working (East to West), with Public Footpath Nos.175 and 188 crossing the line of the quarry access route to the south.
5. The closest residential properties lie approximately 50m to the west of the quarry boundary, with the closest residential properties to the access road being the properties along the A25 approximately 70m to the east of the quarry's access.

## Planning History

6. The Nutfield area forms a complex of historical workings for Fullers Earth and overlying sands both north and south of the A25.
7. Planning permission (Ref: TA/2013/1799) was granted on 12 August 2014, for the extraction and screening of sand from Mercers South with: the construction of a new dedicated internal access from the A25; screening bunds; the provision of a welfare/office block and mobile home to accommodate staff and security personnel; a wheelwash, weighbridge and associated office; car parking area; reinstatement of rights of way network, woodland, historic hedgerows and ditch to include landscape and ecological enhancements, on a site of 52.2ha and the temporary diversion of public footpath 173 for the duration of the operations.
8. On 23 April 2018 planning permission Ref: TA/2017/2346 was granted for the extraction and screening of approximately 250,000 tonnes of sand from an area of 1.67ha, as an extension to the phasing within the existing Mercers South Quarry, with progressive restoration to agriculture using inert waste materials.
9. In September 2018, two Non-Material Amendment (NMA) applications to Ref: TA/2013/1799 and Ref: TA/2017/2346, were approved to change the infill material at the site from inert waste to non-hazardous waste. In June 2019 planning permission (Ref: TA/2018/2174) was granted for the erection of a vehicle maintenance workshop building in connection with the working and restoration of Mercers South Quarry. In combination with the workshop application the applicant submitted application Ref: TA/2019/34 seeking to develop land without compliance with Condition 1 of planning permission Ref: TA/2013/1799 dated 12 August 2014, to allow minor amendments to the 'as built' design and layout of the compound area of the site containing the site office and weighbridge, originally permitted in 2014. The application (Ref: TA/2019/34) was granted planning permission in June 2019 and subject to some 28 planning conditions.
10. Planning permission Ref. TA/2019/34 was further varied on 10 September 2020 under Ref: TA/2019/2147 to allow revision to the numbers of lorry movements. The permission allowed a change from 150 HGV movements per day associated with the extraction and importation of inert waste materials, with HGV movements on any single day not exceeding 240 movements, to no more than an average of 300 HGV movements per day, with HGV movements on any single day not exceeding 350 movements. Planning permission Ref: TA/2019/2147 dated 10 September 2020, is the extant permission for the site. As per planning Condition 2 of Ref: TA/2019/2147, restoration of the site is to be completed by 31 December 2036.
11. A planning application for the use of land at Mercers South Quarry for the importation of Construction, Demolition and Excavation (C,D and E) waste and the siting and use of a mobile screener and a crusher to enable the recovery of soils to assist with on site restoration and the production of recycled aggregates for sale and export (Ref: TA/2022/1155) has been submitted in tandem with this application, and forms the basis of the reason for the submission of this Section 73 application.

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## The proposal

12. In combination with the application for the installation and use of a Soil Recovery Facility (SRF) at the Mercers South Quarry (planning application Ref: TA/2022/1155), this application has been submitted under Section 73 (s73) of the Town and Country Planning Act 1990 (as amended). s73 provides for the determination of applications to develop land without compliance with conditions previously attached. s73 requires the Local Planning Authority (LPA) to consider only the question of the conditions subject to which planning permission should be granted, however this does not permit them to ignore the wider considerations affecting the grant of permission since a successful s73 application results in a new permission and it must therefore be determined according to the current development plan and other material conditions. The development which this s73 application seeks to amend will have been judged to be acceptable in principle at an earlier date at the time that the planning permission was granted.
13. To establish the proposed soil recycling facility (SRF) the timing of the approved restoration phasing must be amended. This is to allow the 0.6 hectares (ha) of Phase 1, where the SRF is proposed to be situated, to be restored at the end of the permitted life of the Quarry in 2036. The SRF will cease operations and removal all plant and machinery by 31 December 2035, when the infilling operations have ceased. This is required as the SRF is proposed to facilitate the restoration of the Quarry by providing a proportion of the infill material. The part of Phase 1 which the SRF is proposed to occupy would ordinarily have been progressively restored with the remainder of Phase 1, as the site is worked and progressively restored from east to west.
14. The 2035 timeframe accords with the permitted end date for the infilling of Mercers South Quarry, which is 31 December 2035, as secured under Condition 2 of planning permission Ref: TA/2019/2147 dated 10 September 2020. There would be no change to the approved agricultural restoration for this part of the site, only the timing of the restoration for the area of the SRF.
15. In order to facilitate the change to the timing of the restoration of Phase 1 the applicant has submitted, in respect of Condition 1 (approved plans) of planning permission Ref: TA/2019/2147 dated 10 September 2020, revised indicative Quarry phasing plans and landscape plans to show the SRF facility in situ on the site during the relevant working phases of the quarry until 2035 (in year 20).
16. In addition, the applicant seeks to amend the wording of Condition 24 (restoration, landscaping and ecology) of planning permission Ref: TA/2019/2147 dated 10 September 2020, which requires the restoration of the site to be carried out in stages, progressively as the extraction proceeds in accordance with the approved indicative quarry phasing plans and the approved restoration plans for the Quarry area and access road. As such this Condition would require amendment to the referenced plans.
17. In addition to the changes to the timing of the restoration, the applicant is also seeking permission retrospectively for the relocation of the wheel wash facility, which comprises a wheel bath and a wheel spinner (hereon referred to as 'the wheel wash facility'), for the duration of the infilling of the remaining area of Phase 1 and phase 2 at the Quarry. Condition 9 of planning permission Ref: TA/2019/2147 dated 10 September 2020, currently requires the wheel wash facility to be provided in accordance with Drawing No: Figure 10-4, Proposed Site Layout dated September

2019, which places the wheel wash in the built site compound area adjacent to the weighbridge.

18. The applicant has set out in the Planning Statement Addendum dated February 2023, that it is not necessary for the vehicles importing restoration materials into the quarry to be weighed when leaving the site. The wheel wash facility has therefore been placed approximately 15m from its original location to the east of the proposed SRF area, away from the built site compound and weighbridge area, on the exit route of Phases 1 and 2, so that the vehicles drive through it prior to joining the haul road and from there on to the public highway. The applicant has indicated that this would help facilitate a safe and efficient internal traffic management system, which allows for minimum interaction between Heavy Goods Vehicles (HGVs) importing materials for restoration and those exporting Sand from the site. Once Phases 1 and 2 of the Quarry are restored, it is proposed to move the wheel wash facility back to its originally approved location adjacent to the weighbridge, for the infilling of the remaining Phases, removing the need for the infilling HGVs to track over the restored land.
19. This application therefore seeks permission to amend Conditions 1,9 and 24 of planning permission Ref: TA/2019/2147 dated 10 September 2020, to allow revision to the phasing of the restoration with respect to a 0.6 ha area of Phase 1 until the end of the permitted life of the Quarry by 2036 and to allow the temporary relocation of the wheel wash facility. The applicant does not propose any other changes to the operations already permitted at the quarry.
20. An Environmental Impact Assessment Statement of Conformity (dated July 2022) accompanies this application. This document has been produced by the applicant to demonstrate conformity with the original Environmental Statement, dated October 2013 and the addendums submitted for planning application references TA/2013/1799, TA/2017/2346, TA/2019/34 and TA/2019/2147, which have been submitted with this application. The Statement of Conformity document provides a summary of the likely effects of the proposed changes to the approved phased restoration, based on a review of the topics assessed in the Environmental Statement and subsequent addendum.

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## Consultations and publicity

### District Council

21. Tandridge District Council - No objection, subject to the replication and/or imposition of any suitable and robust conditions to protect the living conditions of nearby residents that are deemed to be necessary by the determining authority.
22. Tandridge District Council – Environmental Health - No views received.

### Consultees (Statutory and Non-Statutory)

23. Reigate and Banstead Borough Council - No objection.

24. County Archaeological Officer - No comments, as on-going archaeological matters are being addressed by conditions attached to the applicants permission and those matters are not affected by the variations being sought.
25. County Enhancement Officer - Comments raised on the detail provided in the submitted plans and their consistency with the approved restoration scheme for the site.
- Following the submission of revised information, it is confirmed that the final restoration plans now reflect the approved restoration scheme for the site. The position of the wheel wash and haul routes have been addressed. The SRF will be removed at the end of year 20 leaving one year to meet the final restoration deadline of 31 December 2036, which is considered adequate. It is recommended that conditions are attached to any grant of planning permission to update the existing Landscape, Ecology Management Plan (LEMP) for the site to reflect the changes to the timing for the SRF restoration (within 12 months). In addition, soil handling guidelines have been updated and conditions should refer to the up to date guidance.
26. Environment Agency - No objection to the proposed variation, the amendments relate purely to the timing of the approved restoration phasing.
27. County Environmental Assessment Officer - EIA Statement of Conformity is the most appropriate addition to the ES for the quarry, given the minor changes proposed under this S73 application. On review of the information it is recommended that the Statement of Conformity is sufficient to inform the CPA's determination of the current application.
28. County Highway Authority - No objection.
29. County Historic Buildings Officer - Provided the area of the soil recovery facility is ultimately restored, the proposal would not result in any more harm than originally identified. No additional impact on the built heritage assets associated with the application, following the inclusion of the relocation of the wheel wash facilities.



- 30. County Landscape Architect
  - Overall, it is considered there will be a limited degree of harm in landscape and visual terms arising from the proposed SRF and associated delay to final restoration of the 0.6ha area. On review of the submitted document, the temporary screening mounding immediately to the east of the SRF is not shown, the footpath diversion is shown in the wrong colour on the key and some of the proposed hedge planting is not shown.

Following the submission of further information no further comments to make, including a revised Landscape Proposals Years 8 – 16 Plan (Rev D), previous concerns have been addressed.
  
- 31. County Noise Consultant
  - The application will not alter the existing noise-related planning conditions (conditions 17, 18 and 19) and therefore the same level of protection from noise should remain in place for nearby sensitive receptors. The proposed change in wheel wash location is unlikely to result in noise impacts any greater than those already permitted.
  
- 32. Natural England
  - No objection, the proposed development will not have a significant adverse impact on designed sites. Given the proposed development is located within an area which Natural England is assessing as a boundary variation to the AONB, an assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities to avoid or minimise impacts and secure enhancement opportunities.
  
- 33. Planning Casework Unit DCLG
  - No comments to make on the environmental statement.
  
- 34. County Rights of Way Officer
  - No views received.
  
- 35. County Air Quality Consultant
  - The dust impacts are not time dependant, so the risk is unchanged by any variation in the timing. On that basis the proposed variations are unlikely to have a significant dust effect.

36. Lead Local Flood Authority - No comments, no change to the drainage strategy or surface water drainage system at the site.
37. County Ecologist - Officers may be minded to seek clarification on whether this amendment to the conditions requires any specific technical updates to the restoration proposed (such as season or method of creation), to any European Protected Species mitigation licence requirements and/or any monitoring requirements within the Landscape and Ecology Management Plan (Condition 28). The proposed location of the wheel wash facility is unlikely to have an adverse impact upon the SNCI. However, it is advised that Officers are confident that water will be managed (if required) using a method which will not have an adverse impact upon the site. If there is no requirement for water management, then it is unlikely that an offence would occur. The discharge or disposal of water into Glebe Lake, or any other waterbody associated with the SNCI, should not be permitted unless Officers have signed off the activity in writing.
38. Surrey Wildlife Trust - Object, it is noted that the site is located in the Holmethorpe Sandpits Complex (SNCI) and the Holmesdale Biodiversity Opportunity Area (BOA), the restoration of a significant proportion of the site is to agriculture which is lacking in scope and does not make best use of the opportunity presented that could essentially re-purpose all of the land for biodiversity and nature conservation and recovery.
39. Sutton and East Surrey Water - No views received.
40. Thames Water - No views received.
41. Gatwick Airport - No objection, the proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.
42. Biggin Hill Airport Ltd - No views received.
43. County Geotechnical Consultant - Raised no comments specific to the amendments sought as part of this

application. Conditions are recommended to be attached to any grant of the SRF facility to ensure legacy contamination is appropriately dealt with at the decommissioning stage and have been considered as part of the determination of that application (Ref: TA/2022/1155).

- 44. Health and Safety Executive - Quarries - No views received.
- 45. Surrey Hills AONB Officer - No protected landscapes views on the above restoration proposal on this long-established mineral extraction site.
- 46. National Grid - No views received.
- 47. Historic England - No comments to make on this application. It is suggested that views are sought from the County Specialist Conservation and Archaeological advisers

Parish/Town Council and Amenity Groups

- 48. Bletchingley Parish Council - No objection
- 49. Nutfield Parish Council - No views received.
- 50. Godstone Village Association - No views received.
- 51. Nutfield Marsh Residents Group - No views received.
- 52. Campaign for Protection of Rural England (CPRE) - No views received.
- 53. Quarry Observation Group (QOG) - No views received.
- 54. Traffic Action Group (TAG) A25 - No views received.
- 55. Surrey Ramblers Association - No views received.
- 56. Nutfield Conservation Society - No views received.

Summary of publicity undertaken and key issues raised by public

- 57. The application was publicised by the posting of four site notices and an advert was placed in the local newspaper. There has been one further round of publicity and neighbour notification, including all those that have made representations on the planning application. A total of 102 of owner/occupiers of neighbouring properties were directly notified by letter. Three letters of representation have been received in response to this application.

58. Of the three representations received, two are in support of the application, indicating that the applicant's current operations are an example of good practice and request that the normal safeguards are in place to route traffic onto suitable roads, sheet vehicles and that footpaths are covered in some aggregate to allow winter walking. It is also requested that the council uses part of the additional council tax revenue from the business activity to fulfil their obligation to sweep surrounding roads more often. The third letter of representation, requests that if permission is given that the associated lorry movements are included within the current quota for the site, and it is made clear that this will not be increased further. Further damage on and along the A25 from heavy traffic would add to the to the disruption and environmental damage to the area from this proposal.

## Planning considerations

### Introduction

59. 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.
60. In this case the statutory development plan for consideration of the application consists of the Surrey Waste Local Plan Part 1 – Policies 2020 (SWLP 2020), Surrey Minerals Plan Core Strategy Development Plan Document 2011 (SMP 2011), the Surrey Minerals Plan Primary Aggregates Development Plan Document 2011 (PADPD 2011), along with Tandridge District Council Core Strategy 2008 (TDCS 2008), Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (TDLP 2014) and the Mineral Site Restoration Supplementary Planning Document (SPD), adopted alongside the SMP 2011. There is no adopted neighbourhood plan for this area.
61. The TDCS 2008 and TDLP 2014 are currently in the process of being replaced. Tandridge District Council (TDC) submitted their emerging local plan 'Our Local Plan 2033' in January 2019 to the Planning Inspectorate. An examination in Public (EiP) commenced in October 2019 and was completed by the end of November 2019. Following this the Inspector's preliminary conclusions and advice was received in December 2020. Since that time, correspondence has taken place between TDC and the Planning Inspectorate with regards to the Transport Authority and Highways England. These matters remain unresolved at the time of this report.
62. In accordance with Paragraph 48 of the National Planning Policy Framework (NPPF) 2021, weight can be given to relevant policies in emerging plans according to the stage of preparation (the more advanced its preparation, the greater the weight that can be given). Given the plan has undergone EiP stage, Officers consider that policies within this Plan can be afforded some weight in the decision making for this application. However, this weight does not outweigh those policies that form part of the TDCS 2008 and TDLP 2014 which are part of the adopted Development Plan.
63. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations.
64. In assessing the application against development plan policy, it will be necessary to determine whether the proposed measures for mitigating any environmental impact

of the development are satisfactory. In this case the main planning considerations are the cumulative impact of the proposed delay to the restoration of the quarry and the change to the wheel wash location on the environment and amenity including the impact on the landscape and visual qualities of the area, cultural heritage, noise, air quality, highways and traffic, flood risk, and residential amenity, alongside the impact on the delivery of restoration and aftercare and the Green Belt.

### **SECTION 73A APPLICATIONS (s73)**

65. This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended). Section 73 of the Town and Country Planning Act 1990 provides for the determination of applications to develop land without compliance with conditions previously attached. Section 73A of the Act, provides, for retrospective planning applications to be made in respect of development which has been carried out before the date of the application, and applies (inter alia) to development carried out without complying with some conditions subject to which planning permission was granted. In this respect, the relocation of the wheel wash facility which forms part of this application, is retrospective as the works have already taken place on site.
66. Local planning authorities can grant permission to applications under Section 73 unconditionally or subject to different conditions from those subject to which the previous permission was granted, or they can refuse the application if they decide the original condition(s) should continue. If granted a Section 73 planning application creates a fresh planning permission and leaves the existing planning permission intact. The development, which the application under Section 73 seeks to amend, will by definition have been judged to be acceptable in principle at an earlier date.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

67. This Section 73 application which seeks to make minor amendments to the approved restoration phasing and to relocate the wheel wash facility would be classed as a change to 'development of a description listed in Schedule 1' of The Town and County Planning (Environmental Impact Assessment) Regulations 2017.
68. The original planning application for Mercers South Quarry planning permission Ref: TA/2013/1799 dated 12 August 2014, was supported by a comprehensive Environmental Statement (ES) and the subsequent s73 application for an increase in HGV movements (Ref: TA/2019/2147 dated 10 September 2020) by an ES Addenda.
69. Given the minor nature of the proposed changes subject of this current s73 application, which are limited to the timing of restoration of a 0.6ha part of Phase 1 and the relocation of the wheel wash and amendments to the approved plans, the proposals are unlikely to give rise to any additional environmental effects that require further assessment. On this basis the applicant has submitted an EIA Statement of Conformity dated July 2022, in support of the application.
70. The current application (TA/2022/1220) seeks to vary a number of the drawings and plans approved under Condition 1 of planning permission Ref: TA/2019/2147, to allow for the changes to an area of Phase 1 to accommodate the SRF, including the change to the phasing of the quarry to allow the area of the SRF to be restored towards the end of the permitted life of the quarry and a change to the location of the wheel wash facility for a temporary period during the restoration of the Phases 1 and 2 at the site. The Environmental Statement (ES) originally submitted in support of planning permission Ref: TA/2013/1799 (as amended by the information submitted in

support of planning permission TA/2016/205/EIA for the partial infilling of Glebe Lake with inert waste and its subsequent ecological enhancement) and the addendum to the ES in support of planning permission TA/2019/2147, have been published alongside the current application (TA/2022/1220) to vary Conditions 1, 9 and 24 of the extant planning permission at the site Ref: TA/2019/2147 dated 10 September 2020.

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71. The submitted Statement of Conformity provides a summary of the likely effects of the s73 proposed changes to the approved phased restoration, based on a review of the topics assessed in the ES 2013 and ES Addendum 2019. The Statement of Conformity concludes that the findings of the ES 2013 and ES Addendum 2019 remain valid for this s73 planning application when considered in isolation or in combination with the SRF proposal.
  72. Under Regulation 26<sup>1</sup> of the EIA Regulations the CPA is required to examine the 'environmental information' (as defined in Regulation 2 of the EIA Regulations<sup>2</sup>) relevant to the applications, and to use that information to reach a reasoned conclusion in respect of the significant environmental effects of the proposed changes to the permitted developments. In this case the original ES (2013), the ES Addendum (2019) and the Statement of Conformity (2022) form one part of that 'environmental information' providing the applicants view of the likely significant environmental effects of the altered development. The views of other parties have been sought through the consultation undertaken on the submitted applications, and are summarised and reflected elsewhere in this report.
  73. The County Environmental Assessment Officer has reviewed the submitted Statement of Conformity dated July 2022 and recommends that the submitted ES, comprised of the EIA Statement of Conformity and the previously submitted ES, further information, and the ES Addendum, are sufficient to inform the CPA's determination of the current application, with respect to: Highways and Traffic; Hydrology and Flood Risk; Landscape and Visual Impact; Ecology; Cultural Heritage; Dust and Air Quality; Noise and Vibration and Soil and Agriculture. It is the County Environmental Assessment Officers view that the proposed change to the wheel wash facility within the site operations area of the quarry would not be an alteration of a scale that could materially affect the conclusions of the previously submitted EIA work. The minor change does not involve development of a type or scale that would necessitate additional assessment. For these reasons, the EIA Statement of Conformity dated July 2022, does not need to be amended in light of the proposed change to the location of the wheel wash facility.

## **RESTORATION AND AFTERCARE**

### **Surrey Minerals Plan Core Strategy Development Management Plan 2011 (SMP 2011) Policy MC1 – Spatial Strategy – Location of mineral development in Surrey**

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<sup>1</sup> 1 Regulation 26. Consideration of whether planning permission or subsequent consent should be granted (1) When determining an application ... in relation to which an ES has been submitted, the relevant planning authority, ... must— (a) examine the environmental information [as defined in Regulation 2];

<sup>2</sup> 2 Regulation 2. Interpretation (1) In these Regulations- ... "environmental information" means the environmental statement, including any further information & any other information, any representations made by any body required by these Regulations to be invited to make representations, and any representation duly made by any other person about the environmental effects of the development;

**Surrey Minerals Plan Primary Aggregates Development Plan Document 2011 (PADPD 2011**

Policy MA3 – Preferred areas for soft sand

74. Paragraphs 1.8 and 1.31 of the SMP 2011 recognises the important role of the minerals industry in supporting economic development by providing the raw materials to support investment in buildings and infrastructure and in providing local jobs.
75. Policy MA3 of the PADPD identifies Mercers South Quarry as the only 'Preferred Area' within Surrey to provide for the future supply of soft sand (Preferred Area P). Soft sand is a relatively fine sand and used mainly for mortar and in asphalt for construction and repair and working is restricted to a narrow outcrop of the Lower Greensand Formation which runs east to west across the centre of the County, as set out in Policy MC1 of the SMP 2011. The applicant explains in the Overarching Planning Statement dated July 2022, that the product created at Mercers South Quarry serves a market area that extends into London and towards the south coast.
76. In this context, paragraph 81 of the NPPF 2021 states that the planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. With respect to mineral development, paragraph 209 of the NPPF 2021, establishes that minerals can only be worked where they are found and that a sufficient supply of minerals is essential to the provision of the 'infrastructure, buildings, energy and goods that the country needs'.
77. Policy MC17 of the SMP 2011 states that restoration of mineral workings should be completed at the earliest opportunity and progressive restoration will be required where appropriate. Delay in restoration has environmental costs and guidance at paragraph 211 of the NPPF 2021 states that Mineral Planning Authorities should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.
78. Mercers South Quarry has an established planning permission for the extraction, screening, and export of sand with progressive restoration to an agricultural end use, using imported materials until 2036 This was granted planning permission under Ref: TA/2013/1799 and then more recently under S73 as TA/2019/2147 dated 10 September 2020. In accordance with this permission the site is to be worked and progressively restored in four phases working from east to west. The Quarry is being worked to a depth of 67m Above Ordnance Datum (AOD), which is a maximum of 21m below the current ground level. Approximately 2m of sand is being worked above the water table and then the site is dewatered with the remaining sands worked wet.
79. The extraction of sand will create a quarry void space of approximately 2.5 million cubic metres (m<sup>3</sup>) that would be progressively filled over a period of approximately 16 years, using inert construction waste materials. The site will be brought up to level with the imported inert waste materials and then restored back to agricultural use utilising the site derived subsoils and topsoils. It is anticipated that approximately 302,000 tonnes per annum (tpa) of inert waste infill material would be needed to fill

the void created from the proposed 250,000 tpa sand extraction. Infilling of the quarry commenced when the first phase of extraction was complete in 2020.

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80. The applicant has set out in the Overarching Planning Statement dated July 2022, that the availability of material for the restoration of the quarry is an on-going concern. The applicant is therefore seeking to maximise the potential for restoration material by introducing the on site SRF to capture and recover a greater volume of restoration soils from Construction, Demolition and Excavation (C,D and E) waste streams. The use of part of the land at Mercers South Quarry for the siting and operation of an SRF is being determined under a separate planning application Ref: TA/2022/1155. As set out above the application, subject of this report, has been submitted to amend the timing of part of Phase 1, where the SRF is proposed to be situated. The restoration of a 0.6ha area of phase 1 will be delayed until 2036.
81. This s73 application should be assessed in accordance with Policy MC17 of the SMP 2011, on whether the delay to the restoration of this part of the site would have a detrimental impact on the overall restoration for the site and its delivery at the earliest opportunity.
82. In addition, to the delay to the restoration of a small area of Phase 1, the applicant is also seeking permission for the temporary relocation the wheel wash facility, to aid internal traffic movements. As this aspect would not impact or cause delay to restoration of working at the Quarry, it is not relevant in this section.
83. The County Enhancement Officer (CEO) has commented on the proposal and raises no concerns with the proposed delay to the small area of the site, highlighting that the SRF would bring in additional recovery and fill material to secure and speed up restoration overall. It is also indicated that the operator has a good track record to date of restoring on time, and ahead of schedule at their other site at Reigate Road. The CEO did also note some inconsistencies with the approved restoration plans submitted in support of the s73 application. These inconsistencies included the location of the approved damp woodland on the eastern boundary of the quarry and tree planting to the east of Peyton Cottages, which did not match with the previously approved restoration scheme for the site (Ref: TA/2019/2147 dated 10 September 2020). In order to address these concerns that applicant has submitted the following revised plans:
- Drawing No: Figure 14 Proposed Restoration Plan – Quarry Area dated 03/02/23
  - Drawing No: LMSL/16/JJF/MC/10 Rev B Access Road Landscape Restoration dated 06/02/23
  - Drawing No: LMSL/16/JJF/MC/9 Rev A Final Site Restoration dated 06/02/23
  - Drawing No: LMSL/16/JJF/MC/7 Rev D Landscape Proposals Years 8-16 (Year 12) dated 10/02/23; and
  - Drawing No: Figure 11 Rev A Indicative Quarry Phasing Year 20 dated 03/02/23
84. In response to the revisions the CEO is now satisfied that all points raised in the initial response have been addressed. In this respect the damp woodland is showing as agreed under the original restoration scheme and is consistent across the plans now submitted, which will aid the future monitoring of the site. Further the previously submitted Drawing No: Figure 13, Landscape Proposals Year 8 – 16, dated 12/08/2022 proposes to replace Drawing No: LMSL/16/JJF/MC/7 Rev D Landscape Proposals Years 8-16 (Year 12) dated 10/02/23. In addition, the CEO is satisfied that the position of the wheel wash and haul routes have been addressed.



85. The CEO recommends that in response to the changes to the timing of the phasing at the site, that the Landscape, Ecology Management Plan (LEMP) as approved under Condition 28 of Ref: TA/2019/2147 dated 10 September 2020, is updated within 12 months of any approval to reflect the changes in the timing of the SRF area in the restoration. Furthermore, Condition 23 of Ref: TA/2019/2147 dated 10 September 2020, should refer to the updated soil handling guidelines issued by the Institute of Quarrying<sup>3</sup>.
86. Officers recognise that the applicant is not seeking to amend the approved restoration scheme, the amount of material that would be placed in the voids to deliver restoration or the overall final timescale for the restoration of the site. As set out in the applicant's submission the SRF facility is expected to contribute to the timely restoration of the overall quarry and to help provide reassurance to the applicant that they can obtain an appropriate level of fill material to deliver the required restoration at this site.
87. As such, Officers consider that whilst the proposal will delay the restoration of a small area of Phase 1 until 2036, the SRF facility is intended to act as a catalyst to ensure that the site captures an appropriate amount of infill to aid the delivery of the restoration of the site and ensure that the overall restoration at the site is delivered at the earliest opportunity. Officers therefore consider appropriate conditions can be carried forward to a new planning permission to ensure that on the cessation of mineral extraction and infill operations that the land is restored in accordance with the current end date for restoration and in accordance with the site restoration originally approved under the planning permission (Ref: TA/2013/1799 dated August 2014) for Mercers South Quarry. Officers are therefore satisfied the proposed change in the delay of an area of Phase 1 does not contradict with Policy MC17 of the SMP 2011 in this regard. The development would also need to meet the key development requirements of the other development plan policies, as discussed further in the relevant sections of this report.

## **ENVIRONMENT AND AMENITY**

### **Surrey Minerals Plan Core Strategy Development Management Plan 2011 (SMP 2011)**

Policy MC2 – Spatial Strategy – protection of key environmental interests in Surrey  
 Policy MC14 – Reducing the adverse impacts of mineral development  
 Policy MC17 – Restoring mineral workings  
 Policy MC17 – Restoration and enhancement

### **Tandridge District Council Core Strategy 2008 (TDCS 2008)**

Policy CSP13 – Community, Sport and Recreation Facilities and Services  
 Policy CSP17 – Biodiversity  
 Policy CSP18 – Character and Diversity  
 Policy CSP21- Landscape and Countryside

### **Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (TDLP 2014)**

Policy DP5 – Highway & Safety  
 Policy DP7 – General Policy for New Development  
 Policy DP19 – Biodiversity, Geological Conservation and Green Infrastructure

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<sup>3</sup> Good Practice Guide for Handling Soils in Mineral Workings, Version 1, dated July 2021 ([Soils Guidance \(quarrying.org\)](https://www.soils.org.uk/guidance/quarrying))

Policy DP20 – Heritage Assets  
Policy DP21 – Sustainable Water Management  
Policy DP22 – Minimising Contamination, Hazards and Pollution (Noise and Air Pollution)

**Tandridge District Council Emerging Plan: Our Local Plan 2033.**

Policy TLP32 – Landscape Character  
Policy TLP33 - Surrey Hills and High Weald Areas of Outstanding Natural Beauty  
Policy TLP34 – Area of Greater Landscape Value and Areas of Outstanding Natural Beauty Candidate Areas.  
Policy TLP35 – Biodiversity, Ecology and Habitats

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88. Paragraph 174 of the NPPF 2021 is clear that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services; and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
89. Paragraph 185 of the NPPF 2021 goes on to set out that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It adds that potential adverse noise impacts should be mitigated and reduced to a minimum and should avoid noise giving rise to significant adverse impacts on health and the quality of life, having regard to the Noise Policy Statement for England (NPSE). Paragraph 188 of the NPPF 2021, adds that the focus of decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes), and that these regimes should be assumed to operate effectively.
90. 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. Policy MC14 of the SMP 2011 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 Mineral planning 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. Policy MC14 is clear that proposals within preferred areas will be expected to address the key development requirements set out for each. In determining mineral development planning applications, potential impacts need to be considered, giving particular attention to those highlighted in any screening opinion made for the site. Issues for consideration detailed in Policy MC14 include:
- a) noise, dust, fumes, vibration, illumination, including that related to traffic, generated by the development;
  - b) flood risk, including opportunities to enhance flood storage, dewatering and its potential impacts, water quality, and land drainage;

- c) the appearance, quality and character of the landscape and any features that contribute to its distinctiveness;
  - d) the natural environment, biodiversity and geological conservation interests;
  - e) the historic landscape, sites or structures of architectural and historic interest and their settings, and sites of existing or potential archaeological interest or their settings;
  - f) public open space, the rights of way network, and outdoor recreation facilities;
  - g) the use, quality and integrity of land and soil resources, land stability and the integrity of adjoining transport infrastructure;
  - h) cumulative impacts arising from the interactions between mineral developments, and between mineral and other forms of development; and
  - i) any other matter relevant to the planning application.
91. Policy CSP18 of the TDCS 2008, requires new development to reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must not significantly harm the amenities of occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect. This is echoed in Policy DP7(6) of the TDLP 2014, which seeks to safeguard existing and secure good standards of new amenity for all current and future occupants of land and buildings. Part 6 of this policy seeks to ensure that proposed development does not significantly harm the amenity of neighbouring properties by reason of pollution (noise, air or light), traffic, or other general disturbance.
92. Further, Policy TLP46 of the TDC Emerging Local Plan, accepts that planning conditions may be used to manage and mitigate the effects of pollution and/or disturbance arising from development, in order to ensure impacts on the environment and residential amenity are kept within acceptable limits and where possible reduced.

### **Landscape and Visual Impact**

93. Policy CSP21 of the TDCS 2008, requires the character and distinctiveness of the District's landscapes and countryside to be protected. Policy TLP32 of the TDC Emerging Local Plan details that all proposals for development in the District will protect and enhance the key landscape features and visual sensitivities of the landscape character areas identified in the Surrey Landscape Character Assessment 2015 and the Tandridge Landscape Capacity and Sensitivity Assessment 2016-18, or subsequent updates where they apply. Further, Policy TLP33 of the same, states that any planning applications within the AONB and that influence its setting will need to demonstrate that the development has; i) sought to conserve and enhance, the special landscape character, heritage and distinctiveness, sense of place of the locality and where appropriate, relative tranquillity; ii) would safeguard public views out of and into the AONB and not adversely impact skylines and slopes; iii) is designed to take advantage of existing landscape features and tree screening; and iv) has met the provisions of the most up to date AONB management plan for the area.
94. The application site and wider quarry is not covered by any national or local landscape designations. The north-eastern boundary of the permitted quarry, marked by the Redhill Brook, borders the southern edge of the Surrey Hills Area of

Outstanding Natural Beauty (AONB) and the eastern most point of the site adjoins the Surrey Hills Area of Great Landscape Value.

95. The application site and quarry are situated within the Holmethorpe Pits and Mercers Park Landscape Character Area (UE9) as set out in the Surrey Landscape Character Assessment: Tandridge District, dated April 2015<sup>4</sup>. This character area is defined by the built-up areas of Redhill and South Merstham to the west and north, the M23 motorway to the east and A25 road to the south. The key characteristics of this area are that it forms part of the Greensand Valley which runs broadly east-west along the southern foot of the North Downs ridge scarp slope. The original undulating landform has been significantly altered by human intervention. The land use consists of large areas quarried for sand, currently at various stages of extraction and restoration. Several of these now form lakes, which provide recreation at Mercers Park Country Park, nature reserves and fishing lakes. Areas of arable and pastoral fields are interspersed between the pits.
96. This application should be read in conjunction with the application submitted in respect to the siting and use of a SRF at the Quarry (Ref: TA/2022/1155). Mercers South Quarry is an established quarry with landscape mitigation measures secured under the Conditions of its operation, including soil storage mounds around the perimeter of the quarry. The permission for the working of the quarry is supported by an approved LEMP which includes the aim of achieving effective landscape mitigation of the quarry providing screening and landscape setting appropriate to the character.
97. Natural England, have raised no objection to the proposal, concluding that it will not have a significant adverse impact on designated sites. However, it is raised that the proposed development is located within an area which Natural England is assessing as a boundary variation to the Surrey Hills AONB. Whilst this assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the proposal. Natural England consider the Surrey Hills to be a valued landscape in line with paragraph 174 of the NPPF 2021. In this regard, paragraph 176 of the NPPF 2021 states that development in the setting of the AONB should be sensitively located and designed to avoid or minimise impacts on the designated areas. It is therefore recommended that, an assessment of the landscape and visual impacts of the proposal on this area should be undertaken, with opportunities to avoid or minimise impacts on the landscape and secure enhancement opportunities.
98. Officers consider that the area of the Quarry to which this proposal relates (1.15% of the overall Quarry) is located in close proximity to other built elements of the site that form part of the context of an operating mineral site and these built elements are to remain until the end of the permitted life the Quarry. Locating all built elements in close proximity to each other seeks to minimise the impact on the AONB and its setting. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies. The applicant has provided an assessment of impact on the landscape character within the Overarching Planning Statement outlining that the Environmental Statement which accompanied TA/2013/1799 included a Landscape and Visual Impact

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<sup>4</sup> [Surrey-LCA-2015-TANDRIDGE-Report.pdf \(surreycc.gov.uk\)](#)

Assessment concluding that, owing to the combination of a landform, vegetation cover, temporary bunding and landscape mitigation, visual impact of the operations throughout the life of the quarry would not be significant.

99. The County Landscape Architect (CLA) has commented on the proposal and notes from a landscape perspective in principle the proposed delay to the final restoration of the 0.6ha of Phase 1 is undesirable as the harm to landscape character, views and visual amenity from this area would extend for a longer period than originally permitted. In this respect Officers, need to be satisfied that the applicant has demonstrated the need for the SRF and that it would have a positive effect on the rate of infilling of the quarry.
100. The CLA goes onto explain that there are existing mitigating factors in landscape terms which limit the harm, these include: the relatively small area of land affected; its location near to the existing site infrastructure; and its distance from the AONB. Furthermore, the below ground working level and existing screening mounds also provide key factors in considering the impact on landscape. The CLA therefore considers that overall, there will be a limited degree of harm in the landscape and visual terms arising from the significant delay to final restoration of this 0.6ha area.
101. Officers recognise the operation of the SRF is limited to the duration of the working of the quarry and will be restored in accordance with the agreed restoration scheme for the site. Offices have assessed the need for the SRF facility under planning application Ref: TA/2022/1155 and are satisfied in this regard. Officers are satisfied that the SRF and wheel wash facility are appropriately situated within the active quarry and given the presence of screening mounds which will be retained for the duration of the SRF, as secured by condition, the proposal would not result in an unacceptable impact on the landscape character or visual amenities. Officers recognise the proposal will result in a delay to the restoration of a small area of Phase 1, however Officers are satisfied the need for this and that there are mitigation measures that are in place. The proposed changes to the permission, therefore comply with Policy MC14 of the SMP 2011 and Policy CSP21 of the TDCS 2008, alongside the national policy guidance contained in the NPPF 2021, in this regard.

#### **Cultural Heritage - Listed Buildings and Archaeology**

102. Paragraph 189 of the NPPF 2021 states that heritage assets range from sites and buildings of local historic value to those of the highest significance 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 194 of the NPPF 2021 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 195 of the NPPF 2021, goes on to explain that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

103. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 199 of the NPPF 2021, states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
104. Paragraph 202 outlines that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". Paragraph 203 of the NPPF 2021 deals with non-designated heritage assets requiring the effect of an application their significance should be taken into account in determining a planning application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
105. The applicant has provided the previously produced Cultural Heritage Statement which formed Chapter 7 of the Environmental Statement (2013) to meet this requirement.
106. Paragraph 5.4.2.3 of the SWLP 2020 recognises that heritage assets in Surrey are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
107. Policy DP20 of the TDLP 2014 covers heritage assets. It states that there will be a presumption in favour of development proposals which seek to protect, preserve and wherever possible enhance the historic interest, cultural value and architectural character, visual appearance and setting of the District's heritage assets and historic environment. The policy goes on to set out the following:
- a) Only where the public benefits of a proposal significantly outweigh the harm to, or loss of a designated heritage asset or its setting, will exceptional planning consent be granted. These benefits will be proportional to the significance of the asset and to the level of harm or loss proposed.
  - b) Where a proposal is likely to result in substantial harm to, or loss of, a designated heritage asset of the highest significance granting of permission or consent will be wholly exceptional.
  - c) In all cases the applicant will be expected to demonstrate that all reasonable efforts have been made to either sustain the existing use, find viable alternative uses, or mitigate the extent of the harm to the asset; and where relevant the works are the minimum necessary to meet other legislative requirements.
  - d) With the granting of permission or consent the Council will require that the works are sympathetic to the heritage asset and/or its setting and in the case of a Conservation Area, the development conserves or enhances the character of the area and its setting, including protecting any existing views into or out of the area where appropriate.
108. Policy TLP43 of the TDC Emerging Local Plan, requires applicants to make every effort to liaise with Surrey County Council Conservation Team and Historic England when drawing up proposals at the earliest opportunity to limit the prospect of any objection, in accordance with policies of the wider development plan including Policy DP20 and any updates.
109. This proposal is seeking an amendment to the approved plans to allow a delay to the timing of the restoration of a small area of Phase 1 to accommodate the SRF and the

temporary relocation of the wheel wash. The proposal would not result in any direct impact on listed buildings themselves by either altering or demolishing them. As such, it is appropriate to assess whether this proposal would harm the setting of any of the listed buildings and thereby affect their significance.

110. The nearest Listed Building, Mill cottage which is a Grade II 17<sup>th</sup> Century property which lies to the east of the site, close to the M23. According to the 'Cultural Heritage Assessment' undertaken with respect to the original permission for the working of the quarry (Ref: TA/2013/1799 dated August 2014), Mill Cottage is on slightly elevated ground 200m east of the quarry and 130m from the access route, however its setting has been completely compromised by the M23 motorway that passes within 50m to the east.
111. The following listed buildings and structures are within 500m of the application site, The Glebe House (Grade II, mid 18<sup>th</sup> century), Leather Bottle Cottage (Grade II, dendrodated to 1549/1550), Charmans Cottage (Grade II, dendrodated to 1558/59) and Peytons Cottages (locally listed, late 18<sup>th</sup>/early 19<sup>th</sup> centuries). The settings of these buildings vary between relatively enclosed sites such as The Glebe House and Mill Cottage to more open surroundings on the edge of common land as in the case of Leather Bottle Cottage and Charmans Cottage. To the far south is the Church of St Peter and St Paul which is a 13th century church, the top of which was rebuilt in 1786 and the building restored in 1882. The building is significant for evidence of the development of Nutfield and its design as a restored medieval church. Its setting is predominantly wooded with some views out toward the access route to the quarry site.
112. The site of the SRF and wheel wash facility are enclosed within soil storage bunds which would not be removed until the end of the life of the site. It is also close to the built site compound and purpose-built access road which will remain until the end of the permitted life of the site (2036). As such the proposal would not result in any change to the fabric or curtilage of any listed buildings or have any greater impact on their setting in the context of the operational quarry. Furthermore, the area will be restored in accordance with the approved restoration scheme to an agricultural end use by 31 December 2036.
113. The County Historic Buildings Officer has commented on the application, and notes that when the original application for the extraction of sand at Mercers South Quarry (Ref: TA/2013/1799 dated August 2014), the applicants concluded that there would be a slight short-term impact on the setting of Leather Bottle Cottage, Charman Cottage and the Church of St Peter and St Paul. In the long term there would be no harm as the land would be restored. As such it was concluded that the benefit of the mineral working was considered to outweigh the less than substantial harm caused to the setting of the listed building. The CHBO advises that provided the site is ultimately restored, the proposal would not result in any more harm than originally identified.
114. Further the County Archaeological Officer has commented that on-going archaeological matters are being addressed by conditions attached to the applicants permission and those matters are not affected by the variations sought.
115. Officers recognise there are heritage assets within proximity to the application site, as discussed above. Officers are satisfied that the proposal would not directly harm or destroy any listed buildings nor have an impact on the setting of these listed

building beyond the existing operational quarry as a result of the delay to the restoration of a small area of Phase 1 and the relocation of the wheel wash facility. In accordance with the views of the CHBO, Officers are therefore satisfied the proposal complies with the development plan, Policy MC14 of the SMP 2011 and Policy DP20 of TDLP 2014, alongside the requirements set out in the national guidance NPPF 2021.

## Noise

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116. The National Planning Practice Guidance (NPPG) at paragraph 019<sup>5</sup> sets out that those making development proposals, including those for related similar processes such as aggregates recycling and disposal of construction waste, should carry out a noise impact assessment, which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood. Paragraph 020 of the NPPG<sup>6</sup> goes on to set out that Mineral Planning Authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations:
- Give rise to a significant adverse effect;
  - Give rise to an adverse effect; and
  - Enable a good standard of amenity to be achieved.
117. In line with the explanatory note of the Noise Policy Statement for England (NPSE) 2010<sup>7</sup>, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.
118. Policy DP22 of the TDLP 2014, requires noise generating forms of development or proposals that would affect noise-sensitive development to be accompanied by a statement detailing potential noise generation levels and any mitigation measures proposed (such as containment of the noise generated, screening barriers or restrictive activities/hours of operation) to ensure that all noise is reduced to an acceptable level. Where a development proposal is able to demonstrate that acceptable noise levels will be achieved, the application will be supported.
119. The proposal is seeking an amendment to the approved plans listed under Condition 1 of, the phasing of working to accommodate the SRF and the temporary relocation of the wheel wash facility. The proposed changes to the phasing do not seek to change the method of working.
120. Officers recognise that there is potential for noise emissions from the quarry to change due to the addition of the SRF facility and relocation of facilities. However, the application will not alter the existing noise related planning conditions of the current permission (Conditions 17,18 and 19 of planning permission TA/2019/2147 dated 10 September 2020) and therefore the same level of protection from noise will remain in place for nearby noise sensitive receptors. Further, the same operational hours Condition will also apply (Condition 3 of planning permission TA/2019/2147 dated 10 September 2020), as such there is unlikely to be any additional noise

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<sup>5</sup> Reference ID: 27-019-20140306

<sup>6</sup> Reference ID: 27-20140306

<sup>7</sup> [Noise Policy Statement for England \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)



impacts due to the activities occurring more often or during sensitive periods. The change to the location of the wheel wash facility is small (approximately 15m from its original location) and it will still be located within proximity to the existing built compound area of the site, that is surrounded by the soil storage mounds.

121. In addition, the assessment of the SRF operations under Ref: TA/2022/1155, highlights that the predicted noise level are close to the acceptable noise level for the site, Officers therefore consider it necessary to attach further conditions on that permission to allow the County Planning Authority to request a noise monitoring survey if/when required to check compliance with the approved site noise level of 55dB L<sub>Aeq</sub>.
122. The CNC has reviewed the proposal and notes that the proposed development is unlikely to result in noise impacts any greater than those already permitted. It is recommended that it is ensured that the existing noise related conditions and any conditions relating to operational hours restrictions are retained should permission be granted.
123. As such, Officers are of the opinion that the proposed changes to the approved plans, changes to the timing of the restoration of a small area of Phase 1 and the relocation of the wheel wash would not result in a significant adverse harm or a fundamental alteration that would result in a material change to noise. The proposal therefore complies with the development plan, Policy MC14 of the SWP 2011 and DP22 of the TDLP 2014, alongside the requirements set out in national guidance, NPPF 2021, NPPG and the NPSE 2010 in this regard.

### **Air Quality and Dust**

124. The NPPG provides guidance on air quality and dust. Paragraph 005<sup>8</sup> recognises that air quality is a consideration relevant to the development management process during the construction and operational phases and whether occupiers or users of the development could experience poor living conditions or health due to poor air quality. Paragraph 006 (Reference ID: 32-006-20191101) goes on to say that considerations that may be relevant to determining a planning application include whether the development would: lead to changes in vehicle related emissions in the vicinity of the proposals; introduce a new point source of air pollution; expose people to harmful concentrations of air pollutants including dust; give rise to potentially unacceptable impacts (such as dust) during construction for nearby sensitive locations; and have a potential adverse effect on biodiversity.
125. Specifically, for minerals development, paragraph 023<sup>9</sup> of the NPPG states that where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment study to establish the baseline conditions, site activities that could lead to dust emissions without mitigation, parameters that could increase potential dust impacts, recommend mitigation measures; and propose monitoring and reporting mechanisms of dust emissions to ensure compliance with environmental standards.
126. Policy DP22 of the TDLP 2014, sets out that development will be permitted provided it would not: have an adverse impact on health, the natural or built environment or

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<sup>8</sup> Reference ID-32-005-20191101

<sup>9</sup> Reference ID- 27-0023-20140306

amenity of existing or proposed uses by virtue of odour, dust and/or other forms of air pollution; or be likely to suffer unacceptable nuisance as a result of proximity to existing sources of odour, dust and/or other forms of air pollution.

127. This application is being submitted in conjunction with a planning application for the siting and use of a soil recycling facility (SRF) (Ref: TA/2022/1155). This proposal, subject of this report, seeks to vary the timing to allow restoration of the 0.6ha of Phase 1, where the proposed SRF would be situated, towards the end of the permitted life of the Quarry once the SRF operations have ceased in 2035. The 2035 timeframe is within the permitted end date for the infilling of Mercers South Quarry, which is 31 December 2035.
128. The Environmental Impact Assessment – Statement of Conformity submitted for the application refers to a Dust and Air Quality Assessment update July 2022. However, the updated document referred to is a resubmission of the 2013 assessment. In this respect, the Quarry would continue to operate in accordance with the Dust Action Plan (DAP) and Dust Monitoring Scheme (DMS (v1 Rev SCC) dated July 2015 (Condition 20 of planning permission Ref: TA/2019/2147 dated 10 September 2020) and the good practice dust suppression measures already in place to prevent dust emissions beyond the boundaries of the site (Condition 21 of planning permission Ref: TA/2019/2147 dated 10 September 2020).
129. The wheel wash facility would remain within the operational area of the Quarry which is screened to the west, east and south by soil mounds. The proposed change in the location of the wheel wash facility would not alter its function as part of the dust management measures for the site.
130. The County Air Quality Consultant (CAQC) has commented on the proposal noting that although the applicant has not submitted any specific, updated documents addressing dust impacts, dust impacts are not time dependent so the risk should be unchanged by any variation in the timing. On that basis, it is considered that the proposed variation is unlikely to have a significant dust effect. In addition, the CAQC comments that the relocation of the Wheel Wash Facility would still be within the established soil storage bund and is therefore unlikely to increase the risk of dust. On that basis, the CAQC considers that the proposed variation is unlikely to have a significant dust effect and have no recommendations in this regard.
131. Further, the application for the SRF (Ref: TA/2022/1155) concludes that the dust impacts arising from the facility are insignificant, however Officers have recommended that a condition be attached to any grant of planning permission to require the approved Dust Action Plan and Dust Monitoring Scheme to be updated to include the SRF facility and the processes associated with this additional operation on the site to ensure that the existing dust measures appropriately extend to this facility.
132. As such, Officers are of the opinion that the changes to the approved plans, the timing of the restoration of a small area of Phase 1 and the relocation of the wheel wash would not result in a significant adverse harm or a fundamental alteration that would result in a material change to dust impact at the site. The proposal therefore complies with the development plan, policy MC14 of the SMP 2011, Policy 14 of the SWLP 2020 and Policy DP22 of the TDLP 2014, alongside the requirements of the NPPF and NPPW, in this regard.

## **Ecology and Biodiversity**

133. Policy DP19 of the TDLP 2014, sets out a presumption in favour of development proposals which seek to promote nature conservation and management. Part B of this policy explains that in order to conserve and enhance the natural environment, proposals which result in significant harm to local, national or statutory sites of biological or geological importance or the broader GI network will be refused planning permission unless: all reasonable alternative locations with less harmful impacts are demonstrated to be unsuitable; and the proposal incorporates measures to avoid the harmful impacts arising, sufficiently mitigate their effects, or as a last resort, compensate for them.
134. Policy TLP35 of the TDC Emerging Local Plan, states that proposals for development at any given site should ensure that there is a net gain in biodiversity. Schemes should provide for the maintenance, enhancement, and if possible, expansion of important assets, by aiming to restore or create appropriate priority wildlife habitats and ecological networks to sustain and recover biodiversity. Where proposals fall within or adjacent to a Biodiversity Opportunity Area, biodiversity measures should support that BOA's objectives as set out in the BOA-specific policy statements. Furthermore, proposal within or outside a SSSI, LNR or SNCI which would be likely to adversely affect the designated site (either individually or in combination with other developments) will not be permitted unless the benefits of the development clearly outweigh both the adverse impacts on the designated site and any adverse impacts on the wider biodiversity network.
135. The Environmental Impact Assessment – Statement of Conformity dated July 2022, submitted with this application states that the small part of Phase 1 which is the subject of this application has already been stripped and excavated of sand, in accordance with the ecological requirements set out in the ES Chapter 6 and the Landscape and Ecology Management Plan dated August 2014 and described in the Landscape, Ecology Management Plan (LEMP) Rev A dated January 2016, as secured under Condition 28 of Planning permission Ref: TA/2019/2147 dated 10 September 2020. In this regard, there would be no change to the approved agricultural restoration of this part of the site, only to the timing of the restoration, with the SRF operations ceasing by 31 December 2035 and the area being restored towards the end of the permitted life of the Quarry by 31 December 2036. This timeframe accords with the permitted end date for infilling of 31 December 2035.
136. The County Ecologist comments that Table 2 of the SoC states that “*the effects would remain as presented in the ES 2013, all of which were not significant following implementation of mitigation*” and “*There would be no change to the approved overall restoration, only to the timing for the restoration (2035) of a small part (0.6ha) of Phase 1 which would be towards the end of the permitted life of the site (which is 2036)*”. No further ecological justification has been provided to support this assessment and conclusion. The County Ecologist confirms that the proposal is focussed on amending the figure references within the Condition, rather than providing new technical information to review. It is therefore recommended that Officers have regard to the comments provided in respect of the SRF application (Ref: TA/2022/1155). The County Ecologist also advises that Officers seek clarification on whether the amendment to Condition 1 and Condition 24 requires any specific technical updates to the restoration proposed (such as season or method of creation), to any European Protected Species mitigation licence requirements and/or any monitoring requirements within the Landscape and Ecology Management Plan and the Restoration, Landscape and Ecology (Condition 28).

137. In addition, the County Ecologist has reviewed the location of the wheel wash facility in relation to important ecological receptors on the site and it is noted that the wheel wash facility is unlikely to have an adverse impact upon the SNCI and the species and habitats associated with it. However, it is advised that Officers are confident that the water will be managed (if required) using a method which would not have an adverse impact upon the site.
138. In respect of the application for the SRF (Ref: TA/2022/1155), the County Ecologist raised initial concern that no ecological justification, or updated assessment had been provided in support of the application, particularly with regard to the increased disturbance on the Holmethorpe Sandpits Complex SNCI. In response the applicant submitted an ecological technical note detailing consideration of the SNCI. On review, the County Ecologist considered that the SRF is unlikely to have an impact on the SNCI directly or indirectly, as a result of its siting or any changes to the timing of the phasing of the consented restoration. In respect of this proposal, no further ecological updates are required to the restoration as a result of the siting of the SRF. The County Enhancement Officer is also satisfied that no specific technical updates are required to the restoration of the site as a result of the delay to the phasing of the area of the SRF.
139. In terms of protected species and licences, Chapter 5 (Ecological Assessment) of the Environmental Statement 2013, identifies in respect of the original consent for the operation of Mercers South Quarry, the potential impact on protected species within proximity to the site. Whilst no licences were required at the time of the assessment, in terms of Great Crested Newts, it is set out within the Ecological Assessment 2013 and carried forward into the LEMP dated August 2016, that it is appropriate to resurvey the ponds and reconsider the issue as to whether a licence is required prior to development of the areas closest to the ponds. The licence requirements at the site are therefore monitored by the applicant as and when extraction progresses. As per the comments of the County Enhancement Officer, Officers consider it necessary to ensure that conditions are attached to any grant of permission, to ensure that the approved LEMP is suitably updated to reflect the changes to the site following the installation of the SRF.
140. The wheel wash facility, it is located to the east of Phase 1 (approximately 15m from its original position). This area is not immediately adjacent to any watercourses such as ditches, streams, or rivers. Glebe Lake is located approximately 100m to the southeast and the lagoon approximately 50m south. The facility is a drive through bath, which is rainwater fed and therefore does not require to be connected to a water source. The applicant has confirmed that no water will be discharged from the facility, thereby protecting nearby water bodies and features. On this basis Officers are satisfied that the facility will not impact the quality of the water in proximity to the site and is therefore unlikely to result in an adverse impact on the SNCI, in this regard.
141. Further, the Surrey Wildlife Trust (SWT) in their non-statutory consultee role have commented on the proposal and raise objection. The objection raised is on the grounds that the restoration of a significant proportion of the site is to agriculture. In the opinion of the SWT the restoration is lacking in scope and could essentially re-purpose all of the land for biodiversity and nature conservation and recovery.
142. With regard to the comment of the SWT, the proposal is for a delay to a small area of Phase 1 rather than changes or alterations to the restoration design. As outlined

previously in this report, the approved restoration scheme at Mercers South Quarry (Ref: TA/2013/1799 dated 12 August 2014), is for an agricultural after use with landscape and ecological enhancements. The delivery of this scheme using imported inert materials is already established under the extant planning permission for the site. The applicant is not seeking to change the approved final restoration scheme as part of this development. Consequently, it is not for this application to reconsider the proposal afteruse of the Quarry which were considered as part of the parent permission and remain valid. As such, Officers consider that the comments of the SWT to not be relevant to the determination of this application.

143. As such, Officers are of the opinion that the changes to the approved plans, the timing of the restoration of a small area of Phase 1 and the relocation of the wheel wash would not result in a significant adverse harm or a fundamental alteration that would result in a material change to the protection and enhancement of ecology and biodiversity at the site. The site will continue to be restored in accordance with the approved restoration scheme, which offers ecological enhancements by 2036. The proposal therefore complies with the development plan, Policy MC14 of the SWP 2011 and DP22 of the TDLP 2014, alongside the requirements set out in national guidance, NPPF 2021, NPPG and the NPSE 2010 in this regard.

### **Highways, Traffic and Access**

144. Paragraph 110 of the NPPF 2021, is clear that in assessing applications for development, it should be ensured that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF 2021 goes on to confirm that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
145. Policy CSP18 of the TDCS 2008, sets out that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of noise, traffic and any other adverse effects. Policy CSP12 of the TDCS 2008, requires new development to make improvements where appropriate to the existing infrastructure network. Policy DP5 of the TDLP 2014, sets out that development will be permitted subject to meeting the requirements of all other appropriate Development Plan Policy and where the proposal, inter alia, does not unnecessarily impede the flow of traffic on the existing network or create hazards to that traffic and other road users; retains or enhances existing footpaths and cycleway links; and fully funds were appropriate, or contributes towards the cost of any measures requirement to cost effectively mitigate the significant impacts arising from the development. This is echoed in Policy TLP50 of the TDC Emerging Local Plan, in which developments are required to ensure that appropriate infrastructure measures to mitigate the adverse effects of traffic and other environmental and safety impacts (direct or cumulative).
146. This application seeks to amend the approved plans, the timing of the restoration of a small area of Phase 1 and the relocation of the wheel wash facility. There would be no impact or change to the HGV associated with the operation of the existing quarry site, as approved under Condition 8 of planning permission TA/2019/2147 dated 10 September 2020.

147. The applicant has set out in the Planning Statement Addendum dated February 2023, that the relocation of the wheel wash is to aid internal traffic movements, to ultimately minimise interaction between HGVs importing materials for restoration and those exporting sand.
148. The representation received in response to the application, requested that if permission is given that the associated lorry movements remain within the current quota for the site and it is made clear that this will not be increased further. As discussed in the Officer report for the SRF application (Ref: TA/2022/1155), whilst the operation of the facility will result in an additional 20 HGV movements, these will remain within the overall permitted level of HGV traffic for the site. The requirements of Conditions 8 of planning permission TA/2019/2147 dated 10 September 2020, will therefore be carried forward as a condition on this s73 application should it be approved and the SRF application (Ref: TA/2022/1155). The County Highway Authority have commented on the application and raises no objection in this regard.
149. As such, Officers are of the opinion that the changes to the approved plans, the timing of the restoration of a small area of Phase 1 and the relocation of the wheel wash would not result in a significant adverse harm or a fundamental alteration that would result in a material change to the HGV movements, traffic or access to the site beyond the existing approved situation. The proposal therefore complies with the development plan, Policy MC14 of the SWP 2011, Policies CSP12 and CSP18 of the TDCS 2008, Policy DP5 of the TDLP 2014 and Policy TLP50 of the TDC Emerging Local Plan, in this regard.

### **Flood Risk and Drainage**

150. Paragraph 167 of the NPPF 2021, explains that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.
151. Paragraphs 055<sup>10</sup> and 056<sup>11</sup> of the NPPG outline that sustainable drainage systems are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Whether a sustainable drainage system should be considered will depend on the proposed development and its location, for example where there are concerns about flooding. These systems may not be practical for some forms of development. As defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate. With regard to these systems the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
152. Policy DP21 of the TDLP 2014, requires that proposals avoid damage to Groundwater Source Protection Zones, having regard to the Environment Agency's 'Ground Water Protection: Policy and Practice' guidance and seek to secure

<sup>10</sup> Reference ID:7-055-20220825

<sup>11</sup> Reference ID: 7-056-20220825

opportunities to reduce both the cause and impact of flooding and incorporate Sustainable Drainage Systems (SuDs) suitable to the scale and type of the development, ensuring the discharge of surface run off is restricted to that of the pre-development site. Policy TLP47 of the TDC Emerging Local Plan, seeks to ensure that development in the District reduces flood risk and minimises the impact of flooding, through a number of measures including steering development to areas with a lower risk of flooding, taking account of all sources of flooding and accounting for the impact of future climate change. Sustainable drainage systems are required for all major non-residential schemes and should ensure surface run off is managed as close to the source as possible.

153. The Lead Local Flood Authority have commented on the application, noting that there would be no change to the drainage strategy or surface water drainage system, as such there are no further comments on this application.
154. Officers are therefore satisfied that the proposed changes to the approved plans, the delay to the restoration of the 0.6ha of Phase 1 and the relocation of the wheel wash is unlikely to have an adverse and unacceptable impact on flood risk or the local water environment and suitable processes remain in place on the site to manage flood risk and surface water in the context of the quarry operations.

### **Residential Amenity**

155. Policy CSP18 of the TDCS 2008, requires new development to reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must not significantly harm the amenities of occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect. This is echoed in Policy DP7(6) of the TDLP 2014, which seeks to safeguard existing and secure good standards of amenity for all current and future occupants of land and buildings. Part 6 of this policy seeks to ensure that proposed development does not significantly harm the amenity of neighbouring properties by reason of pollution (noise, air or light), traffic, or other general disturbance.
156. Further, Policy TLP46 of the TDC Emerging Local Plan, accepts that planning conditions may be used to manage and mitigate the effects of pollution and/or disturbance arising from development, in order to ensure impacts on the environment and residential amenity are kept within acceptable limits and where possible reduced.
157. The closest residential property to the Mercers South Quarry lies approximately 50m to the west of the Quarry boundary, with the closest residential property to the location of the SRF and wheel wash facility located approximately 250m to the east of the site (Mill Cottage Grade II Listed Building).
158. As set out above, the SRF and wheel wash facilities will be located within the operational areas of the quarry, in close proximity to the existing site compound and dedicated internal haul route and will be enclosed by the existing soil storage mounds to the east and south. The proposed amendment to the timing of the restoration of an area of Phase 1, will not result in a change to the approved restoration scheme for the site or the overall timing of the delivery of the restoration scheme.
159. As set out above, Officers recognise that there is unlikely to be material impacts on amenity arising from noise, air quality, traffic or flood risk, any impacts will be

temporary and can be controlled/mitigated to acceptable levels by the imposition of planning conditions. Officers are satisfied the delay in restoring this small part of Area 1 and the relocation of the wheel wash would not result in harm to visual amenities of residential properties in close proximity of the application site due to the position of these areas within the overall Quarry.

160. As such, Officers are of the opinion that the changes to the approved plans, the timing of the restoration of a small area of Phase 1 and the relocation of the wheel wash would not result in a significant adverse harm or a fundamental alteration that would result in a material change to the amenity of the residential properties in proximity to the site beyond the existing approved situation. The proposal therefore complies with the development plan, Policy MC14 of the SWP 2011, Policy CSP18 of the TDCS 2008, Policy DP7 of the TDLP 2014, in this regard.

### **Environment and Amenity Conclusion**

161. Officers consider that any impact on the environment or amenity will be temporary and can be controlled/mitigated to acceptable levels by the imposition of planning conditions, as set out above. As such, taking the above assessment into consideration, Officers consider that appropriate conditions can be carried forward to a new planning permission to ensure that the environmental and amenity continue to be safeguarded, in accordance with the aims and objections of development plan policies relating to the environment and amenity.

### **METROPOLITAN GREEN BELT**

#### **Surrey Minerals Plan Core Strategy Development Management Plan 2011 (SMP 2011)**

Policy MC3 – Special Strategy – Mineral development in the Green Belt

#### **Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (TDLP 2014)**

Policy DP10 – Green Belt

#### **Tandridge District Council Emerging Plan: Our Local Plan 2033.**

Policy TLP03 – Green Belt

162. The application site lies within the Metropolitan Green Belt where policies of restraint apply.
163. As set out in paragraph 137 of the NPPF 2021, the Government attaches great importance to Green Belts. 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. Paragraph 138 of the NPPF 2021, sets out that the Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Of these purposes, purpose c) is the most relevant to this proposal.
164. Minerals can only be worked where they are found, and a feature of such development is that it is reversible through restoration and a temporary activity. The NPPF 2021 at paragraph 150 recognises mineral extraction need not be inappropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. When



determining planning applications paragraph 211 of the NPPF 2021 states that local planning authorities should give great weight to the benefits of mineral extraction, and in granting planning permission ensure that there are no unacceptable adverse impacts on the natural or historic environment, human health or aviation safety and provide for restoration and aftercare of mineral workings at the earliest opportunity to be carried out to high environmental standards, through the application of conditions, where necessary.

165. Policy MC3 of the SMP 2011 states that mineral extraction in the Green Belt will only be permitted where the highest environmental standards of operation are maintained, and land restored to beneficial after uses consistent with Green Belt objectives within agreed time limits.
166. The supporting text at paragraphs 3.45 and 3.47 of the SMP 2011, refers to almost all mineral working in Surrey being in the Green Belt, and the need for restoration and afteruse of mineral workings to be appropriate to the designation and objectives for the use of land in the Green Belt, which include securing nature conservation interest and retaining land in agricultural, forestry and related uses. 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 afteruse. For mineral working in the Green Belt afteruses should be appropriate to that designation, these include agriculture, forestry, recreation and nature conservation.
167. Policy DP10 of the TDLP 2014 states that within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused and will only be permitted where very special circumstances exist which clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm. The extent of the Green Belt will only in exceptional circumstances be altered. Policy TLP03 of the TDC Emerging Local Plan, confirms that changes to the Green Belt boundary will only take place for South Godstone Garden Community, which does not include the application site or the wider Quarry.

#### *Harm*

168. The applicant states that the application does not propose to alter the operations permitted at the quarry or the timescales for completing the development. Permission is sought to allow a delay to the restoration of a small area of Phase 1 to accommodate the proposed SRF facility until 2035, which would facilitate the delivery of the final restoration of the site and allow the relocation of the wheel wash facility for a temporary period.
169. Officers recognise the greatest adverse effect would be from the delay to the restoration of part of the site, which would ordinarily have been restored sooner, to facilitate the SRF operations until 2035. The SRF will be situated in a worked area of the quarry, in close proximity to the as built compound area of the site containing the weighbridge, site office and dedicated internal haul road, which will also remain in situ until the infilling operations at the site have ceased by 31 December 2035, to allow restoration of the site by 31 December 2036. The SRF will be situated 4m below ground level and will be screened from view by soil mounds. In addition, the

relocated wheel wash facility is located to the east of the SRF area, within the confines of the soil storage mound which runs along the eastern boundary of Phase1.

170. Given the site's Green Belt location it is necessary to consider whether the proposed development would maintain high environmental standards during operation and whether the restoration of the site can be achieved to a good standard and will provide an acceptable afteruse consistent with Green Belt objectives. Much of the consideration of whether high environmental standards could be maintained and whether an appropriate and acceptable restoration can be achieved has already been demonstrated in the sections above. It is also relevant to consider whether the proposal would have an impact on the openness of the Green Belt in accordance with paragraph 150 of the NPPF.

#### *Officer Assessment*

171. Officers consider that the location on the site, scale (1.15% of the overall Quarry) and temporary nature of the proposals and their association to the mineral development at the site would not give rise to significant adverse effect on openness beyond the existing operation. Once complete the land on which the facilities are situated will be restored in accordance with the approved restoration scheme (Condition 24 of planning permission Ref: TA/2019/2147 dated 10 September 2020) and the openness of the Green Belt would be maintained and preserved.
172. As set out in the preceding sections of this report, the County Enhancement Officer and County Landscape Architect raise no objection to the proposal in terms of impact and from the delay to restoration in this small part of the Quarry. It is considered that the proposal would not result in unacceptable adverse impacts on landscape character or visual amenity, subject to maintaining the existing planning conditions for landscape. Officers therefore consider there would be no greater impact on the visual amenity of the Green Belt from the proposal.
173. Officers consider there is no reason to believe that the site could not be well restored to the proposed after-uses, which are uses consistent with Green Belt objectives and acknowledge that given the development will be temporary it will therefore preserve the openness of the Green Belt in the long-term. The need for the sand has already been established through the granting of the planning permission and that high environmental standards would be achieved and the site well restored.

#### *Conclusion*

174. Officers recognise that the extraction of minerals is a temporary activity and government guidance and development plan policy states that mineral extraction need not be inappropriate development, provided it preserves the openness and does not conflict with the purposes of including land within it.
175. Officers recognise the proposal would cause a delay to the restoration of part of the site, however, given the location of the proposed SRF and wheel wash facility, within the confines of the existing operational quarry, proximity to the built compound at the site, the temporary nature and scale, it is not considered that the delay of this area of the site or the relocation of the wheel wash facility would have a greater effect on

openness than the existing quarry operations. As such, due to the temporary nature and reversibility of the application site and that it will be restored to high quality environmental standards in accordance with an approved restoration scheme, Officers are therefore satisfied the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it and complies with development plan policy, MC3 of the SMP 2011 and DP10 of the TDLP 2014, alongside the national guidance in this regard.

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### **Human Rights Implications**

176. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
177. It is the Officers view that the potential impacts of the delay to the restoration of an area of Phase 1 and the relocation of the wheel wash facility are not considered sufficient to engage Article 8 or Article 1 and that potential impact can be mitigated by the imposition of planning conditions. As such, this proposal is not considered to interfere with any Convention right.

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### **Conclusion**

178. This application is seeking planning permission to amend the current extant permission under Section 73 of the Town and Country Planning Act 1990, to allow changes to the approved plans for a delay to the restoration of an area of Phase 1 of the Quarry to facilitate the soil recovery operations (planning application Ref: TA/2022/1155) and the temporary alteration to the location of the wheel wash facility.
179. The extraction of minerals is a temporary activity and government guidance and development plan policy states that minerals extraction need not be inappropriate development, provided it preserves openness and does not conflict with the purposes of including land within it. Due to the temporary nature and reversibility of the application site, and that it will be restored to high quality environmental standards in accordance with an approved restoration scheme, Officers are satisfied that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
180. Officers recognise that the proposal will delay the restoration of a 0.6ha area of Phase 1 until 2036, however the SRF facility, which this delay will facilitate, will allow the site to capture a greater amount of fill material to aid the delivery of restoration and ensure that the overall restoration of the site is delivered at the earliest opportunity.
181. Having regard to the environmental information contained in the Environmental Statement (2013) the Environmental Statement Addendum (2019) and the EIA Statement of Conformity (2022), national and development plan policy, consultee views and concerns raised by local residents, Officers consider, subject to the imposition of conditions together with control through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and the development is consistent with the NPPF and the development plan in this

regard. Officers therefore consider appropriate conditions can be carried forward to a new planning permission to ensure that on the cessation of mineral extraction and infill operations that the land is restored in accordance with the current end date for restoration and in accordance with the site restoration for Mercers South Quarry.

182. Officers consider the amendment to Conditions 1, 9 and 24 are necessary and supports the on-going restoration of the site at the earliest opportunity. Officers are satisfied that in conjunction with the planning application for the SRF facility (Ref: TA/2022/155) the applicant has adequately demonstrated the need for the changes to Conditions 1, 9 and 24 of planning permission Ref: TA/2019/2147 dated 10 September 2020. The proposed development therefore meets the requirements of the development plan policy and national policy in this regard and planning permission should be granted in this case, subject to suitable planning conditions.

## **Recommendation**

**The recommendation is to PERMIT application TA/2022/1220 subject to the following conditions:**

### **Conditions:**

#### **Approved Documents**

1. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:
  - Figure 1 Site Location dated 8 March 2013
  - Figure 2 Site Plan dated 29 July 2013
  - Figure 3 Rights of Way and Utilities Plan dated 26 July 2013
  - Figure 4 Proposed Interim Screening and Material Storage dated 18 July 2013
  - Figure 5 Proposed Overall Phasing Plan dated 18 July 2013
  - Figure 6 Indicative Quarry Phasing Year 4 dated 18 July 2013
  - Figure 7 Rev B Indicative Quarry Phasing Year 8 dated 27.05.22
  - Figure 8 Rev A Indicative Quarry Phasing Year 12 dated 27.05.22
  - Figure 9 Rev A Indicative Quarry Phasing Year 16 dated 27.05.22
  - Figure 10-4 Rev B Proposed Site Layout Phases 3 and 4 dated February 2023
  - Figure 10-5 Proposed Site Layout Phases 1 and 2 dated December 2022
  - Figure 11 Rev A Indicative Quarry Phasing Year 20 dated 03.02.23
  - Figure 14 Proposed Restoration Plan - Quarry Area dated 03.02.23
  - Figure 15 Proposed Restoration plan – Access dated 13 August 2013
  - LMSL/16/JJF/MC/6 Landscape Proposals Years 1-8 (Year 4) dated June 2014
  - LMSL/16/JJF/MC/7 Rev D Landscape Proposals Years 8-16 (Year 12) dated 10.02.23
  - LMSL/16/JJF/MC/7B Indicative Sections Year 4 dated March 2014
  - LMSL/16/JJF/MC/7A Indicative Sections Year 8 dated March 2014
  - LMSL/16/JJF/MC/7C Indicative Sections Year 12 dated March 2014
  - LMSL/18/JJF/MC/3 Mitigation Drawing dated March 2014
  - LMSL/16/JJF/MC/8 Rev B Access Road – Landscape Proposals dated June 2014
  - LMSL/16/JJF/MC/9 Rev A Final Site Restoration dated 06.02.23
  - LMSL/16/JJF/MC/10 Rev B Access Road - Landscape Restoration dated 06.02.23

- LMSL/17/JJF/MC/G C/1 rev A Landform Proposals for Access Road near Glebe Cottage dated June 2014
- LMSL/18/JJF/MC/2 rev B Access Road Contour Plan dated June 2014
- LMSL/18/JJF/GC/4 Glebe Cottage – Landscape Details dated June 2014
- Figure T9 Proposed Access off the A25 dated 16 April 2013.

### **Time Limits**

2. The extraction and transport of indigenous minerals shall cease by 31 December 2031 thereafter the site shall continue to be infilled with inert waste until 31 December 2035. The restoration of the site shall be completed by 31 December 2036 by which date all buildings, fixed plant or machinery, internal access roads and hardstandings, together with their foundations and bases, shall be removed from the land and the site shall be restored to a condition suitable for agriculture in accordance with the approved restoration plans.

### **Hours of Operation**

3. Except in emergencies to maintain safe site operations which shall be notified to the County Planning Authority as soon as practicable, no lights shall be illuminated (other than PIR security lighting) nor shall any operations or activities authorised or required by this permission be carried out except between the following times:

0700 - 1800 hours Monday to Friday

0700 - 1300 hours Saturdays

Notwithstanding this the formation of the screen bunds around the site and their subsequent removal when required for restoration, shall only be carried out between:  
 - 0800 – 1600 hours Monday to Friday and 0900 – 1300 hours Saturdays there shall be no working on Sundays, Public Holidays, Bank Holidays or National Holidays.

### **Limitations**

4. Notwithstanding any provision to the contrary under Part 17 Class A 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.
5. The fill material shall be limited to non-hazardous low biodegradable fill, the fill material shall have an organic content of no greater than 10%.

### **Access and Highway Protection**

6. The site vehicular access to the A25 Bletchingley Road shall be permanently maintained with visibility zones in general accordance with the scheme shown on approved drawing Figure T9 - Proposed Access off the A25 dated 16 April 2013. The visibility zones shall be kept permanently clear of any obstruction to the satisfaction of the County Planning Authority.

7. The means of access to the development for HGVs associated with the extraction of sand and the import of inert waste materials at Mercers South shall be via the site vehicular access from the A25 Bletchingley Road only. There shall be no means of access to the site for HGVs via Cormongers Lane and Nutfield Marsh Road.
8. The number of HGV movements associated with the extraction of sand and the import of inert waste materials at the Mercers South site, shall be restricted as follows:
  - No more than an average of 300 HGV movements per day Monday to Friday, not exceeding 350 movements on any single day;
  - No more than an average of 150 HGV movements per day on Saturdays, not exceeding 240 movements on any single Saturday;
 The site operator shall maintain accurate records of the number of HGV vehicles accessing and egressing the site daily and shall make these available to the County Planning Authority on request.
9. The Wheel Wash Facility shall be installed and operated in accordance with Figure 10-5 Proposed Site Layout Phases 1 and 2 dated December 2022 for the duration of the infilling of Phases 1 and 2 only, in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway.
10. The infilling of Phases 3 and 4 shall not commence until the wheel wash facility has been installed, and is operational, in the location as shown on Figure 10-4 Rev B Proposed Site Layout Phases 3 and 4 dated February 2023, for the duration of the infilling of Phases 3 and 4 only, in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway.

### **Rights of Way**

11. Safeguards shall be maintained to protect persons using the approved diverted Public Footpath 173, and Public Footpaths 175 and 188 so that the route is safe and unobstructed for the public to use at all time; such protection to include suitable surfacing in the event of drainage run-off from proposed bunding; and signage for the crossing points on Footpaths 175 and 188.
12. Within three months of the completion of the restoration of the site, Public Footpath 173 is to be re-instated to its original line as shown on the approved restoration plans and to an appropriate standard and specification.

### **Surface and Groundwater Protection**

13. The development hereby permitted shall be carried out in accordance with the Operational Flood and Drainage Management Plan dated March 2015, as approved by the County Planning Authority by decision dated 18 June 2015 under permission ref: TA/2013/1799.
14. The development hereby permitted shall only be carried out in accordance with the findings of the Flood Risk Assessment (FRA) undertaken by URS dated July 2013 approved under permission ref: TA/2013/1799 dated 12 August 2014. The mitigation measures within the FRA shall be fully implemented in accordance with the timing / phasing arrangements for the duration of the development hereby permitted.

15. The development hereby permitted shall be carried out in accordance with the discharge arrangements from the site to Brewers Brook and Warners Brook submitted pursuant to Condition 15 of planning permission reference TA/2013/1799 dated 12 August 2014 and approved by the County Planning Authority by decision dated 11 December 2015 under permission ref: TA/2013/1799.
16. The development hereby permitted shall be carried out in accordance with the Long Term Water Management and Monitoring Plan dated March 2015 as approved by the County Planning Authority by decision dated 18 June 2015 under permission ref: TA/2013/1799. The 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 County Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports.
17. Any facilities for the storage of chemicals and fuels shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the County Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

#### **Noise**

18. When measured at, or recalculated as at, a height of 1.2 m at least 3.5 m from a noise sensitive building, the level of noise emitted as a result of any activity or operation at the site and associated with the development hereby permitted shall not exceed 55 LAeq for any 0.5 hour period.
19. During the period of essential site preparation and bund construction the level of noise arising from such construction, when measured or recalculated as at, a point at least 3.5 m from any noise sensitive property during any 0.5 hour period shall not exceed 70 LAeq between 0800 to 1600 hours Monday to Friday and 65 LAeq from 0900 to 1300 on Saturdays. No bund construction work shall be carried out outside these times.
20. All plant and company owned HGVs operating at the site shall be fitted with reversing alarms which do not emit a warning noise that could have an adverse impact on residential amenity.

#### **Dust**

21. The development hereby permitted shall be carried out in accordance with the Dust Action Plan (DAP) and Dust Monitoring Scheme (DMS) (v1RevSCC) dated July 2015 (or any subsequently approved scheme), as approved by the County Planning Authority by decision dated 11 September 2015 under permission ref: TA/2013/1799.

22. No activity hereby permitted shall emit dust, which causes a nuisance beyond the boundaries of the site, due to either inappropriate working or adverse weather conditions. If such an emission should occur appropriate (good practice) measures shall be taken to abate the problem, but if unsuccessful the activity shall be suspended until it can be resumed without causing emission as a result of different methods of working, the addition of additional dust suppression measures or changed weather conditions.

### **Archaeology**

23. The development hereby permitted shall be carried out in accordance with the Written Scheme of Investigation for Archaeological Monitoring and Excavation dated 10 July 2015 as approved as approved by the County Planning Authority by decision dated 19 November 2015 under permission ref: TA/2013/1799.

### **Soil Movement and Placement**

24. All topsoil, subsoil, and soil forming material shall be retained on site. The handling of soils shall be in accordance with Sheets A-D of The Institute of Quarrying 'Good Practice Guide for Handling Soils in Mineral Workings' Version 1 dated July 2021 and the submitted 'Soils Handling Programme' (Appendix S3, Environmental Statement Chapter 10 – Soils and Agricultural Land Classification).

### **Restoration, Landscaping and Ecology**

25. The restoration of the site shall be carried out in stages, progressively as the extraction proceeds in accordance with the approved Indicative Quarry Phasing Plans (Figure 6 Indicative Quarry Phasing Year 4 dated 18 July 2013, Figure 7 Rev B Indicative Quarry Phasing Year 8 dated 27.05.22, Figure 8 Rev A Indicative Quarry Phasing Year 12 dated 27.05.22, and Figure 9 Rev A Indicative Quarry Phasing Year 16 dated 27.05.22) and the approved Restoration Plans for the Quarry Area and Access (Figure 14 Proposed Restoration Plan - Quarry Area dated 03.02.23 and Figure 15 Proposed Restoration plan – Access, both dated 13 August 2013).
26. The landscape works as shown in the approved drawings listed in Condition 1 above shall be undertaken in accordance with the Outline Landscape Management Plan dated June 2014 approved under planning permission ref: TA/2013/1799 dated 12 August 2014.
27. The development hereby permitted shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) dated April 2015 as approved by the County Planning Authority by decision dated 30 June 2015 under permission ref: TA2012/1799.
28. No works to trees or adjacent to trees in Phases 3 and 4 (western half of site) as identified in the Arboricultural Implications Report dated March 2013 (Environmental Statement Chapter 5 – Appendix 1) approved under planning permission ref: TA/2013/1799 dated 12 August 2014 shall be undertaken before the submission and approval by the County Planning Authority of an arboricultural report and bat assessment.
29. Within 12 months of the development hereby permitted an updated Landscape and Ecology Management Plan (LEMP) as approved by planning permission Ref: TA/2013/1799 dated 24 June 2016, shall be submitted in writing to the County Planning Authority for approval.



## Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. 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.
3. To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14; the Tandridge District Core Strategy 2008 Policy CSP15 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP7.
4. To safeguard the environment and protect the amenities of the locality in accordance with the terms of Surrey Minerals Plan 2011 Core Strategy Policies MC3 and MC14, and Surrey Waste Local Plan 2020 Policy 14.
5. To accord with the Non-Material Amendment to planning permission ref: TA/2013/1799, enabling a change in the infill material, and to enable the County Planning Authority to exercise planning control and to safeguard the environment and local amenity in accordance with the Surrey Minerals Plan 2011 Core Strategy Policy MC14.
6. 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, Surrey Minerals Plan 2011 Core Strategy Policy MC17 and Surrey Waste Local Plan 2020 Policy 14; and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP5.
7. In order that the development should not prejudice highway safety nor cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15; Surrey Waste Local Plan 2020 Policy 15; the Tandridge District Core Strategy 2008 Policy CSP12 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP5.
8. In order that the development should not prejudice highway safety nor cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15; Surrey Waste Local Plan 2020 Policy 15; the Tandridge District Core Strategy 2008 Policy CSP12 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP5.
9. In order that the development should not prejudice highway safety nor cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15; Surrey Waste Local Plan 2020 Policy 15; the Tandridge District Core Strategy 2008 Policy CSP12 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP5.
10. In order that the development should not prejudice highway safety nor cause inconvenience to other road users in accordance with Surrey Minerals Plan 2011 Core Strategy Policy MC15; Surrey Waste Local Plan 2020 Policy 15; the Tandridge

District Core Strategy 2008 Policy CSP12 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP5.

11. To protect the route of the public footpaths and bridleways and the amenities of the users and comply with Surrey Minerals Plan 2011 Core Strategy Policy MC14, Surrey Waste Local Plan 2020 Policy 14 and Tandridge District Core Strategy 2008 Policy CSP13.
12. To protect the route of the public footpaths and bridleways and the amenities of the users and comply with Surrey Minerals Plan 2011 Core Strategy Policy MC14, Surrey Waste Local Plan 2020 Policy 14 and Tandridge District Core Strategy 2008 Policy CSP13.
13. In accordance with paragraph 163 of the National Planning Policy Framework (NPPF) 2019 to ensure that that flood risk is not increased onsite or elsewhere; Surrey Minerals Plan 2011 Core Strategy Policy MC14; Surrey Waste Local Plan 2020 Policy 14 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP21.
14. In accordance with paragraph 163 of the National Planning Policy Framework (NPPF) 2019 to ensure that that flood risk is not increased onsite or elsewhere; Surrey Minerals Plan 2011 Core Strategy Policy MC14; Surrey Waste Local Plan 2020 Policy 14 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP21.
15. To clarify the dewatering proposals and ensure the ecological opportunities on site are maximised and that there is no deterioration to water dependent wildlife habitats in accordance with paragraph 170 of the National Planning Policy Framework (NPPF) 2019 and in conjunction with the European Water Framework Directive (WFD); Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP21.
16. To ensure that the proposed development will not have a significant adverse impact on water quality or water resources in accordance with paragraphs 163 and 170 of the National Planning Policy Framework (NPPF) 2019, Water Framework Directive (WFD); Surrey Minerals Plan 2011 Core Strategy Policy MC14 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP21.
17. To protect groundwater from contaminants and pollution in accordance with paragraph 170 of the National Planning Policy Framework (NPPF) 2019; Surrey Minerals Plan 2011 Core Strategy Policy MC14; Surrey Waste Local Plan 2020 Policy 14 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP21.
18. To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14; Surrey Waste Local Plan 2020 Policy 14; the Tandridge District Core Strategy 2008 Policy CSP15 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP22.
19. To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14; Surrey Waste Local Plan 2020 Policy 14; the Tandridge District Core Strategy 2008 Policy CSP15 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP22.

20. To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14; Surrey Waste Local Plan 2020 Policy 14; the Tandridge District Core Strategy 2008 Policy CSP15 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP2.
21. To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14; Surrey Waste Local Plan 2020 Policy 14; the Tandridge District Core Strategy 2008 Policy CSP15 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP22.
22. To enable the County Planning Authority to exercise planning control over the development so as to minimise disturbance and avoid nuisance to the locality, to safeguard the environment and protect the amenities of local residents in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14; Surrey Waste Local Plan 2020 Policy 14; the Tandridge District Core Strategy 2008 Policy CSP15 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP22.
23. To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide on any action required for the preservation or recording of such remains in accordance with the terms of the Surrey Minerals Plan 2011 Core Strategy Policy MC14; Surrey Waste Local Plan 2020 Policy 14 and Tandridge Local Plan 2014 Part 2: Detailed Policies Policy DP20.
24. To prevent loss or damage of soil and to ensure that the land is restored to a condition capable of beneficial afteruse to comply with the Surrey Minerals Plan 2011 Core Strategy Policies MC14 and MC17.
25. To secure restoration to the required standard and enhance biodiversity in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC17 and MC18; Surrey Waste Local Plan 2020 Policy 5 and Tandridge District Core Strategy 2008 Policy CSP17.
26. To secure restoration to the required standard and enhance biodiversity in accordance with the Surrey Minerals Plan 2011 Core Strategy Policies MC17 and MC18; Surrey Waste Local Plan 2020 Policy 5 and Tandridge District Core Strategy 2008 Policy CSP17.
27. To secure protect and enhance biodiversity in accordance with Surrey Minerals Plan 2011 Core Strategy Policies MC14 and MC18; and Tandridge District Core Strategy 2008 Policy CSP17.
28. To secure protect and enhance biodiversity in accordance with Surrey Minerals Plan 2011 Core Strategy Policies MC14 and MC18; and Tandridge District Core Strategy 2008 Policy CSP17.
29. To secure restoration and assist in absorbing the site back into the local landscape as soon as practical to accord with Surrey Minerals Plan 2011 Core Strategy Policies MC3, MC14 and MC17; and Tandridge District Core Strategy 2008 Policies CSP20 and CSP21.

## Informatives:

1. 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 County Council before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway, in association with the construction of the proposed vehicular access to the A25. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see: [www.surreycc.gov.uk/people-and-community/emergency-planning-and-communitysafety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-communitysafety/flooding-advice)
2. 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 highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
3. The development permitted under ref. TA/2013/1799 dated 12 August 2014 was the subject of a Non-Material Amendment (NMA) dated 14 September 2018 amending the type of infill waste material that would be used to infill the quarry areas from inert waste to non-hazardous waste. Condition 5 (above) has been added and brought forward to the development hereby permitted to reflect that amendment and condition.
4. An Environmental Permit from Environment Agency will be required when the quarry is to be infilled with imported waste materials to achieve the restoration identified in the planning application hereby permitted. Information on Environmental Permits can be obtained from the following website: <https://www.gov.uk/topic/environmental-management/environmental-permits>
5. The applicant will require written consent from the Environment Agency in order to discharge effluent resulting from dewatering activities.
6. 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.
7. 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, liaised with consultees and the Applicant to resolve identified issues, and determined the application within the timeframe agreed with the Applicant. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.

[National Planning Policy Framework Planning Practice Guidance waste; traveller sites; planning for schools development; sustainable drainage systems; parking and Starter Homes.](#)

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**Contact Katie Rayner**

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### **Background papers**

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

For this application, the deposited application documents and plans, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register.

The Tandridge District Council planning register for this application can be found under application reference TA/2022/1220.

### **Other documents**

The following were also referred to in the preparation of this report:

#### **Government Guidance**

[National Planning Policy Framework](#)  
[Planning Practice Guidance](#)

#### **The Development Plan**

[Surrey Waste Local Plan 2019-2033](#)  
[Surrey Minerals Plan Core Strategy Development Plan Document \(DPD\) 2011](#)  
[Surrey Minerals Plan Primary Aggregates DPD 2011](#)  
[Surrey Minerals Plan Site Restoration Supplementary Planning Document \(SPD\) 2011](#)  
[Aggregates Recycling Joint DPD 2013](#)  
Tandridge District Council Core Strategy 2008  
Tandridge Local Plan Part 2: Detailed Policies 2014-2029  
Tandridge District Council Emerging Local Plan 2033

#### **Other Documents**

Good Practice Guide for Handling Soils in Mineral Workings, Version 1, dated July 2021  
([Soils Guidance \(quarrying.org\)](#))  
Surrey Landscape Character Assessment: Tandridge District, dated April 2015  
Noise Policy Statement for England (NPSE) 2010  
Planning Application Ref: TA/2022/1155

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