

**TO:** PLANNING & REGULATORY COMMITTEE

**DATE:** 17 October 2018

**BY:** PLANNING DEVELOPMENT MANAGER

**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL

**ELECTORAL DIVISION(S):**  
Laleham & Shepperton  
Mr Walsh

**PURPOSE:** FOR DECISION

**GRID REF:** 505935 167711

**TITLE:** MINERALS/WASTE SP18/00308/SCC

## SUMMARY REPORT

**Shepperton Quarry, Littleton Lane, Shepperton, Surrey, TW17 0NF**

**The use of land as a recycling facility for construction and demolition waste using crushing and screening plant to produce recycled soils and aggregates, stockpiling of waste and recycled products, importation of waste material for recycling and retention of screen bunding, two storey site office and two storey weighbridge office for a temporary period until 30 September 2019 (retrospective).**

This retrospective application is for the use of the north eastern part of the wider Shepperton Quarry site as a temporary aggregates recycling (AR) facility until 21 May 2019 with restoration of the recycling area by 30 September 2019. The wider Shepperton Quarry site is located within the Metropolitan Green Belt and is required to be restored by 21 February 2020.

The AR facility will be used to process construction, demolition and excavation (C,D&E) waste using mobile crushing and screening plant to enable the recovery of recycled aggregates and soils for sale and export. The facility will treat C,D&E waste contained in existing stockpiles, C,D&E waste derived from the clearance of the wider Shepperton Quarry site in preparation for its restoration, and up to 100,000 cubic metres (approximately 150,000 tonnes) per annum of imported C,D&E waste from construction and demolition sites in north-west Surrey. It also proposes 22 staff in association with the AR facility and seeks to retain a two-storey site office which was previously brought onto the site without the benefit of planning permission.

The AR facility has been operational for almost 20 years and subject to a number of temporary planning permissions, the last of which expired on 21 May 2017. Up until 21 May 2016, the site imported up to 100,000 cubic metres per annum of C,D&E waste for processing. The last temporary permission was granted for a period of one year and did not allow C,D&E waste to be imported for recycling as sufficient material was already stockpiled on site. However, since May 2017 recycling operations have continued with C,D&E waste again being imported for recycling.

The key issues in determining this application are compliance with the Development Plan and the impact on local residential, environmental and amenity interests. In considering this application for temporary planning permission it will be necessary to consider whether very special circumstances exist to overcome the harm to the Green Belt by reason of inappropriateness and any other harm. As well as Green Belt policy considerations, issues to consider include whether the proposal is supported by, and complies with development plan waste policies, including whether the application site is in an appropriate location for waste development. Consideration will also be given to any environmental or traffic issues associated with the operation of the proposed AR facility.

The application site is not allocated for AR. However the Surrey Waste Plan 2008 (SWP) supports development involving C,D&E waste recycling at mineral sites provided that the proposed development is for a temporary period commensurate with the operational life of the mineral site, and in the case of Green Belt policy it complies with SWP Policy CW6. The Aggregates Recycling Joint Development Plan Document 2013 (ARJDPD) promotes AR facilities outside allocated sites where the proposal would increase the recovery of C,D&E waste for the production of recycled aggregates and comply with the locational and development management policies contained within the Surrey Minerals Plan Core Strategy DPD 2011 (SMP CS DPD) and the SWP. It will be necessary for the authority to be satisfied that the proposal would not give rise to unacceptable impacts in terms of traffic and access, noise, air quality, surface water drainage and risk of flooding, landscape and visual impact, biodiversity and ecology, lighting and restoration.

Spelthorne Borough Council have objected to the proposed importation of waste on Green Belt grounds and believe that no very special circumstances have been demonstrated. They point to mineral working and processing having now ceased at Shepperton Quarry and Home Farm Quarry and its eastern extension area having been restored meaning that justification for locating the AR facility at Shepperton Quarry no longer exists.

These views have been echoed by Laleham Residents Association (RA), Charlton Village RA and Shepperton RA, with the former two objecting to the proposal and the latter expressing concerns. The three local RAs have also expressed very strong concerns about a lack of enforcement action being undertaken and the unacceptable impact of HGV traffic in the area which they claim will be exacerbated if the application is permitted. Objections have also been raised by residents in relation to the lack of enforcement action, a lack of very special circumstances, the location of the site, the impact of HGVs, the impact on the Green Belt and the impact on securing restoration.

Having assessed the merits of the application, Officers are satisfied that there is a demonstrable need for additional aggregates recycling capacity in the county and that the location of the facility is justified. Officers also consider that with the imposition of conditions where necessary, the impacts in relation to traffic and access, noise, air quality, landscape and visual impact, biodiversity and ecology, lighting and restoration are acceptable. However, the applicant has not justified the need for 22 staff to operate the facility or the need for the two-storey site office.

The Environment Agency (EA) have objected to the application and the Lead Local Flood Authority (LLFA) have recommended that planning permission is refused as they both consider the submitted Flood Risk Assessment (FRA) to be inadequate. The applicant has confirmed that they do not intend to amend the FRA to address these concerns claiming that given the context of the site which has been operating for almost 20 years, the concerns expressed are not justified and are disproportionate. The applicant has therefore not demonstrated that the proposal would not have a significant adverse effect in terms of surface water drainage and risk of flooding.

The proposed waste development is within the Green Belt, which is inappropriate and by definition harmful to the Green Belt and does not preserve openness and conflicts with the purposes of protecting Green Belt land including protecting the countryside from encroachment. The applicant has failed to demonstrate the need for the two storey site office and 22 staff, and additionally has not provided appropriate technical information to assess the impacts on surface water drainage and flood risk. The applicant has failed to demonstrate the very special circumstances to outweigh the harm by reason of inappropriateness, and any other harm. The proposal is therefore contrary to the development plan policies in respect of Green Belt and flood risk, accordingly, Officers consider that the planning application should be refused.

**The recommendation is that planning permission be refused.**

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## APPLICATION DETAILS

### ***Applicant***

Killoughery Waste Management Ltd

### ***Date application valid***

26 February 2018

### ***Period for Determination***

28 May 2018 (Extension of time agreed by the applicant until 24 October 2018)

### ***Amending Documents***

- Report ref: 1986c1 entitled "Littleton Lane, Shepperton - Air Quality Technical Note", Redmore Environmental, dated 10 April 2018.

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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 report where this has been discussed</b>
Waste Management Issues	No	63 - 97
Highways, Traffic and Access	Yes	98 - 123
Noise	Yes	131 - 137
Air Quality	Yes	138 - 145
Drainage and Risk of Flooding	No	146 - 161
Landscape and Visual Impact	Yes	162 - 167
Biodiversity and Ecology	Yes	168 - 170
Lighting	Yes	171 - 173
Restoration	Yes	174 - 180
Green Belt	No	190 – 204

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## ILLUSTRATIVE MATERIAL

### **Site Plan**

Plan 1 - Site Location and Application Site Area

### **Aerial Photographs**

Aerial 1 - Shepperton Quarry, Shepperton

Aerial 2 - Shepperton Quarry Aggregates Recycling Facility

### **Site Photographs**

Figure 1 - Mobile Screening Plant and Stockpiles Looking West

Figure 2 - AR Facility Looking South East

Figure 3 - Reduced Area of AR Facility Looking South East

Figure 4 - Reduced Area of AR Facility Looking East North East

Figure 5 - Two-Storey Site Office and Two-Storey Weighbridge Office

## BACKGROUND

### *Site Description*

1. The aggregates recycling (AR) facility at Shepperton Quarry is situated in the north eastern part of Shepperton Quarry beyond the existing industrial estate. The site lies on the west side of Littleton Lane just north of the M3 Motorway, to the south-east of Laleham and to the west of Shepperton. The closest housing to the recycling facility is situated on the opposite side of Littleton Lane, some 350m to the north-east. Access to the aggregates recycling facility is via the main entrance into Shepperton Quarry from Littleton Lane.
2. The area of the application site extends to approximately 3.56 hectares and it is situated within the Metropolitan Green Belt. The eastern boundary of the site comprises a 4 metre high bund formed from soils stripped from the site. The northern boundary is made up of a 6 metre high bund formed from imported materials. The working area is surfaced with hardcore. The application site is owned by Brett Aggregates Ltd (BAL) and leased to the site operator, Killoughery Waste Management, to undertake aggregates recycling.
3. The application site includes a two-storey weighbridge office and a two-storey site office. The two-storey site office was brought onto the site without the benefit of planning permission with the intention of replacing the two-storey weighbridge office. However, the weighbridge office has remained on site. The application is seeking to retain both of these two-storey containerised units. The site also includes two container units for employee welfare facilities. These comprise a ladies WC and a clothes drying room which are ancillary to the aggregates recycling activity. A separate planning application has been submitted concurrently with this application to retain these two container units for a temporary period in line with the timescales proposed for the aggregates recycling facility. This application remains in the process of being determined.
4. There are various pieces of plant that are used on site to facilitate high grade recycling. These comprise two mobile screens, a wheeled loading shovel, a 360 degree hydraulic excavator and a mobile crusher.
5. The whole of Spelthorne has been designated as an Air Quality Management Area (AQMA) for annual mean Nitrogen Dioxide NO<sub>2</sub> since 2000. The application site therefore falls within the Spelthorne NO<sub>2</sub> AQMA. The area is not designated an AQMA for particulates. The eastern and northern parts of the site lie within the Shepperton Quarry Site of Nature Conservation Importance (SNCI). The lake to the east of Littleton Lane is designated as the Littleton Lake SNCI. The site lies within Environment Agency Flood Zone 2 with the exception of small areas of land within the south-west and extreme south-east corner of the site which lie within Flood Zone 3. Most of the surrounding land is also within Flood Zone 3.
6. An underground Intermediate Pressure (above 2 bar) Gas Pipeline passes beneath part of the bell mouth of the entrance to Shepperton Quarry and broadly follows the alignment of Littleton Lane. Further, an overhead Electricity Transmission Line aligned in a north to south direction is situated a short distance to the east of the eastern boundary of the application site.
7. The application site lies in an area with a long history of mineral working. As well as the aggregates recycling facility, Shepperton Quarry comprises: a lake formed by gravel working which was used between the mid-1970s and 2015 for the disposal of silt arising from the processing of minerals within the former Shepperton Quarry mineral processing plant; areas of hardstanding; the former Breedon concrete batching plant; some mainly non-mineral processing related activities within the mineral processing plant area which

are / have been the subject of investigation and discussion with the operators with a view to regularising these uses; and the Littleton Lane industrial estate.

8. Land to the north of the application site, known as Laleham Farm, has been worked and restored back to agriculture. Land at Home Farm, Laleham Nurseries and Shepperton Studios, situated some 600 metres further to the north, have more recently been backfilled and restored. This is where mineral was previously extracted and transported by field conveyor to Shepperton Quarry for processing in the processing plant and concrete batching plant under a number of separate planning permissions.
9. An estimated 500,000 tonnes of unworked reserves of mineral exist under both the Shepperton Quarry processing plant area and the adjacent industrial estate. The working of the remaining mineral and restoration of Shepperton Quarry is controlled through the working and restoration conditions approved on 28 February 2012 (ref. SP98/0643), under the Review of Old Mineral Permissions (ROMP) provisions of the Environment Act 1995 for approval of new mineral working and restoration conditions. This requires the whole of the wider Shepperton Quarry site to be restored to nature conservation use by 21 February 2020, with the application site to be restored to meadow grassland divided by retained and new hedgerows. A Section 106 legal agreement entered into in connection with the SP98/0643 ROMP decision provides for a long term Landscape and Biodiversity Management Plan for the restored Shepperton Quarry site.
10. This approved restoration scheme is based on remaining mineral reserves being worked in two phases. Phase 1 comprises land currently occupied by the industrial estate and land east of the former site offices. Phase 2 relates to the land beneath the former processing plant site. The existing buildings and hardstandings are to be removed prior to extraction commencing in each phase and reused or recycled where possible. The approved restoration includes the creation of three new water bodies for nature conservation use comprising one in the Phase 1 and two in the Phase 2 extraction areas.
11. The restoration was designed so that no waste materials would need to be imported to the site for use in backfilling the excavated areas. As there were no soils on the areas to be worked, planning permission ref: SP98/0643 included provision for the stockpiling of soil and soil making materials arising from the existing recycling operations permitted under planning permission ref: SP09/0371, and by husbanding any other soil making materials arising from the working of the mineral. As a consequence it was expected that soils would not need to be imported for restoration, unless required to make up for any shortfall.
12. However, following analysis of the quantity and quality of the remaining mineral reserves, the landowner, BAL, has recently informed the County Planning Authority (CPA) that they no longer intend extracting the remaining mineral. This means that the approved restoration scheme is no longer deliverable. A revised restoration scheme will therefore need to be submitted for approval.
13. The application site has been used for the production of recycled aggregates and recycled soils since it was originally granted planning permission on appeal in May 1999 for a temporary period of 5 years. Since that time, the recycling operation has been granted a number of extensions of time. This has enabled recycling activities to continue up until 21 May 2017 when planning permission expired and the application site was required to have been fully restored in accordance with the approved restoration scheme.
14. Up until 21 May 2016, the temporary planning permissions granted to BAL for aggregates recycling allowed the importation of construction and demolition (C&D) waste material for recycling. However, the most recent planning permission granted to BAL to extend the period for aggregates recycling for a temporary period of 1 year from 21 May 2016 until 21 May 2017 excluded permission to import C&D waste for recycling at BAL's request. This was because sufficient volumes of C&D waste material were already stockpiled on site to

enable Killoughery Waste Management Ltd (KWML) to continue recycling activities for a further 12 month period, without the need to import additional C&D waste material.

15. In March 2017, BAL submitted a further Section 73 application to vary conditions 2 and 8 of planning permission ref: SP16/00662/SCC dated 8 August 2016 in order to allow for the continuation of recycling operations until 30 September 2019. BAL subsequently withdrew their application on 11 May 2017. This was after it became apparent that KWML required the ability to import C&D waste material again for recycling, due to a lack of C&D waste material on-site to enable recycling activities to continue for the duration of the time period sought. BAL then informed KWML that if they wished to import C&D waste material again for recycling, then they would need to submit the planning application themselves.
16. In May 2017, KWML submitted an application to extend the time period for aggregates recycling for a two year period and to allow waste to be imported for recycling. The application was submitted under Section 73 of the Town and Country Planning Act 1990 and proposed to vary conditions 2 and 8 and remove condition 9 of planning permission ref: SP16/00662/SCC dated 8 August 2016. However, although the application was submitted through the planning portal before the expiration date of the planning permission, the cheque, in respect of the planning fee, was sent by post and was not received until the day after planning permission had expired. This was due to there being no post at the Council's Offices at weekends. As a consequence, the submission could not be accepted as a valid 'Section 73' application. As the planning permission had expired, KWML were informed that a full planning application would be required.
17. During the remainder of 2017, the KWML made two attempts to submit a full planning application in July and October which the CPA were unable to validate. The application was amended and re-submitted in February 2018. Following a number of further revisions, the CPA was able to validate the application on 26 February 2018.
18. Since that time, the CPA have formally consulted on the application. Following more detailed assessment of the application by Officers and in response to feedback from technical consultees, the CPA has been in a process of negotiation with the applicant which has involved the need for provision of information / clarification. This approach reflects the CPA's duty to work positively and proactively with the applicant in order to facilitate sustainable development.
19. During the intervening period, aggregates recycling operations have continued to take place at the application site without the benefit of planning permission. The CPA has also been informed by local residents that C&D waste is also being imported to the site for recycling without the benefit of planning permission. However, the CPA does not consider it expedient to take enforcement action in this circumstance whilst a planning application has been submitted and is being considered.
20. During 2018, KWML has been reducing stockpiles, clearing the northern part of the application site and reducing the levels on this part of the site. KWML has also been involved in site clearance work within the wider Shepperton Quarry site and has been working to remove the former Breedon concrete batching plant. This involves taking down and removing the plant and structures comprising aggregate storage bays, concrete structures / lagoons and buildings, and breaking up the concrete hardstanding. This material is being taken to the aggregates recycling facility for processing. Information derived in September 2018 from the most recent monitoring visit reveals that the operational area of the aggregates recycling facility has significantly decreased in size.

### ***Planning History***

21. Planning permission (Appeal ref: T/APP/8360/A/98/1013164) was originally granted on Appeal on 21 May 1999 for aggregates recycling at Shepperton Quarry. This involved: the processing of imported inert C&D waste from north-west Surrey using crushing and

- screening equipment to produce recycled aggregates; stockpiling of waste and recycled products; formation of a 4 metre high screen bund and re-shaping of existing 7 to 8 metre high soil storage mounds to create a 6 metre high screen bund all on a site of 3.25 hectares for a temporary period of five years expiring on 21 May 2004. This followed a refusal (ref: SP98/0205 dated 21 July 1998) by the then Planning Sub-Committee on the grounds of Green Belt and flooding.
22. Planning permission (ref: SP02/1149) was granted retrospectively in January 2003 for the retention of a two-storey porta cabin for use as office accommodation for a temporary period until 20 May 2004 ancillary to the aggregates recycling facility.
  23. Planning permission (Appeal ref: APP/B3600/A/05/1175072) was granted on Appeal on 16 February 2006 to continue the recycling use for a further temporary period of 5 years until 21 May 2009. This followed a refusal (ref: SP04/0750 dated 17 January 2005) by the Planning and Regulatory Committee on Green Belt and traffic impact grounds.
  24. Planning permission (ref: SP09/0371) was granted in January 2011 for the continued use of the land as an aggregates recycling facility for the recycling of imported C&D waste for a further temporary period of 5 years until 21 May 2014. This included the use of crushing and screening plant to produce recycled aggregates and recycled soils, stockpiling of waste and recycled products, and the retention of screen bunding and two storey site office. Condition 8 required the site to be landscaped and restored by 21 May 2014.
  25. Planning permission (ref: SP98/0643) was granted in February 2012, under the Review of Old Mineral Permissions (ROMP) provisions of the Environment Act 1995, for the approval of a scheme of working of the remaining mineral reserves and the restoration of the wider Shepperton Quarry site to a nature conservation after-use by 21 February 2020, including the approval of revised conditions for mineral working and restoration. The permission was subject to a Section 106 Agreement dated 27 February 2012 between Surrey County Council and Brett Aggregates Ltd to regulate the passage of heavy goods vehicles (HGVs) travelling to and from the site and to secure a 25 year Landscape and Biodiversity Management Plan.
  26. Planning permission (ref: SP/12/00386) was granted retrospectively in May 2012 for the siting and use of two container units for employee welfare purposes at the site comprising a ladies WC and a clothes drying room, ancillary to the mineral processing and aggregates recycling activities, for a temporary period until 21 May 2014. Condition 2 required the development to be removed and the land to be landscaped and restored by 21 May 2014.
  27. Planning permission (ref: SP14/00835/SCC) was granted in September 2014 for the continued use of the land as an aggregates recycling facility for a further temporary period of 2 years until 21 May 2016. Condition 8 required the site to be landscaped and restored by 21 May 2016.
  28. Planning permission (ref: SP14/00663/SCC) was granted in September 2014 for the continued siting and use of two container units for employee welfare purposes at the site, ancillary to the mineral processing and aggregate recycling activities, for a further temporary period of two years until 21 May 2016. Condition 2 required the development to be removed and the land to be landscaped and restored by 21 May 2016.
  29. Planning permission (ref: SP16/00662/SCC) was granted in August 2016 for the continued use of the land for aggregates recycling for a further temporary period of 1 year until 21 May 2017. Condition 8 required the site to be landscaped and restored by 21 May 2017. Condition 9 prevented the further importation of C&D waste.
  30. Planning permission (ref: SP16/00663/SCC) was granted on 8 August 2016 for the continued siting and use of two container units for employee welfare purposes at the site, ancillary to the mineral processing and aggregate recycling activities, for a further

temporary period of one year until 21 May 2017. Condition 2 required the development to be removed and the land to be landscaped and restored by 21 May 2017.

31. Planning application ref: SP17/00501/SCC for the continued use of land as a temporary recycling facility for C&D waste until 30 September 2019 was withdrawn by the land owner (Brett Aggregates Ltd) in May 2017.
32. Planning application ref: SP17/00491/SCC for the continued siting and use of two container units for employee welfare purposes, ancillary to the mineral processing and aggregate recycling activities at the site, for a further temporary period until 30 September 2019 was withdrawn by the land owner (Brett Aggregates Ltd) in May 2017.
33. Retrospective planning application ref: (SP18/00304/SCC) was submitted on 7 February 2018 for the use and siting of two container units for employee welfare purposes, ancillary to the proposed aggregates recycling facility at the site, for a temporary period until 30 September 2019.

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## THE PROPOSAL

34. KWML are seeking retrospective planning permission for a recycling facility for construction and demolition (C&D) waste using crushing and screening plant to produce recycled aggregates and soils, the stockpiling of waste and recycled products, the import of waste material for recycling and the retention of screen bunding, two-storey site office and two-storey weighbridge office for a temporary period until 30 September 2019.
35. The applicant proposes that the recycling activity continues for a temporary period of two years until 21 May 2019, after which the site will be restored to meadow grassland divided by new and existing hedgerows by 30 September 2019, in accordance with the approved restoration plan (Drawing No. NL08074/PA6 dated May 2009). The application has been submitted in conjunction with retrospective planning application ref: SP18/00304/SCC which remains in the process of being determined. This is for the use and siting of two container units for employee welfare purposes, ancillary to the proposed aggregates recycling facility at the site, for a temporary period in line with the timescales proposed for the recycling facility.
36. With the exception of the proposal to regularise the two-storey site office which was brought onto the site without the benefit of planning permission, no changes are proposed to the previous layout of the site, the hours of operation, stockpile height limits, dust mitigation arrangements, the types of waste to be recycled or the methods used in recycling materials. The main change is that the applicant is seeking to import 100,000 cubic metres of C&D waste per annum for recycling. This would mirror the operation that was previously approved at the site between 21 May 1999 and 21 May 2016. The application also proposes 22 staff in association with the recycling facility.
37. The application proposes to recycle remaining on-site stockpiles of C&D waste materials previously brought onto the site. The proposal also involves recycling C&D waste derived from the restoration of the wider Shepperton Quarry site. However once recycled, this material can only be re-used to facilitate the restoration of Shepperton Quarry and, with the exception of metals, controlled wastes and any contaminated materials, cannot be sold and exported off-site as a recycled aggregate product. This is intended to prevent the need for any materials to be imported to facilitate the restoration of Shepperton Quarry.
38. Further, reflecting previous planning permissions granted at the site for recycling prior to 21 May 2016, the applicant states that the proposal will also involve the recycling of C&D waste imported to the site derived from bulk excavation, building and demolition work as well as road maintenance projects. These imported materials will be stockpiled on-site prior to sorting and processing / recycling. For the sake of clarity, it can therefore be



deduced that the proposal actually relates to the recycling of construction, demolition and excavation (C,D&E) waste materials.

39. Using the existing plant present on site comprising two mobile screens, a wheeled loading shovel, a 360 degree hydraulic excavator and a mobile crusher, C,D&E waste is sorted and processed to produce three recycled products. These comprise a high grade crushed concrete suitable for use in the manufacture of ready-mixed concrete, a general crushed concrete for sub-base uses and recycled soils suitable for use in landscaping works.
40. Up to 10% of C,D&E waste material is non-recyclable (residual waste) such as wood and metals together with unusable fines and clays. These unusable fines and clays are taken off-site to a suitable licensed landfill operation for disposal. The unusable wood and metals are placed into skips and taken off-site to special treatment facilities. The applicant states that the application site will generate an average of 52 lorry movements (26 loads) per day. This equates to an average of 5 movements per hour during operational hours. The maximum number of vehicles generated is some 80 per day (40 loads) which would equate to an average of 8 movements per hour on the busiest days.

## CONSULTATIONS AND PUBLICITY

### *Borough Council*

#### 41. **Spelthorne Borough Council**

Strongly objects on Green Belt grounds and advises the CPA that in the event that the application is refused, an Enforcement Notice should be served requiring the cessation of the unauthorised importation of recycling material to the site. The Enforcement Notice should come into effect within 3 months from the date of it being served.

#### 42. **Environmental Health**

Noise:

No objection subject to a condition.

Pollution Control:

Officer Report to the Borough Council's Planning Committee on 2 May 2018 explains that the Pollution Control Team had no objection subject to previous conditions which would adequately mitigate nuisance. Comments received by the CPA referred to specific matters in relation to air quality, dust, mud on the highway and drainage.

### *Consultees (Statutory and Non-Statutory)*

#### 43. **Environment Agency (EA)**

Object to the application as the submitted Flood Risk Assessment (FRA) does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.

#### 44. **County Highway Authority (CHA)**

No objection on highway safety, capacity or policy grounds.

#### 45. **County Air Quality Consultant**

No objection.

#### 46. **Lead Local Flood Authority (LLFA) - SuDS & Consenting Team**

Recommend that planning permission be refused because insufficient information has been provided regarding the proposed surface water strategy to comply with the required technical standards. In the event that planning permission is granted, then this should be subject to two pre-commencement conditions.

47. **County Ecologist**  
No Objection
48. **County Environment and Enhancement Officer**  
No views received.
49. **Environmental Assessment Team**  
Recommends that the proposal does not constitute 'EIA development'.
50. **National Grid** (in response to a separate consultation undertaken by the Borough Council)  
  
Pipelines - No objection as the intermediate pressure gas pipeline in the vicinity will not be affected, subject to additional advice which has been forwarded to the applicant.  
  
Overhead Lines - No objection to the proposal which is in close proximity to a High Voltage Transmission Overhead Electricity Line and Electricity Tower, subject to additional advice which has been forwarded to the applicant.
51. **Surrey Wildlife Trust**  
No views received.
52. **Thames Water**  
No views received.

***Parish/Town Council and Amenity Groups***

53. **Shepperton Residents Association**  
Commented as follows:
- The application site was only originally permitted on Appeal;
  - The planning application should be considered on the basis of a 'stand-alone' activity no longer associated with gravel raising following the restoration of Home Farm and should therefore be refused;
  - There is no longer a need to import waste material for recycling as this would be contrary to the position of Brett Aggregates Ltd who confirmed in writing to the CPA that they had put a ban on new C&D waste imports to the site in around 2015;
  - The operator has continued to import material after May 2017 without planning permission and has taken a considerable amount of time to submit the new application;
  - Local residents have suffered many years of heavy goods vehicle (HGV) traffic from the wider Shepperton Quarry site including the continued importation of 100,000 cubic metres of C&D waste per annum which is unacceptable;
  - The applicant's reference to Government policy which includes a strong presumption in favour of sustainable development was never intended to apply to Green Belt locations;
  - Very special circumstances advanced by the applicant are not accepted because: there is a lack of evidence of what alternative sites have been investigated; this was never intended to become a Surrey-wide recycling site; the movement of waste up the waste hierarchy has never been applied to C&D waste recycling; the site's Green Belt location means that it is unsuitable for recycling unrelated to gravel raising; and the acceptance of the very special circumstances advanced by the applicant would set a significant precedent for future applications; and
  - Refusal of the application would be a step towards reducing the estimated 400 plus vehicle movements per day from the combined activities undertaken on the wider site.
54. **Laleham Residents Association**  
Strongly object to the planning application and commented as follows:
- Waste has been imported for recycling without planning permission since 24 May 2017;
  - The CPA have turned a blind eye to the situation and taken no enforcement action;

- Dismayed that it has taken the operator over 9 months to submit a valid application and the excuse of this being due to a delayed cheque is not accepted;
- Residents are blighted by the number HGVs travelling on roads not designed for such traffic;
- There is no justification to import waste given: the letter from the land owner to SCC in July 2016 confirming that no new material would be imported; the (withdrawn) application submitted by the land owner in 2017 which did not propose the import of waste; and the ability to import waste was only relevant when it was associated with gravel extraction;
- Challenge the applicant's claim that the import of an additional 100,000 cubic metres of waste will not add to the burden of HGV traffic on local roads;
- It is impossible to enforce against the number of HGV movements because materials are brought to and from the site in unmarked vehicles;
- In view of the number of HGVs using the industrial estate, any HGV traffic in the area which can be stopped should be stopped;
- There is no longer a need to blend extracted mineral with imported waste, which was previously used to justify very special circumstances;
- The proposal on green belt land is only for the financial benefit of the applicant due to market need to import and process waste material;
- The application is without environmental merit, does not benefit to the local area and is detrimental to residents.

55. **Charlton Village Residents Association**

Express its opposition to the application for the following reasons:

- The operator flagrantly ignores the law regarding planning applications and only seeks to conform when their abuse of the site has been proven beyond doubt;
- The steady stream of lorries that trundle through Charlton on a daily basis are a nuisance and they don't obey the speed limit;
- The site effects residents from 6am on most days and was supposed to have been returned to residents use years ago;
- Support the views of Laleham Residents Association;
- Site should be restored back to residents land and not for water use as is currently suggested.

***Summary of publicity undertaken and key issues raised by public***

56. The application was publicised by the posting of 1 combined site notice with planning application ref: SP18/00304/SCC and a combined advert was placed in the local newspaper. A total of 65 owner/occupiers of neighbouring properties were directly notified by letter.
57. A total of 20 written representations have been received, all of which object to the application for the following main reasons:
- The applicant is operating in breach of their previous planning permission;
  - There is no justification for waste importation for recycling as there will be no further gravel raising meaning that material blending is no longer possible;
  - There are no very special circumstances to allow the proposal in the green belt following the cessation of gravel raising;
  - The land owner (Brett Aggregates Ltd) confirmed in a letter to the CPA in 2016 that no new waste material was being imported;
  - The mobile crusher should be taken to the source of the waste rather than importing waste by HGV to be crushed as this is not sustainable;
  - No alternative site assessment has been submitted;
  - The adverse impact of HGV traffic (including excessive volume and speed, conflict with other road users, safety fears, the inadequacy of the local road network, damage

caused to the road surface and highway infrastructure and the cumulative impacts of HGV traffic);

- The adverse environmental impact on the local community;
- The site should be restored;
- The proposal represents gross over-development of the Green Belt as the need for 22 staff, the two-storey weighbridge office and new two-storey site office is excessive;
- The consultee response submitted by Shepperton Residents Association has been supported.

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## PLANNING CONSIDERATIONS

### Introduction

58. The guidance on the determination of planning applications contained in the Preamble/Agenda front sheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
59. In considering this application, the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In this case, the statutory development plan for consideration of the application consists of the Surrey Minerals Plan Core Strategy Development Plan Document 2011 (SMP CS DPD), the Surrey Minerals Plan Primary Aggregates DPD 2011 (SMP PA DPD), the Surrey Waste Plan 2008 (SWP), the Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (ARJDPD), the Spelthorne Borough Core Strategy and Policies DPD 2009 (Spelthorne CS&P DPD) and the Spelthorne Borough Local Plan 2001 (SBLP) 'saved' policies.
60. The County Council is in the process of reviewing the SWP and published the Draft Surrey Waste Local Plan (SWLP) for consultation in December 2017. As the plan remains at an early stage of preparation and has not been subject to examination, little weight can be given to the policies contained within it. The Borough Council adopted a Flooding Supplementary Planning Document (SPD) in 2012 and is in the early stages of preparing a new local plan having published an Issues and Options consultation in May 2018.
61. 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 need for the aggregates recycling facility, traffic and access; noise; air quality; surface water drainage and risk of flooding; landscape and visual impact; restoration and green belt.

### Environmental Impact Assessment

62. The proposed development, together with the associated planning application ref: SP18/00304/SCC, were evaluated by the CPA in line with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and the advice set out in the national Planning Practice Guidance (nPPG) on EIA. On 15 March 2018, the CPA adopted a screening opinion under Regulation 8 of the above EIA Regulations. Having considered the proposed developments in the context of Schedule 2, it was recommended that the developments to which the applications relate were not likely to give rise to any significant environmental effects and do not constitute EIA development, either alone or in combination.

### Waste Management Issues

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

Policy MC1: Spatial Strategy - Location of Mineral Development in Surrey

Policy MC5: Recycled and Secondary Aggregates

#### ***Surrey Minerals Plan Primary Aggregates DPD 2011 (SMP PA DPD)***

Policy MA1: Aggregates Supply

**Surrey Waste Plan 2008 (SWP)**

Policy CW4: Waste Management Capacity

Policy CW5: Location of Waste Facilities

Policy WD3: Recycling, Storage, Transfer of Construction and Demolition Waste at Mineral Sites

**Aggregates Recycling Joint Development Plan Document 2013 (ARJDPD)**

Policy AR1: Presumption in Favour of Sustainable Development

Policy AR3: Aggregates Recycling at Mineral Sites

Policy AR4: Aggregates Recycling outside Preferred Areas

Policy AR5: High Value Recovery

### *Policy Context*

63. In England, the Waste Hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery (including energy recovery), and last of all disposal e.g. landfill.
64. Paragraph 204 of the National Planning Policy Framework 2018 (NPPF) states that planning policies should, so far as is practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials before considering extraction of primary materials. The NPPF does not contain policies relating to waste management. Instead national waste management policies are contained within the Waste Management Plan for England 2013 (WMP) and set out in the National Planning Policy for Waste 2014 (nPPW).
65. The WMP advocates that the dividends of applying the Waste Hierarchy will not just be environmental but explains that we can save money by making products with fewer natural resources, and we can reduce the costs of waste treatment and disposal. It envisages that the resulting benefits of sustainable waste management will be realised in a healthier natural environment and reduced impacts on climate change as well as in the competitiveness of our businesses through better resource efficiency and innovation - a truly sustainable economy.
66. Similarly, the nPPW sets out the Government's ambition of working towards more sustainable and efficient approaches to waste management by driving the management of waste up the Waste Hierarchy. In this context, paragraph 80 of the NPPF explains that 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.
67. Policy AR1 of the ARJDPD explains that when considering development proposals, the CPA will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The CPA will always work proactively with applicants jointly to find solutions which mean that proposals can be permitted wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This policy also reflects paragraph 11 of the NPPF in advocating that planning applications that accord with the development plan policies will be approved without delay.
68. SMP CS DPD Policy MC1 explains that priority for locating aggregate recycling development will be given to urban areas particularly in north-west Surrey and to the temporary use of mineral sites to be restored with inert fill. Further, Policy MC5 of the SMP CS DPD states that the CPA will make provision for the supply of recycled and secondary

aggregates at a rate of at least 0.8 million tonnes per annum (mtpa) by 2016 and at least 0.9 mtpa by 2026.

69. The application site is not identified under Policy AR3 of the ARJDPD as a preferred site for aggregate recycling. However, notwithstanding the expiry of planning permission on 21 May 2017, it is an existing aggregate recycling facility which has been operating continuously for nearly 20 years. ARJDPD Policy AR4 states that applications for the intensification or extension of existing or new aggregate recycling facilities outside the preferred areas identified in the Plan will be supported where it can be demonstrated that the development would result in an increase in the recovery of C,D&E waste material suitable for the production of recycled aggregates and comply with the locational and development plan policies contained within the SMP CS DPD and the SWP.
70. SWP Policy CW4 advocates that planning permission will be granted to enable sufficient waste management capacity to be provided, in order to manage the equivalent of the waste arising in Surrey together with a contribution to meeting the declining landfill needs of residual wastes exported from London.
71. In this context, the SWP explains at paragraph B30 that Surrey County Council (SCC) remains committed to achieving net self-sufficiency, enabling appropriate development that implements the waste hierarchy and ensuring that the County delivers its contribution to regional waste management. Paragraph B32 of the SWP goes on to state that a range of facilities, type, size and mix will be required, located on a range of sites to provide sustainable waste management infrastructure in Surrey.
72. SWP Policy CW5 requires the consideration of waste proposals on unallocated sites to accord with four principles. They include giving priority to sites close to urban areas and easily accessible by the strategic road network (SRN), and to mineral workings and land in waste management use over green-field land. The larger the scale of development and traffic generation, the more important is a location well served by the SRN.
73. Policy WD3 of the SWP states that planning permission for development involving recycling, storage and transfer of C&D waste at minerals sites will be granted provided that the proposed development is for a temporary period commensurate with the operational life of the mineral site. Policy AR5 of the ARJDPD expects applications for aggregates recycling facilities to demonstrate that the development will maximise the amount and range of recyclable materials that can be recovered from the C,D&E waste stream delivered for treatment at the site.

## **Need**

### *Assessment*

74. The applicant states that the need for the proposal was considered as part of the 1999 appeal decision (ref: T/APP/8360/A/98/1013164), and again as part of the most recent planning permission (ref: SP/16/00662/SCC) granted in 2016. At that time, the applicant explains that it was noted that not all of the existing aggregate recycling facilities in Surrey undertook crushing and screening of C,D&E waste. Further, not all were capable of producing recycled aggregates to a sufficient standard for it to be used as a substitute for primary aggregates in the production of concrete. Officers accept that this remains the situation today. The applicant also considers that there remains a continuing need for aggregates recycling facilities within the current economic climate.
75. As well as the equipment used, the applicant maintains that the size of a site is important as sites need sufficient space for the storage of imported waste materials awaiting processing and for storage of recycled materials. The applicant believes that the site is the right size for its proposed use and capable of supporting the necessary infrastructure. This

argument is accepted given that the site has been operating successfully for almost 20 years making a significant contribution to aggregates supply within the county.

76. The Planning Statement explains that there is a market need to import and process materials in order to contribute towards the overall supply of recycled aggregates. The application therefore seeks to re-introduce the ability to import materials, which had previously been allowed up until May 2016. At that time the operator, Killoughery Waste Management Ltd (KWML), believed there was no further need to import materials and the site owner and applicant, Brett Aggregates Ltd (BAL), invited SCC to impose a planning condition on the permission prohibiting the import of C,D&E waste for recycling.
77. This was because, at the time, there were sufficient quantities of C,D&E waste already on site to enable aggregates recycling activities to continue for the 12 month duration of the development. Shepperton Residents Association (RA) and Laleham RA together with a number of representations have argued that there is no longer a need to import waste material for restoration as this would be contrary to the position of BAL. Charlton Village RA have commented that they support the views of Laleham RA.
78. However, as remaining stockpiles became largely exhausted by the time the previous planning permission expired in May 2017, the importation of C,D&E waste material would be necessary to enable recycling operations to continue. Therefore, the application is seeking to import up to previously quoted rates of 100,000 cubic metres per annum, in line with the cap under the Environmental Permit. The applicant explains that, as before, this will enable the facility to be used to its full capacity and support County recycling targets.
79. It is accepted that the application site may have had the potential to operate to its full potential in the second half of 2017 and possibly the early part of 2018 when recycling operations continued and C,D&E waste importation resumed without the benefit of planning permission. However as set out above, during 2018 the site operator has been in the process of reducing stockpiles, clearing the northern part of the application site, reducing the levels on this part of the site and significantly decreasing the operational area of the recycling facility with a view to preparing the site for restoration. In view of this, it is very doubtful whether the application site would have been capable of being used to its full capacity since early 2018, or be capable of doing so for the remaining period proposed up until 21 May 2019. Notwithstanding this, Officers consider that there is still a need for the facility to support the provision of a steady and adequate supply of aggregates in the county. This is given the substantial fall in sales of land-won sand and gravel (concreting aggregates) and the dwindling exploitable resource remaining within the county.
80. A number of representations have been received objecting to the application, claiming that it is not sustainable to import waste material to be crushed and that instead, the mobile crusher should be taken to the waste. Officers are aware that aggregates recycling does take place at source on some construction and demolition sites. Paragraph 20 and 37 of the ARJDPD acknowledges that significant amounts of C,D&E waste are re-used on the site where it arises and therefore does not enter the waste stream. In such cases, mobile equipment can be brought onto a site to process the material.
81. However, this practice is not always possible for a number of reasons. These include the environmental impacts of aggregates recycling in more built up areas and the physical size of construction and demolition sites not always being large enough to accommodate aggregates recycling or the plant and equipment required to produce recycled aggregates to a high quality standard. As a consequence, there will always be a need for a network of large scale aggregates recycling facilities where significant volumes of C,D&E waste can be brought for recycling.
82. The applicant explains that whilst recent economic events have led to lower C,D&E waste arising, the targets for recycled aggregates production remain in place. The Planning Statement refers to recycled aggregates production being 630,000 tonne and 830,000

tonnes respectively in 2014 and 2015. This, the applicant points out, represents a shortfall compared to development plan targets to produce at least 0.8 mtpa by 2016 and at least 0.9 mtpa by 2026 and indicates that there is a demonstrable need for the proposal. The latest data is contained in the Aggregates Monitoring Update: September 2018. This shows that recycled and secondary aggregates production in Surrey from fixed sites increased to 1.15 mt in 2017. This demonstrates that the 2026 target is already being met.

83. The applicant points out that with current recycled aggregates production in Surrey being reliant on a number of temporary facilities, it is important to maintain existing capacity wherever possible. This argument is supported by paragraph 3.2.4 of the Surrey Local Aggregate Assessment 2017 (LAA). This explains that the target to produce at least 0.9 mtpa of recycled and secondary aggregates by 2026 is likely to prove more challenging. This is because a number of temporary permissions for aggregates recycling on existing mineral workings are due to have expired by 2022. These include large scale facilities at Hithermoor Quarry and Addlestone Quarry, as well as the application site. Further, Annex 2 of the LAA 2017 lists 19 existing active and inactive aggregates recycling sites in Surrey comprising 12 permanent facilities and 7 temporary facilities. However, a number of these have since closed or ceased producing recycled aggregates.
84. In terms of permanent facilities, these include: Salfords Rail Depot where the operator, Day Aggregates Ltd, no longer intends to implement their planning permission to produce 110,000 tpa of secondary aggregates; Oakleaf Farm, Stanwell Moor where aggregates recycling has ceased following a change in the nature of the waste operation; Sunnyside, Worplesdon which has not produced recycled aggregates for a number of years following a change in the nature of the waste operation; and 2 Perrylands Lane, Smallfield where soil and aggregates recycling has ceased and a planning application has been submitted for non-waste related development. In relation to temporary facilities, planning permission has expired at Merrow Highway Depot, Guildford and Runfold South Quarry.
85. Following an increase in sales from 0.25 to 1.15 mt between 2007 and 2017, recycled and secondary aggregate production in Surrey has an increasingly important role in facilitating a steady and adequate supply of aggregates. This should be seen against a backdrop of a substantial fall in sales of land-won concreting aggregates in Surrey. These have reduced from around 2.2 mt in 1994 to 1.26 mt in 2007 and 0.4 mt in 2017.
86. To put this into context, SMP PA DPD Policy MA1 seeks to enable the production of an average of 1.4 mtpa of primary aggregates comprising 0.9 mtpa of concreting aggregates and 0.5 mtpa of soft sand from 2009-2026. Current production of concreting aggregates at 0.4 mt is well below this figure. Production has been no higher than 0.59 mt since 2009 and dropped to as low as 0.2 mt in 2012. This represents a significant shortfall in each of the past 9 years. This situation is compounded by the fact that exploitable resources of concreting aggregates in Surrey are dwindling and are likely to have been largely depleted by around 2030. As a consequence, Surrey is becoming increasingly reliant on alternative sources of supply such as recycled aggregates and imports of concreting aggregates in order to provide and maintain the homes, schools, hospitals and roads the county needs.
87. The aggregates recycling facility at Shepperton Quarry is a large scale facility and makes a significant contribution to the demand for recycled aggregates in Surrey. It also contains the required plant to facilitate high grade recycling. Some of the recycled aggregates produced at the application site include high grade crushed concrete which can be used in the manufacture of ready mixed concrete. The high quality of some of the recycled aggregates produced makes this a particularly valuable facility as some of the recycled aggregates produced are suitable for use in a wide range of applications including as a direct replacement for land-won concreting aggregates in the manufacture of concrete. For this reason, the proposal complies with ARJDPD Policy AR5.
88. The application site is located close to urban areas in north-west Surrey and on an existing mineral site which is in the process of being cleared in preparation for restoration. This is



also the most urbanised part of the county where the majority of construction and demolition activity takes place and where the highest demand for such facilities exist. The site is also well served by the strategic road network with the A30 situated around 4 miles to the north. In these respects, the application is considered to meet the locational requirements of SMP CS DPD Policy MC1 and SWP Policy CW5.

89. The proposal would create additional waste management capacity in the short-term for a temporary period until 21 May 2019. It would therefore support the intentions of SWP Policy CW4 by helping to enable sufficient waste management capacity to be provided to manage the equivalent of the waste arising in the county. It would support the achievement of the targets set out in SMP CS DPD Policy MC5 in the short term. Further, in respect of its location and contribution to increasing the recovery of C,D&E waste for the production of recycled aggregates, it supports the intentions of ARJDPD Policy AR4.
90. Previously, residual C,D&E waste not capable of being recycled was used to facilitate the restoration of Home Farm, Laleham Nurseries and Shepperton Studios situated a short distance to the north of the application site. However, these former mineral workings have now been backfilled and restored. As a consequence, residual C,D&E waste would need to be transported over longer distances off-site for recovery / disposal elsewhere. This reduces the need for the proposed development to be sited at Shepperton Quarry.
91. Shepperton RA have commented that the application should be considered as a 'stand-alone' activity and refused because there is no longer a link between gravel extraction and aggregates recycling following the restoration of Home Farm. Laleham RA and representations received challenge the merits of the proposal because material blending is no longer possible following the cessation of mineral extraction.
92. Despite this, Officers consider that the lack of void-space in the immediate locality in which to deposit residual waste arising from the recycling facility is partly off-set by the applicant's intention to use the recycling facility to assist in the restoration of the remainder of the wider Shepperton Quarry site. This would involve C,D&E waste materials arising from site clearance and restoration being taken to the on-site aggregates recycling facility for processing. The applicant states that this is more sustainable than taking it to another recycling site in Surrey for processing. This argument is accepted given the demonstrable benefits of co-locating the proposed facility at Shepperton Quarry.
93. Further, Officers are aware that site clearance work has involved KWML working to remove the former Breedon concrete batching plant located within the plant site at Shepperton Quarry. This involves taking down and removing the plant and structures comprising aggregate storage bays, concrete structures / lagoons and buildings, and breaking up the concrete hardstanding. This material is being taken to the aggregates recycling facility for processing. This helps to reduce the double handling of this material as recycling on-site prevents the need for this material to be transported off-site by heavy goods vehicle (HGV) to another recycling facility elsewhere. In this respect, Officers are satisfied that there are environmental benefits in retaining the aggregates recycling facility at Shepperton Quarry until 21 May 2019. The blending of primary and recycled aggregates has not taken place previously and does not form part of the proposal.
94. The wider Shepperton Quarry site has planning permission to extract the remaining mineral reserves with restoration required by 21st February 2020. However, the applicant has recently confirmed that they no longer intend extracting the remaining mineral. This means that the approved restoration scheme is no longer deliverable and a revised restoration scheme will need to be submitted to the CPA for approval. The proposed aggregates recycling facility is situated at a mineral site and is for a temporary period until 21 May 2019 with restoration to be completed by 30 September 2019. Officers therefore accept that the duration of the proposed development is commensurate with the life of Shepperton Quarry and in this respect complies with SWP Policy WD3.

95. The proposal includes the retention of a two-storey site office which was previously brought onto the site without the benefit of planning permission. The application also proposes 22 staff in association with the recycling facility. A representation has been received objecting to the application and suggesting that 22 staff is excessive. The CPA has asked the applicant to justify the need for the two-storey site office and 22 staff. However, no response has been received from the applicant.

#### *Conclusion*

96. In view of the substantial fall in sales of land-won concreting aggregates over time and the dwindling nature of the resource, Officers are satisfied that there is a demonstrable need for the proposed recycling facility which will contribute in the short term to the provision of an adequate and steady supply of aggregates in Surrey by acting as a substitute for primary aggregate extraction. This is despite the 2026 development plan target for aggregates recycling already being achieved in 2017. However, it is apparent that maintaining production levels in the county depends on the retention of a number of temporary facilities, three of which are due to cease operating by 2022.
97. Officers recognise that a proportion of the recycled aggregate produced would be to a high specification making it suitable for use in a wider range of applications including as a direct replacement for primary aggregates in the manufacture of concrete. Further, the proposal meets the locational requirements of the development plan and would support the restoration of the wider Shepperton Quarry site. For these reasons, Officers are satisfied that there is a demonstrable need for the proposed recycling facility at Shepperton Quarry, but not the need for the retention of the two-storey site office or provision for 22 staff which the applicant has failed to justify.

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

##### ***Surrey Waste Plan 2008 (SWP)***

Policy DC3: General Considerations

##### ***Spelthorne Borough Core Strategy and Policies DPD 2009 (Spelthorne CS&P DPD)***

Policy CC2: Sustainable Travel

#### *Policy Context*

98. SWP Policy DC3 seeks to permit waste-related development where it can be demonstrated that any impacts can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. Where necessary appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss. The impacts to be considered include those relating to the effects of traffic on neighbouring amenity and traffic generation, access, and the suitability of the highway network in the vicinity, including access to and from the motorway and primary route network.
99. Spelthorne CS&P DPD Policy CC2 seeks to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: the number and nature of additional traffic movements; the capacity of the local transport network; cumulative impact including other proposed development; access and egress to the public highway; and highway safety.

#### *Assessment*

100. The application site is situated in the north eastern part of the wider Shepperton Quarry site. It shares an existing access with Shepperton Quarry onto Littleton Lane and is served by an existing haul road. Littleton Lane connects the B376 to the north (which links Shepperton to the east and Laleham to the west) with the B375 to the south (which links

- Shepperton to the east and Chertsey to the west). A weight restriction on the B375 where it crosses over Chertsey Bridge limits the choice of routes available for HGV traffic travelling to and from the site.
101. Planning permission ref: SP98/0643 dated 28 February 2012, submitted under the ROMP provisions of the Environment Act 1995, for the approval of a scheme of working of the remaining mineral reserves and the restoration of the wider Shepperton Quarry site was subject to a Section 106 Agreement dated 27 February 2012. The agreement between Surrey County Council and BAL regulates the passage of HGVs travelling to and from the site. However, the legal agreement does not relate to the proposed development.
  102. The applicant states that the application proposes no change in traffic generation and that there will be no intensification of HGVs using the recycling facility. The impacts of the proposal on the local highway, traffic generation and access were originally assessed as being acceptable as part of appeal decision reference T/APP/8360/A/98/1013164 dated 21 May 1999. It was considered at this appeal that, based on the undisputed evidence, the recycling facility would not have any significant adverse traffic impacts.
  103. These impacts were again assessed as being acceptable as part of subsequent planning applications for extensions of time for aggregates recycling at the site. Further, the assessment of the most recent planning permission (ref: SP/16/00662/SCC dated 8 August 2016), to extend the time period for aggregates recycling until 21 May 2017, was again based on the same number of daily HGV movements as had been approved previously. This is because the letter from BAL to the CPA stating KWML's intentions not to import any further waste materials but to concentrate on recycling the material already remaining on site was received after the assessment had been undertaken. However, the Officers did acknowledge with no waste being imported to the site, this was likely to reduce the effects of the development on highways and traffic.
  104. As set out in paragraph 61 of the Officer report to the Planning & Regulatory Committee by Delegation dated August 2016, the assessment of highways, traffic and access concluded that, "Based on the information submitted by the applicant that proposes no change in traffic generation, and the assessment of the County Transportation Development Planning consultee, Officers consider that the proposal is acceptable on highway, traffic and access grounds, and complies with the relevant development plan policy."
  105. KWML propose no changes in the daily number of HGV movements previously assessed, including as part of the previous planning permission. Instead of empty vehicles accessing the site, vehicles will arrive loaded with imported C,D&E waste for recycling and leave loaded with recycled materials. However, Officers are doubtful whether it is realistic for this practice to be achieved all of the time. It is therefore considered likely that there will be some increase in the number of HGV movements resulting from the proposed development compared to the situation between May 2016 and May 2017 when the importation of waste was prohibited. However, the proposal will not result in any more HGVs using the recycling facility than was the case between 1999 and May 2016.
  106. The Planning Statement explains that the facility will continue to operate at the same capacity and will continue to generate an average of 26 loads (52 HGV movements) per day with a maximum of 40 loads (80 HGV movements) per day. On weekdays, during the proposed operational hours between 07:00 and 17:30 hours, this equates to an average of 5 HGV movements per hour during operational hours, which is equivalent to one HGV movement every 12 minutes, and a maximum of 8 HGV movements per hour, which is equivalent to one HGV movement every 8 minutes.
  107. Officers do not consider that the proposed number of HGV movements will have an unacceptable adverse impact on neighbouring amenity, traffic generation or access. Further, in view of the initial progress made on clearing the application site in readiness for its restoration, which has resulted in a significant decrease in the operational area of the aggregates recycling facility, Officers consider that the site is very unlikely to be capable of

operating near to its capacity between now and 21 May 2019. This is expected to result in a lower number of HGV movements, with a corresponding reduction in their associated impacts, when compared to the numbers of HGV movements proposed in the application.

108. The Planning Statement explains that the roads that HGVs will travel on to access the site are all classified roads; Littleton Lane is a C class road leading to the B375 Chertsey Road to the south and the B376 Shepperton Road to the north. Routes taken by HGVs through the local area to access Littleton Lane are the B375 Chertsey Road/Renfree Way, B376 Laleham Road/Squires Bridge Road, A244 Gaston Bridge Road/B376 Laleham Road and B377 Ashford Road/B376 Shepperton Road.
109. These routes have all been used previously since the original grant of planning permission in 1999. Officers are satisfied that the highway network in the vicinity remains suitable to accommodate the proposed amount of HGV traffic. Further, the A308 forms part of the Primary Route Network (PRN) and is situated around 3 miles to the north of the application site. This provides direct access to the M25 at Junction 13 via the A30 Staines Bypass. With the A308 accessible from the application site via either the B376, the B377, the B376/A244 or the B375/A244, Officers are satisfied that the location of the development would provide suitable access to the motorway and PRN.
110. In terms of the cumulative impact of HGV traffic, the cessation of mineral extraction at Home Farm, Laleham Nurseries and Shepperton Studios, which had involved the transport of the mineral by field conveyor to Shepperton Quarry for processing and export off-site by HGV, has reduced the intensity of HGV operations associated with the wider Shepperton Quarry site. Further, the recent vacation of most of the unauthorised occupiers on the plant site has also facilitated a reduction in HGV traffic emanating from the wider site. These have included Stanmore Quality Surfacing Ltd (SQS) and Breedon Group, who had been operating the concrete batching plant.
111. Accordingly, Atlas Bulk Carriers Ltd (ABC) are now understood to be the only remaining unauthorised occupier of the plant site at Shepperton Quarry. As outlined above, also relevant is that the CPA consider it very unlikely that the proposal is capable of operating near to its proposed capacity following the initial progress made on the restoration of the application site. In view of these considerations, the cumulative impact of the proposed development relating to HGV traffic generation is considered acceptable.
112. The County Highway Authority (CHA) have raised no objection to the application on highway safety, capacity or policy grounds, having considered the previous planning permissions at the site in their evaluation. They have stated that the current application is expected to generate the same volume and type of vehicular trips as the permission that expired in 2016. The CHA have undertaken a review of accident data in the vicinity of the site which found that there have been no accidents directly attributable to HGVs. On the basis that the proposed use would be no worse than the situation previously approved for a number of years, the CHA has no material concerns with the application.
113. The Borough Council Environmental Health Officer (EHO) has advised that there is poor drainage at the junction of the application site with Littleton Lane. This matter is considered in the section on Drainage and Risk of Flooding below. The EHO has also commented that there is a high risk of extraneous matter (mud, debris etc.) being deposited on the public highway by vehicles (including HGVs) egressing the application site. Officers acknowledge the seriousness of this issue as it may lead to the creation of a dangerous road surface which is clearly not in the public interest.
114. Accordingly, following notification of the EHO's concern and during the evaluation of the proposed development, Officers liaised with the landowner, BAL, who explained that a road sweeper is deployed as required. This is used to clear any debris within the site and also to sweep the road in the event of any material leaving the site.

115. In addition, Officers requested that the applicant provide details of wheel-washing facilities to be provided on the application site in association with the proposed development. This was to ensure that Officers could be satisfied that measures would be in place to prevent the creation of a dangerous road surface outside the entrance to Shepperton Quarry. Such information has not been provided by the applicant. Although this is disappointing, Officers consider that the imposition of a planning condition on any consent issued requiring the submission of details pertaining to wheel-washing facilities within a specific and reasonable time-frame would satisfactorily address the concerns of Officers and the EHO.
116. Shepperton RA have raised concern that local residents have suffered many years of HGV traffic from the site including the continued importation of waste material. They believe that a refusal would be a step towards reducing the estimated 400 plus vehicle movements per day associated with the wider site. Laleham RA have objected to the application claiming residents are blighted by the number of HGVs travelling on roads not designed for such traffic. They do not accept that the import of 100,000 cu m of waste material will not add to the burden of HGV traffic on local roads and believe that any HGV traffic in the area which can be stopped should be stopped in view of the number of HGVs using the industrial estate. Charlton Village RA object to the application supporting the views of Laleham RA. They have commented that the site effects residents from 0600 hours on most days and that the steady stream of lorries that trundle through Charlton village on a daily basis are a nuisance and they do not obey the speed limit.
117. A number of objections have been received by local residents due to: the lack of an adequate transport statement; the excessive number of HGV movements proposed; the many near misses in Laleham village; the damage caused to highway infrastructure including bollards, lamp posts and road surface wear such as cracks and potholes; the difficulty for HGVs to manoeuvre around the traffic island in Laleham which makes it unsafe for pedestrians; the dangerous bend in Laleham resulting in HGVs mounting the curb or crossing onto the oncoming carriageway; the cumulative impact of the development; the volume and speed of HGVs using local roads; the danger posed to other more vulnerable road users such as school children and cyclists; the vibration caused to buildings; many local roads being narrow and not designed for HGVs; and the increase in HGVs from the Charlton Lane Eco-Park.
118. Officers acknowledge that residents will be sensitive to HGVs travelling through villages where the carriageway may be narrower in places due to physical constraints and the need to provide greater priority to pedestrians. It is also accepted that HGV traffic can sometimes be intimidating and perceived as being a danger to other more vulnerable road users. However, although local roads in the vicinity of the site carry a considerable number of HGVs, the concerns expressed locally cannot all be attributed to the application site which has been established for almost 20 years. If the application site were to cease, C,D&E waste would still arise in the general area and need to be transported to waste management sites resulting in HGV traffic on local roads.
119. Paragraph 109 of the NPPF states 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. The CHA has raised no objection to the proposal on highway safety, capacity or policy grounds and found that there have been no accidents reported in the vicinity attributable to HGVs using the site. It is important to note that no more HGV movements are proposed than the numbers previously permitted to use the application site between 1999 and 2016.
120. A number of activities that were previously operating at the site have now ceased, together with their associated HGV traffic, reducing the cumulative impact of the proposal in relation to HGV traffic generation. Officers consider that the application site is unlikely to be capable of operating near to its capacity following the initial progress that has been made on clearing the site in preparation for its restoration. This is likely to reduce HGV traffic using the application site for the remainder of the proposed operational period.

121. In terms of the other matters raised, the CHA does not consider that there is a need for a TA in support of the proposed development. The repair of any damage to the road is a highway maintenance issue and is beyond the remit of the CPA. The Highways Act enables the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The number of HGVs generated by the Charlton Lane Eco-Park will be less than the number associated with the previous waste management facility that occupied the site. Further, deliveries are scheduled to avoid peak times and are staggered to minimise potential congestion.

### *Conclusion*

122. In view of the above assessment, the proposed development is considered acceptable in transportation terms subject to the imposition of a planning condition to secure the provision of wheel-washing facilities to address the risk of extraneous matter being deposited on the public highway. The CHA has noted that the proposal does not seek to increase the number of HGV movements previously operating from the site between 1999 and 2016 and has raised no objection on highway capacity, safety or policy grounds.
123. With HGV traffic generating activities within the wider Shepperton Quarry site diminishing as site clearance work in preparation for restoration progresses, any cumulative impacts of the proposal on the amount of HGV traffic in the vicinity has been reduced. The CPA is therefore satisfied that in terms of transport, the proposal is not likely to give rise to any significant adverse impacts on neighbouring amenity, traffic generation, access or the highway network in the vicinity and considers that access routes to and from the motorway and PRN are acceptable. For these reasons, the proposal meets the requirements of SWP Policy DC3 and Spelthorne CS&P DPD Policy CC2.

### **Environmental and Amenity Issues**

#### ***Surrey Waste Plan 2008 (SWP)***

Policy DC2: Planning Designations

Policy DC3: General Considerations

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

Policy MC17: Restoring Mineral Workings

Policy MC18: Restoration and Enhancement

#### ***Spelthorne Borough Core Strategy and Policies DPD 2009 (Spelthorne CS&P DPD)***

Policy LO1: Flooding

Policy SP6: Maintaining and Improving the Environment (sites of nature conservation value)

Policy EN3: Air Quality

Policy EN8: Protecting and Improving the Landscape and Biodiversity

Policy EN11: Development and Noise

Policy EN13: Light Pollution

Policy SP7: Climate Change and Transport

#### ***Spelthorne Borough Local Plan 2001 (SBLP)***

'Saved' Policy RU11: Sites of Nature Conservation Importance

'Saved' Policy RU14: Sites of Nature Conservation Importance

### *Policy Context*

124. Government planning policy set out in paragraph 17 of the NPPF requires planning decisions to promote an effective use of land in meeting the need for development, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 155 expects inappropriate development in areas at risk from flooding to be avoided or, where development is necessary in such areas, to be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 163 (and footnote 50) requires all applications within Flood Zones 2 and 3 to be supported by a flood risk assessment (FRA). Paragraph 170 expects planning decisions to contribute to and enhance the natural environment. Further, paragraph 180 requires planning decisions to

ensure that new development takes account of the likely effects of pollution on health, living conditions and the natural environment.

125. SWP Policy DC2 states that planning permission will not be granted for waste-related development where this would endanger, or have a significant adverse impact on, relevant to this application, the character, quality, interest or setting of sites of nature conservation importance (SNCI) or land, as defined by the Environment Agency (EA), as liable to flood. SWP Policy DC3 seeks to permit waste-related development where it can be demonstrated that any impacts can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. Where necessary appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss. The impacts to be considered include those relating to the noise; air quality; biodiversity; surface water; visual and landscape impact; glare; and the proximity of residential properties.
126. SMP CS DPD Policy MC17 states that restoration of mineral workings should be completed at the earliest opportunity and that restored sites should be sympathetic to the character and setting of the wider area and be capable of sustaining an appropriate after-use. Policy MC18 of the SMP CS DPD seeks to deliver benefits from restoration in the form of enhancement of biodiversity interests, improved public access and provision of climate change mitigation. Where appropriate, the policy advocates the provision of a wider area enhancement approach, linking restoration proposals or other green infrastructure initiatives.
127. Spelthorne CS&P DPD Policy LO1 sets out a series of measures designed to reduce flood risk and its adverse effects on people. These include requiring any development in Zones 2, 3a and 3b to be designed to be flood resilient/resistant and for all development on sites of 0.5 hectares or more within these flood zones to be supported by an appropriate FRA. Strategic Policy SP6 of the Spelthorne CS&P DPD seeks to maintain and improve the quality of the environment of the Borough by: ensuring that new development respects the environment of the area; improving air quality; protect and enhancing areas of existing environmental character including sites of nature conservation value and areas of landscape value; and improving poor quality environments. The Borough Council adopted a Supplementary Planning Document (SPD) on Flooding in 2012 to explain in more detail the Council's policy on development in areas of flood risk.
128. Spelthorne CS&P DPD Policy EN3 aims to improve air quality and minimise harm from poor air quality by: requiring an air quality assessment where development is in an Air Quality Management Area (AQMA), generates significant levels of pollution, increases traffic volumes or congestion or involves development sensitive to poor air quality; and, refusing development where the adverse effects on air quality are of a significant scale, and are not outweighed by other important considerations or effects and cannot be appropriately and effectively mitigated. Policy EN8 of the Spelthorne CS&P DPD seeks to protect and improve the landscape and biodiversity by: working with partners to develop and implement projects to enhance the landscape and create or improve habitats of nature conservation value and refusing permission where development would have a significant harmful impact on the landscape or features of nature conservation value.
129. Spelthorne CS&P DPD Policy EN11 seeks to minimise the adverse impact of noise by requiring developments that generate unacceptable noise levels to include measures to reduce noise to an acceptable level and requiring appropriate noise attenuation measures where this can overcome unacceptable impacts on residential and other noise sensitive development proposed in areas with high noise levels. Policy EN13 of the Spelthorne CS&P DPD aims to reduce light pollution by only permitting lighting proposals which would not adversely affect amenity or public safety. Spelthorne CS&P DPD Strategic Policy SP7 sets out a number of measures by which the Borough Council will seek to reduce the impact of development in contributing to climate change including by promoting measures to reduce flooding and the risks from flooding.

130. SBLP Policy RU11 only permits development within safeguarded Sites of Nature Conservation Importance (SNCI) where there will be no adverse effect on their ecological interest or where the requirements of Policy RU14 are met. Where development would destroy or damage the SNCI, SBLP Policy RU14 requires applicants to demonstrate that the benefits outweigh the harm, any harm is minimised, mitigation / compensation has been made within the area, and that measures are established to monitor the effectiveness of the mitigation.

## **Noise**

### *Assessment*

131. The noise impacts of the proposal have previously been assessed as being acceptable as part of the original application granted on Appeal in 1999 (ref: T/APP/8360/A/98/1013164), as well as further and subsequent applications to extend the time period. The Planning Statement sets out that no new operations are proposed other than an extension of time beyond that permitted in 2016. However, the proposal does include the siting and use of an additional two-storey site office although this is unlikely to impact on noise.
132. The Planning Statement explains that residential properties lie some 350 metres to the east, and are more distant to the west. The siting of the existing plant was informed through dialogue with the County Council when it was determined in 1999 on Appeal. It also explains that there have been various applications to extend the timescales for the operation and at no point has additional noise information been requested or deemed necessary. It refers to mitigation, in the form of the implementation and retention of bunds at 6 metres in height to protect residential amenity. The Planning Statement adds that permissions for extensions of time have not included any noise conditions, only controls over operational times. The applicant considers that given the location of the site close to the M3 Motorway and the distance away from residential properties, it is not considered that excessive noise from this operation has ever been, or will be an issue.
133. No consultee responses or representations have been received objecting to the proposal on noise grounds. The County Noise Consultant was unable to comment on the application due to a conflict of interest owing to a long standing relationship with the land owner, BAL. Consequently, acoustic advice was sought from the Borough Council EHO. Whilst the EHO has no objection to the application, they have raised concerns about the increase in HGV movements resulting from the proposal to import waste for recycling.
134. They have commented that the applicant has not proposed any noise mitigation measures concerning the importation of waste. However, it is the EHO's understanding that waste has been imported since May 2017 although they have received no complaints regarding this activity. Despite this, in order to protect the occupiers of the nearest noise sensitive properties, the EHO has recommended the imposition of a planning condition on noise limiting the volume of noise permissible at the facade of any residential property.
135. The actual position is that up to 100,000 cu m per annum of waste material has been imported to the site for recycling between 1999 and 2016. Waste importation for recycling is then understood to have started again in May / June 2017 without the benefit of planning permission. As outlined in the section on Highways, Traffic and Access above, the applicant has stated that the importation of waste material will not result in an increase in HGV movements. Instead of arriving empty, HGVs will arrive loaded with C,D&E waste and will leave the site with processed materials including recycled aggregates. However, Officers doubt whether this will always be achievable in practice.
136. This is therefore likely to result in some increase in HGVs compared to the situation permissible under the previous planning permission (ref: SP16/00662/SCC), which expired on 21 May 2017, where the importation of waste for recycling was prohibited. However,



any increase in HGV traffic is likely to have been within the same limit proposed between 1999 and 2016, when there was no planning condition restricting noise. The same limit is proposed as part of this planning application. As there is no change in the position previously proposed regarding the importation of C,D&E waste material for recycling, the proposed condition requested by the EHO is therefore not considered justified. However, in the event of planning permission being granted, a condition is proposed restricting the hours of operation to those previously approved at the application site.

### *Conclusion*

137. No change in the noise climate associated with the proposal is anticipated compared with that which applied previously and was considered acceptable between 1999 and 2016. As a consequence, Officers are satisfied that with the imposition of a planning condition to control the hours of operation, the impact on the noise climate in the vicinity of the site is acceptable and the proposal meets the noise policy requirements of the development plan.

### **Air Quality**

#### *Assessment*

138. Spelthorne Borough Council has declared an Air Quality Management Area (AQMA) throughout their administrative extent due to exceedances of the annual mean Air Quality Objective for nitrogen dioxide (NO<sub>2</sub>). The import of C,D&E waste generates an average of 52 HGV movements per day with a maximum of 80 HGV movements per day. This exceeds the indicative threshold given in Table 6.2 of the Environmental Protection UK (EPUK) / Institute of Air Quality Management (IAQM) document '*Land-Use Planning & Development Control: Planning for Air Quality* (January 2017)' of a change of Heavy Duty Vehicle flows of more than an annual average of 25 per day within or adjacent to an AQMA. The applicant has therefore undertaken an Air Quality Assessment (AQA) of emissions from the HGV movements.
139. The AQA determines the baseline conditions and considers potential increases in pollution levels during the operation of the development. The assessment area was defined based on the location of the development site, anticipated access routes and the positioning of sensitive receptors. Positions potentially sensitive to changes in NO<sub>2</sub> and particulate matter (PM<sub>10</sub>) concentrations were identified within 200m of the affected highway network in accordance with guidance provided within the '*Design Manual for Roads and Bridges*' on the likely limits of pollutant dispersion from road sources. Receptors closest to the access routes were selected in order to calculate maximum potential changes in pollution levels as a result of the proposals.
140. The County Air Quality Consultant has reviewed the submitted AQA and concluded that the AQA meets the relevant assessment requirements. They agree that the impacts associated with the generation of HGV movements are not likely to give rise to a significant effect and that it is not necessary to impose a condition in relation to air quality. Other consultee responses and representations submitted raise no objection on the grounds of air quality in relation to HGV traffic. However, the Borough Council EHO has commented that although the AQA is accepted, residents will be sensitive to the continuance / increase in HGV movements. This matter has already been assessed in the above section on Highways, Traffic and Access.
141. In relation to impacts in terms of dust, there is potential for dust to arise from the storage of aggregates awaiting processing and processed material. Screening and crushing of C,D&E waste has the potential to generate dust during dry and windy weather. The movement of vehicles around the yard area also has the potential to give rise to the generation of dust. Other potential sources of dust include the roads and the main access route connecting the site entrance on Littleton Lane with the aggregates recycling facility.

The main access route is hard surfaced. There is potential for dust to be generated on the paved area by virtue of vehicles depositing material on the roads from unsurfaced areas.

142. The applicant states that dust mitigation and control measures are already in place at the site and will continue to be implemented during the restoration of the site. These relate to the continued adherence with the requirements of the previously agreed Dust Mitigation Strategy (DMS) and Dust Action Plan (DAP), which have been submitted in support of this application, and have previously been agreed to the satisfaction of the County Air Quality Consultant. The approach was to set up an effective on-site monitoring and intervention plan comprising a broad range of measures to allow compliance with planning conditions imposed on existing permissions on the wider Shepperton Quarry site. These conditions require that dust generated from the site will not be allowed beyond the site boundary.
143. Measure employed include: monitoring in the form of visual inspection; the use of a bowser to dampen down roads, unsurfaced areas within the site and stored materials at least twice daily during the summer months; the sheeting of vehicles; and, vehicle speeds being restricted to 15 mph. Plant and machinery will be regularly maintained with exhausts fitted upwards to minimise potential for dust disturbance. Further all screening and crushing machinery will be fitted with screens to assist in preventing the escape of dust. The applicant therefore considers that with the continuation of good house-keeping on site, the proposal will comply with relevant development plan policies.
144. The County Air Quality Consultant has no objection in relation to dust and no objections on this subject have been received from other consultees or local residents. The Borough Council EHO has commented that the DAP is relatively simple reflecting the low potential dust impact of the site due to the distance of the nearest residential receptors and that some measures in the 2009 Dust Management Scheme do not appear to have been carried across to the new DAP. However, the EHO acknowledges that the approach outlined in the DAP is in line with the SCC (2010) '*Guidance on Expected Content of Dust Action Plans*'. Compliance with the submitted DMS and DAP can be secured by the imposition of a planning condition.

#### *Conclusion*

145. In view of the above considerations including the adequacy of the submitted AQA and the lack of any air quality objections raised within consultee responses and representations received, Officers are satisfied that subject to compliance with the submitted DMS and DAP which can be secured by condition, the proposal would not give rise to any significant adverse impacts in terms of air quality and dust. The proposal is therefore in accordance with the requirements of the development plan in respect of air quality and dust.

### **Drainage and Risk of Flooding**

#### *Assessment*

146. The River Thames runs to the west and the south of the Shepperton Quarry site. The Planning Statement states that the majority of the application site lies within Flood Zone 2. It explains that some small parts on the periphery of the aggregates recycling area, together with surrounding land at Shepperton Quarry and land to the north at Laleham Farm, lie within Flood Zone 3 and forms part of the functional floodplain associated with the River Thames. This functional floodplain consists of land where flood water has to flow or be stored in times of flood. It also explains that the site lies within an area covered by potable water supply Source Protection Zone 3 and the Thames Corridor Catchment Abstraction Management Strategy.
147. The Planning Statement acknowledges that the proposal has the potential to impact on drainage and flooding from run-off and the development taking up flood storage capacity in

the floodplain. It also points out that the layout of the site and the location of the perimeter bund is sited outside Flood Zone 3 and would remain as existing.

148. The EA did not provide any comments on the latest application (ref: SP16/00662/SCC) to extend the time period for recycling operations at the site by one year until 21 May 2017. However, in their comments on the previous application (ref: SP14/00835/SCC) for a two year extension of time until 21 May 2016, the applicant points out that the EA raised no objection. This was provided that the screen bund and any material stockpiles did not encroach onto Flood Zone 3 to the southeast and southwest and for the County Council to ensure this. This was addressed through the imposition of a planning condition relating to the maintenance of the screen bund. As this proposal would continue the site operations unchanged from planning permission ref: SP14/00835/SCC, the applicant has stated that they would accept a similarly worded condition. Officers note that this argument does not take into account the proposed retention of the two-storey site office which has not benefited from planning permission in the past.
149. In relation to groundwater, the Planning Statement sets out that the proposal has the potential to impact on water quality through impacting on groundwater quality. This is from suspended solids and pollution from waste materials imported and handled as well as oil and fuel spillages from plant and machinery and vehicles operating on the site. The Planning Statement goes on to explain that as well as a planning permission, the recycling facility requires an Environmental Permit from the EA which deals with pollution control matters. The permit will control the nature and type of waste materials that can be handled at the site, site drainage, arrangements for safe storage and handling of soils and fuels on the site and other matters to minimise the risk of pollution.
150. A Flood Risk Assessment (FRA) has been submitted in support of the application. This sets out that the site is located in the River Thames catchment area. The EA has produced 'The Thames Catchment Flood Management Plan' which is a voluntary, high level strategic plan that aims to develop policies to manage flood risk over the next 50-100 years. Spelthorne Borough Council has published a 'Strategic Flood Risk Assessment' (SFRA) that indicates that the site of the proposed development is in Flood Zone 2 and 3. Flood Zone 2 is an area of flooding up to and including 1 in 1,000 year fluvial event. There is no sewer flooding at the site.
151. The Planning Statement explains that CIRIA publication 'C624 Development and Flood Risk - Guidance for the Construction Industry' defines three levels of flood risk that can be undertaken. It considers that a Level 2 Scoping Study is appropriate at this stage. To negate any pre-commencement conditions, it points out that the FRA has been based on the requirements of a Level 3 Detailed Study.
152. In particular, the application highlights that:
- The offices are in flood zone 2 so do not require compensatory storage;
  - Due to the minimum risk of the development and its temporary nature, the risk of fluvial flooding at the site from adjacent watercourses, drains and other water bodies is considered low;
  - The EA surface water maps indicate that there is a low risk of surface water flooding throughout the site and on that basis no further assessment of surface water flooding is considered necessary;
  - The risk of flooding from surcharging of artificial drainage systems outside the site is also considered low and on that basis, further assessment of flooding via this mechanism is not considered necessary;
  - The risk of flooding from infrastructure failure in the locality is considered low and any further assessment is not considered necessary;
  - The residual risk of fluvial flooding is considered low after mitigation is implemented;
  - No mitigation is required in connection with surface water flooding or infrastructure failure, with the residual risk for each being low;

- The residual risk associated with surcharging of artificial drainage systems is also considered to be low.
153. The applicant concludes that drainage, flooding and water quality can all be controlled by the imposition of planning conditions, the continuation of existing drainage and pollution control measures at the site and the additional control available through the environmental permitting regime. For these reasons, the applicant states that the proposal would not result in a materially adverse impact in terms of drainage, flooding or water quality and the proposal satisfies relevant national and local policy requirements.
154. The EA object to the application because the submitted FRA does not provide a suitable basis for an assessment to be made of the flood risk from the proposed development. In particular, they have commented that the submitted FRA fails to: (1) assess the impact of climate change using the latest guidance and appropriate climate change allowances; and, (2) demonstrate if there is any loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development and if so that this can be mitigated.
155. The EA have advised that the applicant can overcome this objection by undertaking a FRA which demonstrates that the development is safe without increasing risk elsewhere and where possible reduce flood risk overall. The EA have also commented that the recycling facility has an Environmental Permit. They have no issue with the proposal in principle, but to protect groundwater, they stipulate that C,D&E waste brought onto the site should not be from contaminated sites.
156. The Lead Local Flood Authority (LLFA) have assessed the proposal against the requirements under the NPPF, the nPPG and national Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS). They have recommended that planning permission be refused because insufficient information has been provided regarding the proposed surface water strategy to comply with the requirements laid out under the technical standards for SUDs. To overcome this, they have said that the following information is required:
- Ground Investigations confirming suitability (or lack of) soakaway drainage;
  - A drainage design that takes into account the SuDS Hierarchy;
  - Drainage calculations illustrating existing and proposed surface water discharge rates and volumes;
  - Drawings and plans;
  - A topographical survey;
  - The proposed drainage layout; and
  - The existing drainage layout.
157. In the event that planning permission is granted, the LLFA have suggested the imposition of two planning conditions. The first is a pre-commencement condition requiring details of the design of a surface water drainage scheme to be submitted to and approved in writing by the CPA. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The proposed planning condition also lists the specific information that should be provided. The second condition requires a verification report to be carried out by a qualified drainage engineer and submitted to and approved by the CPA prior to the first occupation of the development. However, both conditions would be unenforceable as the application is retrospective and the proposed aggregates recycling facility is already operational.
158. The Officer Report considered at the Borough Council's Planning Committee on 2 May 2018 explains that the flooding issues were considered in the original approval and that it is not considered that there are any additional flood risks which will be assessed by the EA in response to the consultation from Surrey County Council. The Borough Council EHO

has commented that there is poor drainage at the junction of the application site and Littleton Lane.

159. The land owner, BAL, has said that they believe that the ponding of water directly outside of the site is caused by a blocked highway drain / ditch. They have reported this to the County Council's Highways Service who clear it out intermittently. The Highway Information and Business Support Team Manager has confirmed that the gullies on the north side of the bell-mouth where the ponding of water is occurring fall within the publicly maintainable highway and are the County Council's responsibility. The Local Highway Service has confirmed that they are aware of this issue and are seeking a resolution to the problem. No views have been received from Thames Water and no other comments on this subject have been received from other consultees or residents who have submitted representations on the proposal.
160. The applicant has considered the points raised by the EA and the LLFA and disagrees with their findings. They believe that the requested information is not justified and is disproportionate. This is given the context of the site which has been operating for nearly 20 years and the nature of the retrospective application which seeks to extend the period for recycling operations until 21 May 2019 with restoration by 30 September 2019. Consequently, the applicant has informed the CPA that they will not be revising the FRA.

#### *Conclusion*

161. Officers consider that although the development has been operational for almost 20 years, policy requirements and technical standards have changed over this period. As this is a full retrospective planning application seeking express planning permission for the aggregates recycling facility, the impacts of the proposal need to be fully assessed. In view of the deficiencies with the submitted FRA, as highlighted in the objection letter received from the EA and the LLFA's response recommending that planning permission be refused, together with the applicant's decision not to address the concerns raised, Officers conclude that the proposal is contrary to development plan policy in respect of surface water drainage and risk of flooding.

### **Landscape and Visual Impact**

#### *Assessment*

162. The Planning Statement sets out that there are no changes proposed to the operation of the recycling facility. It explains that visual amenity impact is limited due to the nature and uses of the surrounding land, limited views of the site, and the retention of the perimeter screen bunding along the north and eastern site boundaries. It states that there are no public rights of way crossing the Shepperton Quarry site or Laleham Farm to the north, and that the nearest housing is some 350 metres away and does not overlook the site. It adds that the facility is largely screened from publicly accessible areas by intervening vegetation along the B376 Shepperton/Laleham Road to the north; Littleton Lane to the east; and further vegetation, the industrial estate, and development at Shepperton Quarry to the south and south-east. Further, the site is screened from the west by development and vegetation on the west bank of Shepperton Quarry lake.
163. The applicant acknowledges that the site is visible from Laleham Farm and in glimpsed distant views from the B376 Shepperton Road to the north. They also recognise that views of the site from the north and east are glimpsed views through the roadside boundary vegetation of the perimeter screen bund and occasional views of plant and machinery protruding above the bund, while the facility is viewed against the backdrop of the buildings at Shepperton Quarry.
164. No consultee responses or representations have been received specifically referring to the visual and landscape impact of the proposal. Officers consider that whilst the proposal will

result in some adverse visual and landscape impacts, the application site has been a feature in the local landscape for almost 20 years. Up until the last 3 years, mineral working and processing has occurred in the vicinity of the application site for a much longer period of time.

165. Recycling is not proposed to continue beyond the approved restoration end date of February 2020 for the wider Shepperton Quarry site. With aggregate recycling operations only proposed for a temporary period until 21 May 2019 and restoration proposed to be completed by September 2019, in a manner which is sympathetic to the character and setting of the area, the proposal sits comfortably within the time scale for the restoration of the wider Shepperton Quarry site. In this sense, the proposal will not prolong any adverse impacts on the wider area as a whole.
166. Further, with existing screening around the site remaining in place, and the imposition of planning conditions to limit stockpile heights to no more than 4 metres, maintain the 4 metre and 6 metre high screen bunds along the eastern and northern site boundary respectively and for restoration to be completed by 30 September 2019, any temporary adverse visual and landscape impacts would be limited and therefore capable of being mitigated to an acceptable degree.

#### *Conclusion*

167. Taking the above considerations into account, Officers acknowledge that the proposal would have some temporary adverse visual and landscape impact on the locality. However this should be seen in the context of the history of aggregates recycling, and particularly mineral working and processing activities up until relatively recently, taking place in the vicinity over a number of decades. In view of the temporary nature of the development and the ability to mitigate any adverse impacts through the imposition of planning conditions relating to limiting stockpile heights, maintaining existing screen bunds and securing restoration in September 2019, Officers are satisfied that the proposal would not have a significant adverse impact on visual amenity and landscape quality and is in accordance with the development plan.

### **Biodiversity and Ecology**

#### *Assessment*

168. The Planning Statement explains that the application involves continuation of an existing waste recycling facility on a site adjacent to the Shepperton Quarry SNCI for a further temporary period. No changes are proposed to the operation of the facility. It is not considered that extending the existing permitted facility would have an adverse impact on the SNCI or other ecological interests. On cessation of the development, restoration of the site, in conjunction with the restoration and landscaping of the wider Shepperton Quarry site, should ensure biodiversity and ecological interests are maintained and enhanced in the longer term.
169. The County Ecologist has raised no objection to the application and has not requested the submission of a preliminary ecological assessment in support of the development. No response has been received from the Surrey Wildlife Trust and no further comments have been made on this subject in other consultee responses or representations received on this application. The approved restoration scheme requires the application site to be restored to meadow grassland with new and retained hedgerows. Officers note that the approved restoration scheme, which covers the wider Shepperton Quarry site as a whole, is no longer deliverable. Accordingly, a revised restoration scheme will need to be submitted for approval. However, Officers understand that there is no need to amend the restoration of the aggregates recycling area. Officers are therefore confident that restoration will be achieved resulting in ecological benefits and an increase in the

biodiversity value of the site in a manner that complements the Shepperton Quarry and Littleton Lake SNCIs.

### *Conclusion*

170. No objections have been received to the application on biodiversity or ecological grounds. The proposal is for recycling operations to cease by 21 May 2019 and restoration to be completed by 30 September 2019. Officers are confident that restoration can be delivered in a manner which will increase the biodiversity and ecological value of the site and in a way which complements the existing SNCI designations. For these reasons, the application is in accordance with development plan policy relating to biodiversity and ecological interests and the protection of SNCIs.

## **Lighting**

### *Assessment*

171. A representation has been received claiming that bright lights at night are distracting when driving in Littleton Lane. Officers are aware that the application site has been operational for nearly 20 years and has been subject to 5 separate planning permissions, none of which have required the need to impose a specific condition on lighting. The impact of lighting on neighbouring amenity is not likely to be significance given that the nearest residential receptors are around 350 metres to the north-east of the application site.
172. The Planning Statement explains that it will be necessary to provide lighting at the site for health and safety reasons. However, this will be mobile in nature, directed inwards to the site and only used during operational hours. No other comments in respect of lighting have been received. Subject to the imposition of a planning condition controlling the operational hours of the site in line with those previously approved, the impact of the proposal on lighting is considered acceptable.

### *Conclusion*

173. In view of the considerations discussed above, Officers are satisfied that the application would not give rise to a significant adverse impact in relation to glare and meets the requirements of development plan policy in relation to this matter.

## **Restoration**

### *Assessment*

174. Charlton Village RA have commented that the site should be restored back to 'residents land' and not for 'water use' as is currently proposed. This is because the approved restoration scheme does not make provision for public access and includes the formation of three additional water bodies within the wider Shepperton Quarry site where the remaining mineral reserves were to be extracted. However, the land owner has recently confirmed that they no longer intend extracting the remaining sand and gravel reserves.
175. As a consequence, the approved restoration scheme including the creation of additional water bodies is no longer deliverable and a revised restoration will need to be submitted for approval. Officers are aware that there is a desire within the local community for some form of public access to be incorporated into the revised restoration scheme.
176. The approved restoration scheme requires the aggregates recycling area to be restored to meadow grassland with new and retained hedgerows. Officers do not envisage there being a need to revise the restoration for the aggregates recycling area as part of the amended restoration scheme for the wider Shepperton Quarry site. This is because the

restoration of the aggregates recycling area is not affected by the land owner's decision not to work the remaining mineral reserves.

177. A number of representations have been received expressing concern that the application will result in a delay to the restoration of the site. A number of these representations specifically relate to the impact on the approved restoration deadline (21 February 2020) for the wider Shepperton Quarry site as opposed to the approved restoration deadline (21 May 2017) for restoring the aggregates recycling site. There is also concern that there has been no sign of any compliance with the 21 February 2020 restoration deadline.
178. No views have been received from the County Environment and Enhancement Officer. The application proposes to restore the aggregates recycling area by 30 September 2019. This can be secured by condition. Consequently, the proposal will not delay restoration of the wider Shepperton Quarry site. Although there may be little sign of any restoration work taking place from outside the site, Officers are aware that areas of both the plant site and the aggregates recycling site are being cleared in preparation for restoration.
179. The aggregates recycling area was due to be restored by 21 May 2017 when the previous planning permission (ref: SP16/00662/SCC) for aggregates recycling expired. The application would delay the restoration of the application site by around 28 months. Although this will have some adverse impact on the locality, this should be weighed against the benefits of the proposal in terms of contributing towards aggregates supply and facilitating the restoration of the wider Shepperton Quarry site. The proposal should also be seen in the context of the aggregates recycling facility having been in existence for almost 20 years and that it would not delay the restoration of the wider Shepperton Quarry site, which has been in existence for a considerably longer time period.

#### *Conclusion*

180. The proposal would delay the approved restoration scheme for the application site by around 26 months. Officers consider this to be justified given the site's continued beneficial contribution towards the supply of aggregates, its role in facilitating the restoration of the wider Shepperton Quarry site, that the recycling area has been in existence for almost 20 years and that the proposal would not delay restoration of the wider site. Officers are satisfied that with the imposition of a planning condition to secure the restoration of the aggregates recycling site by 30 September 2019, restoration can be achieved in a manner that is sympathetic to the character and setting of the wider area, is capable of sustaining an appropriate after-use and is beneficial in terms delivering biodiversity enhancements. For these reasons, the proposal is in compliance with development plan requirements.

#### **Other Matters**

##### *Enforcement*

181. The Borough Council has responded saying that if the application is refused, an Enforcement Notice should be served, and come into effect within 3 months, requiring the cessation of the unauthorised importation of recycling material to the site. Both Shepperton RA and Laleham RA have expressed concerns that material has been imported to the site without planning permission and that the situation has been compounded by the length of time it has taken the applicant to submit the planning application. Charlton Village RA object to the application and has raised concerns about unauthorised operations taking place at the site and support the views expressed by Laleham RA.
182. Laleham RA object to the application and are also concerned that the CPA has turned a 'blind eye' to the situation and taken no enforcement action. In addition, Laleham RA has commented that it is impossible to enforce against the number of HGV movements



because materials are brought to and from the site in unmarked vehicles. A number of representations have also been received objecting to the application expressing concern that no enforcement action has been taken to address the failure to restore the site by 21 May 2017 or the unauthorised importation of waste materials for recycling.

183. In the event of planning permission being refused, Officers are aware that the applicant would have six months (until April 2019) in which to Appeal the decision. Officers are also aware that work has taken place to clear part of the application site during 2018 in order to prepare the site for restoration. This has involved reducing stockpiles, clearing the northern part of the application site and reducing the levels on this part of the site. Further, information derived in September 2018 from the most recent monitoring visit to the site reveals that the operational area of the aggregates recycling facility has significantly decreased in size.
184. As a consequence, it is very likely that aggregates recycling capacity has reduced together with a corresponding fall in the number of HGV movements generated and their associated impacts. Enforcement action is discretionary and in the event that planning permission is refused, Officers will consider further as to whether there have been any significant changes in circumstances at the site that justify and support the expediency for enforcement action and if so act as necessary.
185. The CPA was made aware of the intention to extend the life of the aggregates recycling facility in March 2017 when an application to extend the time period was submitted by the landowner, BAL. This was a few months in advance of the expiry of planning permission. A full application was ultimately submitted by the site operator, KWML, which the CPA was unable to accept as a valid application until February 2018.
186. This followed a number of unsuccessful attempts by the site operator to submit a valid application. However, the CPA's position (Planning Enforcement Protocol) is that it does not seek to take enforcement action when it is aware that a planning application to regularise the unauthorised use of the land is either being prepared or is in the process of being determined. During this period, the site continued to be monitored and Officers were satisfied that the development was not causing any irreversible harm. In relation to the monitoring of material being transported in unmarked vehicles, no planning conditions have been imposed on previous permissions for aggregates recycling restricting the number of HGV movements associated with the development. Further, all HGVs importing C,D&E waste material to the site are required to drive over the weighbridge where the contents are weighed and recorded by the weighbridge office.

#### *National Grid Infrastructure*

187. A representation has been received claiming that the site contains a high pressure pipeline and that the applicant has not provided the High Pressure Pipeline search required by the county. The CPA has not consulted the National Grid on the application. However, to inform their response to the consultation on the application from Surrey County Council, the National Grid were consulted by Spelthorne Borough Council. The National Grid responded to the Borough Council raising no objection to the development. However, they pointed out that the application site was in close proximity to a high voltage overhead electricity line, electricity tower and an intermediate pressure gas pipeline which were shown on plans enclosed with their response. The Borough Council subsequently forwarded this response to the CPA.
188. The plans show that an overhead electricity line with associated electricity towers runs in a north to south direction in close proximity to the eastern boundary of the application site. It also shows a gas pipeline running underneath the southern end of the bell-mouth junction between the application site and Littleton Lane. The National Grid response also included a range of standard advice, links to a number of guidance documents and enclosed a copy of Technical Guidance Note 287: Third-Party Guidance for Working near National Grid

Electricity Transmission Equipment. The CPA has forward this information onto both the applicant (KWML) and the landowner (BAL).

189. Officers has also written to the National Grid to explain that they should have been consulted on the application by the CPA. In view of this omission, the CPA have advised the National Grid that they will take the comments which they provided to the Borough Council into account in order to inform the determination of the application.

## **Green Belt**

### ***Surrey Waste Plan 2008 (SWP)***

Policy CW6: Development in the Green Belt

### ***Spelthorne Borough Local Plan 2001 (SBLP)***

'Saved' Policy GB1: Green Belt

#### *Policy Context*

190. 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 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It goes on to say that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
191. SWP Policy CW6 states that there will be a presumption against inappropriate waste related development in the Green Belt except in very special circumstances. Very special circumstances to justify inappropriate development of waste management facilities in the Green Belt will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Policy CW6 goes on to state that the characteristics of the application site and wider environmental and economic benefits of sustainable waste management, including the need for a range of sites, may contribute to very special circumstances.
192. 'Saved' Policy GB1 of the SBLP states that the Green Belt shown on the Proposals Map will be permanent and within it development will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness. Subject to the above, development will not be permitted except for uses appropriate to the Green Belt.
193. The application site has not been allocated in the ARJDPD for aggregates recycling. However, SWP Policy WD3 supports development involving the recycling of construction and demolition waste at mineral sites provided the proposal is for a temporary period commensurate with the operational life of the mineral site, and in the case of Green Belt sites it accords with Policy CW6. ARJDPD Policy AR4 supports aggregates recycling facilities on non-allocated sites where they increase the recovery of C,D&E waste suitable for the production of recycled aggregates and the proposal complies with the locational and development management policies contained in the SMP CS DPD and the SWP.

#### *Assessment*

194. The application site is located in the Green Belt and is in an area where temporary planning permission exists until 21 February 2020 for operations associated with the wider Shepperton Quarry site. The application site itself was required to have been restored by 21 May 2017. The proposed aggregates recycling facility constitutes a waste management operation which is not compatible with the objectives of Green Belt and maintaining openness and therefore represents inappropriate development. However, the facility would

assist the provision of a steady and adequate supply of aggregates, enable C,D&E waste derived from site clearance work, prior to the restoration of the wider Shepperton Quarry site, to be recycled on-site and would not delay the restoration of the wider site. Whilst the proposal is temporary, Officers consider that it would have a limited impact on the openness of the Green Belt. This is in terms of increasing the level of activity including the operation of mobile plant, stockpiling of waste and recycled material, retention of screen bunds and the siting of a two-storey site office and two-storey weighbridge office. It would also delay the restoration of the aggregates recycling area by around 28 months until 30 September 2019.

195. Inappropriate development may only be permitted where very special circumstances are demonstrated to clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, and any other harm. It is a matter for the applicant to demonstrate that there are very special circumstances that overcome the harm to the Green Belt. The applicant has provided a list of factors, which they consider amount to very special circumstances that clearly outweigh the harm to the Green Belt. These include:
- A lack of alternative non-Green Belt sites being identified by either themselves or within the SWP 2008;
  - The ongoing need for recycling facilities for C&D waste in Surrey;
  - The facility would assist in moving this waste stream up the waste hierarchy by producing aggregate replacement materials contributing to the County's targets for aggregates recycling; and
  - The characteristics and suitability of the site for the scale of C&D waste recycling operations in terms of area and use of site infrastructure at Shepperton Quarry.
196. The proposed aggregates recycling facility comprises a temporary use of the land and would not delay the restoration of the wider Shepperton Quarry site. Once the land is restored, this would preserve the openness of the Green Belt in the short to medium term. As the development is inappropriate, it can only be permitted as an exception to policy. Officers do not dispute the need for C,D&E waste recycling facilities to produce alternative aggregates and contribute to aggregate recycling targets in the county. The benefits of the proposal in terms of moving the management of waste up the waste hierarchy is also acknowledged. The characteristics and suitability of the site are also accepted given the advantages of co-locating C,D&E waste recycling facilities and mineral sites. These include the similar nature of the activities involved and their environmental effects, the potential for transport related-savings to be made and the characteristics of the site in terms of size and scale.
197. However, the applicant has not justified the need to provide a two-storey site office or 22 staff in association with the proposal. No very special circumstances have been advanced by the applicant to demonstrate that the harm caused by the two-storey site office to the openness of the Green Belt is clearly outweighed by other considerations. The site office was previously brought onto the site without the benefit of planning permission and was intended to replace the older two-storey weighbridge office. However, the weighbridge office has remained on site. The application is now seeking permission for both the two-storey site office as well as the two-storey weighbridge office.
198. Spelthorne Borough Council object to the application on Green Belt grounds. Their Officer Report to their Planning Committee on 2 May 2018 advise that, "Based on the previous temporary consents at the site, allowing for the working of minerals brought from nearby sites which have now been completed, the restoration of Shepperton Quarry should be carried out with no further importation of materials to the site. As such the proposal to import more materials for recycling to the site is considered to be unacceptable, and no very special circumstances exist to justify it in the Green Belt".
199. Shepperton RA have raised concerns that the applicant's reference to Government policy which includes a strong presumption in favour of sustainable development was never

intended to apply to Green Belt locations. They also challenge the very special circumstances advanced by the applicant which would create a dangerous precedent if accepted. This is due to: a lack of evidence of what alternative sites have been investigated, the site never being intended to become a Surrey-wide recycling facility; the waste hierarchy not applying to C&D waste recycling; and recycling unrelated to gravel raising being unsuitable in the Green Belt.

200. Laleham RA, supported by Charlton RA, have objected to the application due to, amongst other reasons, there no longer being a need to blend extracted mineral with imported waste. They claim that this was previously used to justify very special circumstances and that the proposal is only for the applicant's financial benefit. Representations received have also objected for similar reasons on Green Belt grounds and also to the need for 22 staff, the two-storey weighbridge office and two-storey site office being excessive.
201. Officers consider that there is no link between the mineral extracted from the ground and the recycling of imported C,D&E waste. Both materials are, or were in the case of primary aggregates, processed separately in different areas of the wider Shepperton Quarry site using separate plant and machinery and marketed separately. No blending took place either before, during or after processing. The importation of C,D&E waste for recycling will not delay the restoration of the wider Shepperton Quarry site by 21 February 2020. However, it will delay the restoration of the aggregates recycling area itself by around 28 months until 30 September 2019.
202. Further, Officers note that Government policy makes no differentiation between how the 'presumption in favour of sustainable development' applies to Green Belt and non-Green Belt sites. The application site is not intended as a Surrey-wide recycling facility. It is intended to manage C,D&E waste either contained in existing stockpiles, derived from the clearance of the wider Shepperton Quarry site or imported from construction and demolition sites in north-west Surrey. The waste hierarchy applies to the management of all waste streams including C,D&E waste. In addition, it is not accepted that recycling unrelated to gravel raising is unsuitable in the Green Belt because the CPA has a duty to determine each application on its merits.
203. However, Officers note that the need for 22 staff and the siting of a two-storey site office have not been justified. Neither have any very special circumstances been advanced by the applicant in relation to the proposed two-storey site office or provision for 22 staff. The identified harm to the Green Belt, by reason of inappropriateness and impact on openness, and other harm, in terms of the inadequacy of the submitted technical information to assess the impacts on surface water drainage and the risk of flooding, are therefore not clearly outweighed by other considerations.

### *Conclusion*

204. The development is inappropriate in the Green Belt and by definition harmful to the Green Belt and does not preserve openness and conflicts with the purposes of protecting the Green Belt. It can therefore only be permitted as an exception to policy. The applicant has failed to demonstrate the need for the two storey site office and 22 staff. For the reasons set out above, Officers consider that the factors advanced by the applicant are insufficient to demonstrate the existence of very special circumstances which clearly outweigh the harm identified, by reason of inappropriateness and lack of openness, and any other harm to the Green Belt. In terms of other harm, Officers have identified that this includes the applicant's failure to provide appropriate technical information to assess the impacts on surface water drainage and the risk of flooding. Officers therefore conclude that the application is not in accordance with SWP Policy CW6 and 'saved' SBLP Policy GB1 and that an exception to Green Belt policy cannot be made.

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## HUMAN RIGHTS IMPLICATIONS

205. 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.
206. Whilst it is recognised that the applicant has not provided an adequate FRA, the development has been operational for almost 20 years. As such the scale of the impacts is not considered sufficient to engage Article 8 or Article 1 of Protocol 1 and, if planning permission were to be granted any impact is capable of being controlled or mitigated by the measures incorporated in the planning application proposal, planning conditions and controls available through other regulatory regimes. As such this proposal is not considered to interfere with any Convention right.

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## CONCLUSION

207. The application site is located in the Green Belt and therefore planning permission may only be granted where factors that amount to very special circumstances are demonstrated that clearly outweigh the harm, by reason of inappropriateness, and any other harm to the Green Belt. The retrospective application for an aggregates recycling facility is for a temporary period of two years until 21 May 2019 with restoration by 30 September 2019. The facility has been in operation for nearly 20 years. It is located in the north east of the wider Shepperton Quarry site where mineral extraction and processing has ceased and the site is in the process of being cleared in preparation for restoration by 21 February 2020. The proposal seeks to provide 22 staff in association with the aggregates recycling facility. The application also includes the retention of a two-storey site office that was previously brought onto the site without the benefit of planning permission. The proposed development is therefore considered to have a marginally greater impact on the openness of the Green Belt than that previously permitted.
208. Objections on Green Belt grounds have been received from Spelthorne Borough Council, Laleham RA, Charlton Village RA and local residents and concerns have been expressed by Shepperton RA. The applicant has provided a list of factors which Officers consider to be insufficient to demonstrate the existence of very special circumstances which clearly outweigh the harm to the Green Belt. The need for aggregates recycling facilities to contribute towards aggregates supply is accepted. The proposal would also support the implementation of the waste hierarchy and the characteristics and suitability of the site are considered appropriate for the proposed use.
209. However, no need has been demonstrated or very special circumstances advanced by the applicant to justify the proposed retention of the two-storey site office or the proposal for 22 staff. The applicant has failed to demonstrate that very special circumstances exist to outweigh the harm by reason of inappropriateness, and any other harm. The application therefore does not comply with the requirements of Green Belt Policy.
210. The EA have objected to the application and the LLFA have recommended that the application be refused because the applicant has not provided appropriate technical information, by way of the submitted FRA, to assess the impacts of the proposed development on surface water drainage and flood risk. The applicant has confirmed that they do not intend amending the submitted FRA to address these concerns. They consider that they are not justified or proportionate given the context of the recycling facility which has been in existence for nearly 20 years. Therefore, the applicant has not demonstrated that the proposal would not have a significant adverse effect in terms of surface water drainage and risk of flooding contrary to development plan policy requirements.
211. The application has also been assessed in relation to its impacts on highways, traffic and access, noise, air quality, landscape and visual impact, biodiversity and ecology, lighting,

and restoration. Objections have been received from Laleham RA, Charlton Village RA and local residents primarily due to the impact of HGV traffic and delays to restoration. Similar concerns have also been expressed by Shepperton RA. No objections have been received from technical consultees in relation to these issues. Officers are satisfied that, subject to the imposition of conditions, the impact of the proposal in relation to these matters is satisfactory and capable of being mitigated.

212. In conclusion, although the principle of the proposal is not without its merits, the application does not comply with policy requirements in relation to Green Belt, surface water drainage and the risk of flooding. For these reasons, Officers consider that temporary permission for the proposed aggregates recycling facility should be refused.

## RECOMMENDATION

**The recommendation is that planning permission be refused for the following reasons:**

1. The proposed development is inappropriate and by definition harmful to the Green Belt and does not preserve openness and conflicts with the purposes of protecting Green Belt land including protecting the countryside from encroachment. The applicant has failed to demonstrate the very special circumstances to outweigh the harm by reason of inappropriateness, and any other harm. The proposal is therefore contrary to Policy CW6 of the Surrey Waste Plan 2008, 'saved' Policy GB1 of the Spelthorne Borough Local Plan 2001 and the National Planning Policy Framework 2018.
2. The applicant has failed to provide the appropriate information to support the application to enable a full assessment of the effects of the proposal and, if necessary, identify appropriate mitigation measures so as to minimise or avoid any material adverse impact with regard to flood risk and enable the County Planning Authority to be satisfied that adequate safeguards can be secured for the protection of the environment as required by development plan policy and therefore the proposal is contrary to the requirements of Policy DC2 (xvi) and DC3 of the Surrey Waste Plan 2008 and Policy LO1 of the Spelthorne Core Strategy and Policies DPD 2009.

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### CONTACT

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### BACKGROUND PAPERS

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

#### Government Guidance

[National Planning Policy Framework](#) (July 2018)

[Planning Practice Guidance](#)

[National Planning Policy for Waste](#) (October 2014)

#### The Development Plan

[Surrey Waste Plan 2008](#)

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

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

[Aggregates Recycling Joint DPD 2013](#)

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

[Spelthorne Borough Local Plan 2001](#) (Saved Policies and Proposals)

#### Other Documents

[Spelthorne Flooding Supplementary Planning Document](#) (July 2012)

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[Waste Management Plan for England 2013](#)

[Aggregates Monitoring Update: September 2018](#)

[Surrey Local Aggregate Assessment December 2017](#)

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

[Spelthorne Borough Council Strategic Flood Risk Assessment \(December 2006\)](#)

[Development and Flood Risk - Guidance for the Construction Industry, CIRIA, 2004](#)

[Non-Statutory Technical Standards for Sustainable Drainage Systems, DEFRA \(March 2015\)](#)

[Report to Spelthorne Borough Council Planning Committee, Item f, 2 May 2018](#)

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