

15/01243/SCC

**Brett Aggregates Limited, Hithermoor Quarry
Leylands Lane, Stanwell Moor, TW19 6AZ**



SPELTHORNE
BOROUGH COUNCIL



1:8,000

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Application No.	15/01243/SCC		
Site Address	Hithermoor Quarry, Leylands Lane, Stanwell Moor, TW19 6AZ		
Proposal	The construction and use of a soil treatment facility within the existing site.		
Applicant	Brett Aggregates Limited		
Ward	Stanwell North		
Call in details	None		
Application Dates	Valid:15.9.15	Expiry: 10.11.15	Target: Over 8 weeks
Executive Summary	<p>Surrey County Council is the relevant planning authority in Waste and Mineral applications. As Hithermoor Quarry is located within the Borough of Spelthorne Borough, the Council is being consulted by the County so that comments can be expressed that are considered relevant to the application.</p> <p>The proposed development consists of the provision of a soil treatment facility on 73 hectares of land, for the treatment of contaminated soils through bio-remediation. The by-product of this process is anticipated to be water vapour and CO₂. Soils will be delivered to site and placed in 3 metre high stockpiles on impermeable pads, regularly turned (aerated) over a period of 12-16 weeks to promote optimal conditions to encourage the breakdown of the soil contamination by microorganisms assisted by the addition of water and low volumes of fertilisers.</p> <p>The soil treatment facility would be serviced by a segregated drainage system, taking runoff from the soil treatment pads to a purpose built, lined lagoon where the water will either be recycled or removed and discharged to a suitably licensed facility. The drainage system for the treatment facility will remain isolated from the overall drainage system of the wider treatment facility.</p> <p>Once the soil concentrations have reached acceptable levels it is proposed that the materials will be reused on site during the restoration phase or sold.</p> <p>The proposed soil facility would handle up to 75,000 tonnes of material per year which would still be within the 250,000 tonnes expected total and would not represent additional material above that which is allowed under the Environmental Permit.</p>		

	Taking the above into account together with the permissions already issued on this site; including the established use of the site and the county policies on waste and recycling, it is not considered that the proposal would lead to a material or notable change in the activity that already occurs on the site.
Recommended Decision	That Surrey County Council be informed that Spelthorne Council raises NO OBJECTION to the current proposal, subject to a number of recommended conditions.

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- GB1 - Saved Local Plan Policy (Green Belts).
- EN3 - Air Quality
- EN15 - Contamination
- EN11 - Noise and Disturbance
- Surrey Minerals Plan

2. Planning History

2.1 Surrey County Council is the relevant planning authority in Waste and Mineral applications. As Hithermoor Quarry is located within the Borough of Spelthorne Borough, the Council is being consulted by the County so that comments can be expressed that are considered relevant to the application.

2.2 There are a number of planning applications that have been submitted in respect of the site and the most relevant ones are highlighted in the box below.

Application Number	Proposal	Decision
03/01212/SCC	Mineral extraction together with mineral processing, including material from windfall operations, recycling of construction and demolition wastes, together with concrete production, provision and operation of County aggregate bagging plant, and restoration to nature conservation, public access and agricultural uses	Approved 28.11.11 (Surrey County Council)
10/00657/SCC	The construction of an engineered clay cap to the closed landfill at Hithermoor Quarry	Approved 29.3.11

	utilising suitable imported clays with landscaping including the provision of a final soil layer.	(Surrey County Council)
12/00471/SCC	Continuation of mineral extraction together with mineral processing, including material from windfall operations, recycling of construction and demolition wastes together with concrete production, provision and operation of aggregate bagging plant and restoration to nature conservation, public access and agricultural uses; without compliance with conditions 1 and 11 of planning permission ref: SP03/1212 dated 28 November 2008 and to allow retention and use of the Temporary Junction Improvement Works at the junction of Horton Road and Leylands Lane for the duration of the development permitted under SP03/1212.	Withdrawn by applicant 3.6.15

3. **Description of the Site and Background**

- 3.1 The application site comprises 73 hectares of land to the east of the M25 motorway and south of Leylands Lane, which provides vehicular access to the land. The site has been used for mineral extraction for many years, and there is processing plant on the eastern part of the land which incorporates a concrete plant. In the northeast of the site was a coating plant operation used by Colas Limited. This and the mineral processing operations are served by a haul road on the eastern area of the site. Lower Mill Farm is situated as a prong off the eastern side of the main site area. Restoration has occurred on much of the Hithermoor Quarry site, with a large landfill mound in the southern part of the site.
- 3.2 To the south of the village is Staines Moor, and to the south east is King George VI Reservoir. The village of Stanwell Moor, and its residences is off to the east of the site.
- 3.3 The site is designated as Green Belt, is within the Colne Valley Park and parts of the site are in an Area Liable to Flood, within the Public Safety Zone, within areas of high archaeological potential and areas of nature conservation importance.
- 3.4 There is an extensive planning history associated with the Hithermoor Quarry site. According to the Council's records, it is evident that permission existed to extract sand and gravel from the site up until 31 December 2003 (Ref SP02/0182). In addition, it is noted that the Colas roadstone coating plant; in the northeast corner of the Hithermoor Quarry site; also had planning permission (Ref SP02/1169) until the end of that year and the ready-mix concrete plant, under conditions attached to the original consent, can remain whilst there is mineral to use from the site.

- 3.5 In 2003, the current owners, Bretts Aggregates, sought permission to establish a recycling facility on the site linked to a superior restoration scheme. This included planting woodland on the greater part of the domed landform and providing permissive footpaths across the site. Although this particular scheme was not approved at that time, consent was subsequently granted for an amended scheme under application number 03/01212/SCC for further mineral extraction and processing, recycling, concrete production, aggregate bagging and Nature Conservation restoration works. This followed a long planning process which included a Public Inquiry and involvement and the decision of the Secretary of State for the Environment, as the application was viewed as a major development as well as a departure from policy on Green Belt grounds.
- 3.6 This approved scheme also included a much improved landscape restoration for the whole site plus provision via a Section 106 agreement for financial contributions to the management of Staines Moor. The scheme started in June 2011 and the first payment was received in July 2011.
- 3.7 Copies of the Council's committee report on application 03/01212/SCC is included as an Appendix.

4. **Description of Current Proposal**

- 4.1 The existing permission for Hithermoor Quarry has already established the principle of the importation and recycling of soils and their use in the restoration of the site. Since the original permission has been granted it is understood that soil recycling has become more commercially viable to the extent that less material requiring mechanical treatment only is available to the site. The applicants advise in their Planning Statement that in order to fulfil the restoration requirements of the consent there is a need to be able to undertake a wider variety of recycling processes.
- 4.2 The Planning Statement describes one such technique which is known as bio-mediation which is concerned with the controlled aeration and turning of soils which are contaminated with hydrocarbons and related pollutants. Over a period of weeks, the soils are gradually turned and aerated which encourages microorganisms to break down the hydrocarbons into by products such as carbon dioxide and water vapour. This process would then enable the soils to be put into restoration use at Hithermoor Quarry and in other sites.
- 4.3 In order to carry out the soil treatment operation, a new facility is proposed within the existing yard area approved under the original permission. The process would involve soil being loaded onto 2 large impermeable pads (up to a height of 3 metres) that would be regularly turned and rotated to create the necessary aeration conditions for the recycling to take place. The two pads and a central gully would approximately measure a total of 63 metres wide by 103 metres long. A system of pipework would be installed between the pads and the soil to allow air to be pumped into the soil to optimise the process. The Planning Statement confirms that the 2 pads would hold approximately 28,000 tonnes of material and the soil would remain on the pads for between 12 and 16 weeks. It is understood that there would be regular chemical testing of the soil throughout this process.

4.4 Copies of the most relevant plans are included as an appendix.

5. **Consultations**

5.1 The following table shows those bodies consulted and their responses.

Consultee	Comment
Environmental Health (Pollution)	No objection, subject to the imposition of appropriate planning conditions.
Environmental Health (Noise)	Any comments to be verbally reported to Members.
The Council's Arboricultural Advisor	Any comments to be verbally reported to Members.

6. **Public Consultation**

6.1 As Surrey County Council are the determining authority, they have sent neighbouring notification letters to the properties adjoining the site. Spelthorne have received one letter of representation from the Association for the Preservation of Staines Moor, raising objection to the consultation on the following grounds:-

- No details of the County Officer's pre-application discussions;
- Incomplete sections on the planning application form;
- Impact of potential contamination from process and waste into the water courses upon flora and fauna of Staines Moor;
- Unknown details of where the contaminated soil originates from;
- Further traffic movements would cause hold-ups on the M25;
- Lack of detail on traffic movements
- Reference is made to have regard to the Environment Agency permit;
- Comments referring to the bio mediation process and the use of chemicals which should be used in controlled conditions, not in run-off into a lagoon.
- Environmental damage through noise, air and water pollution and flooding;
- The Environment Agency permit was issued to allow recycling of registered building waste, not to convert it to a brownfield site with huge building, office space and car parking.

7. **Planning Issues**

- Green Belt
- Highway
- Noise
- Contamination

8. Planning Considerations

Green Belt

- 8.1 The site lies within Green Belt. Saved Local Plan Policy GB1 seeks to ensure only appropriate development is allowed in the Green Belt. National Planning Policy is largely set out in the National Planning Policy Framework (NPPF) (March 2012) and paras 142 to 149 deal with how local authorities should both prepare local mineral policies and determine related planning applications. It stresses that minerals are essential to support sustainable economic growth and quality of life and it is important to ensure there is a sufficient supply to provide the infrastructure, buildings, energy and goods that the country needs (para 142). Mineral planning authorities are required to plan for a steady and adequate supply of aggregate and identify specific sites to meet targets for productive capacity. This is in effect a continuation of previous long-standing government guidance on the subject. It goes on to say that minerals are a finite natural resource, and can only be worked where they are found so it is important to make best use of them. However there is the need to ensure there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety and the need to take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.
- 8.2 The advice acknowledges that mineral working can be noisy and states that when developing noise limits, local authorities should recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction (para 142). Paragraph 142 goes on to states that in determining planning applications local authorities should, '*give great weight to the benefit of the mineral extraction, including to the economy.*' The NPPF goes on to address mineral extraction in the Green Belt and states in para 90 that mineral extraction is not 'inappropriate development' in the Green Belt provided the openness is preserved and it does not conflict with the purposes of including land within Green Belt. Therefore National Policy indicates that mineral extraction is a necessity and acceptable in Green Belt locations such as this.
- 8.3 The Planning Statement confirms that the proposed soil facility would handle up to 75,000 tonnes of material per year. This compares with the total of 250,000 tonnes of material per year which the entire facility at Hithermoor Quarry which is anticipated to handle under the Environmental Permit. However, it is important to emphasise that the soils which will be processed using the proposed soil treatment equipment would still fall be within the 250,000 tonnes total and would not represent additional material above this limit. Taking this into account; together with the permissions already issued on this site including the established use of the site and the county policies on waste and recycling, it is not considered that there would be a material or notable change in the activity which would occur on the site. On this basis, it is considered that the proposed development would comply with the Council's adopted Green Belt policy GB1 as well as the NPPF.

Highway Matters

- 8.4 As this a County application, Surrey County will consult their own Highway Authority for their comments.

- 8.5 It is noted that the existing road layout has already been approved and is currently in use. The main impact upon Spelthorne residents is that the junction currently gives priority to lorries on Leylands Lane, with users of Horton Road having to give way to these lorries, which appears to be a safe and sensible arrangement.
- 8.6 The Association for the Protection of Staines Moor have raised a strong objection about the potential further traffic movements causing hold-ups on the M25 as well as the lack of detail regarding the expected traffic movements arising from the introduction of the new soil treatment facility. However, the Planning Statement has confirmed that there would be no increase in HGV movements due to the operation of the bioremediation process as the amount of soils will be within the overall total waste importation for the whole of the Hithermoor site as permitted under SP03/1212. Taking this into account, it is considered that a condition should be recommended to Surrey County Council suggesting that the HGV movements associated with the soil treatment facility are linked to the overall number of movements as permitted within the existing permission.
- 8.7 The Planning Statement also confirms that there would be additional car and van movements of up to 15 per week due to staff travel, taking samples away from the site for testing and the delivery of a small quantity of materials. On this basis, it is not considered that this additional traffic would be so significant to justify the refusal of permission, despite the objections raised.

Noise

- 8.8 At the time application 03/01212/SCD was considered by Spelthorne Borough Council in 2008, the Council's Noise officer considered that the submitted noise assessments were generally within Surrey County Council guidelines for mineral extraction, which were in turn based on Government advice in Mineral Planning Guidance Note MPG11. The application included a proposal to construct bunds to mitigate noise, and no night working was to take place and the application was considered acceptable on noise grounds, subject to the imposition of appropriate conditions strictly controlling noise from the site. On the basis of the previous comments and consideration and as the operation would be within the operating limitations already agreed for the site, it would seem unlikely that a noise objection could be justified for the new soil treatment facility. However, comments from Environmental Health on noise grounds are still awaited and will be reported in the update letter to Members of the Planning Committee at their meeting.

Contamination

- 8.9 Brett Aggregates propose to install a soil treatment facility at their existing plant which is expected to remain separated from the other works which take place on the site to prevent cross contamination of soils. Whilst it is proposed that the site will accept wastes during the hours permitted under permission SP03/01212, Environmental Health has still recommended a similar operating hour's condition relating to the new soil treatment facility.

- 8.10 The control and management of the pollution related aspects of the operations of the proposed soil treatment facility will be covered by the site wide Environmental Permit EPR/AB3006CE.
- 8.11 Dust emissions are the subject of planning conditions 32 and 33 of permission SP03/01212 and the subject of a Dust Action Plan dated 2012. It is noted that this action plan was compiled prior to the application for a soil treatment facility and therefore does not cover the proposed activities. Provided the site is operated in accordance with the mitigation measures proposed within the Dust Action Plan and those outlined in the Air Quality Assessment; Environmental Health has advised that a dust nuisance should not ordinarily result. The implementation of the proposed mitigation measures will be required to be increased; subject to weather conditions and need. Environmental Health state that should permission be granted, the Dust Action Plan would need to be updated to reflect the proposed changes to the site operations that will be taking place. This would need to be controlled by a planning condition; as well as the need for a further condition to ensure that the measures outlined both in the Dust Action Plan and Air Quality Assessment is implemented.
- 8.12 Conditions are imposed under the Environmental Permit which requires the applicant to submit plans relating to Emissions Management, Odour, Noise and Vibration. In addition, schedules detailed within the Environmental Permit already cover the type of waste permitted on site and requirements for monitoring and sampling of the soil. It is considered that these measures would satisfactorily mitigate against any adverse effects arising from the proposed development.
- 8.13 The surface water/ waste water that results as a product of the treatment process will be entirely contained within the treatment area although the material does not include inspection details and the design / volume of the lagoon. Whilst the Planning Statement considers there to be no increased flood risk from the proposals, confirmation should be sought from the applicant that the installation of the surface water lagoon has sufficient capacity to contain all runoff associated with the treatment facility, which has been suggested by condition.
- 8.14 It is stated that the current journey rates to and from the site will not significantly increase (i.e. no notable increase in HGV movements) under the proposed operations as the quantum of soils (75,000 tonnes per annum) will fall within the overall total waste importation volume (250,000 tonnes per annum) permitted for the entire Hithermoor site. This is therefore considered to have no impact on the borough wide AQMA (for annual average concentrations of nitrogen dioxide).
- 8.15 The previously submitted Air Quality Assessment in support of the earlier application made no direct reference to the impact of traffic on existing levels of air quality. The planning statement recommends that overall HGV movements and numbers are controlled by a suitable condition to accord with the existing permissions, an approach which is welcome by Environmental Health subject to the imposition of a suitable condition.

Other Matters

- 8.16 Other objections received from the Association for the Preservation of Staines Moor concern the fact that details of the County Officer's pre-application discussions are not included within the material as well as reference to incomplete sections on the planning application form. Whatever these discussions were, the application now submitted is what must be determined. The absence of any details of pre-application discussions is not a justifiable ground to raise an objection to the consultation from Surrey County Council.

Conclusion

- 8.17 The proposal conforms to the requirements of the NPPF in terms of Green Belt policy and as well as other Council policies and county wide policies on minerals and waste. For this reason is therefore recommended that no objection be raised to the consultation.

9. Recommendation


- 9.1 That Surrey County Council be informed that this Council raises **NO OBJECTION** to the current proposal for the construction and use of a soil treatment facility within the existing site, providing the following matters are covered:-
- (a) The imposition of a condition requiring the HGV movements associated with the soil treatment facility to be no greater than the overall number of movements as permitted within the existing permission;
 - (b) The completion of an updated Dust Action Plan; and the imposition of associated conditions requiring the measures outlined in the Dust Action Plan and Air Quality Assessment are implemented;
 - (c) Confirmation from the applicant that the installation of the surface water lagoon has sufficient capacity to contain all runoff associated with the treatment facility.



Revision/Date	Revision Notes
08/09/2015	Application boundary revised

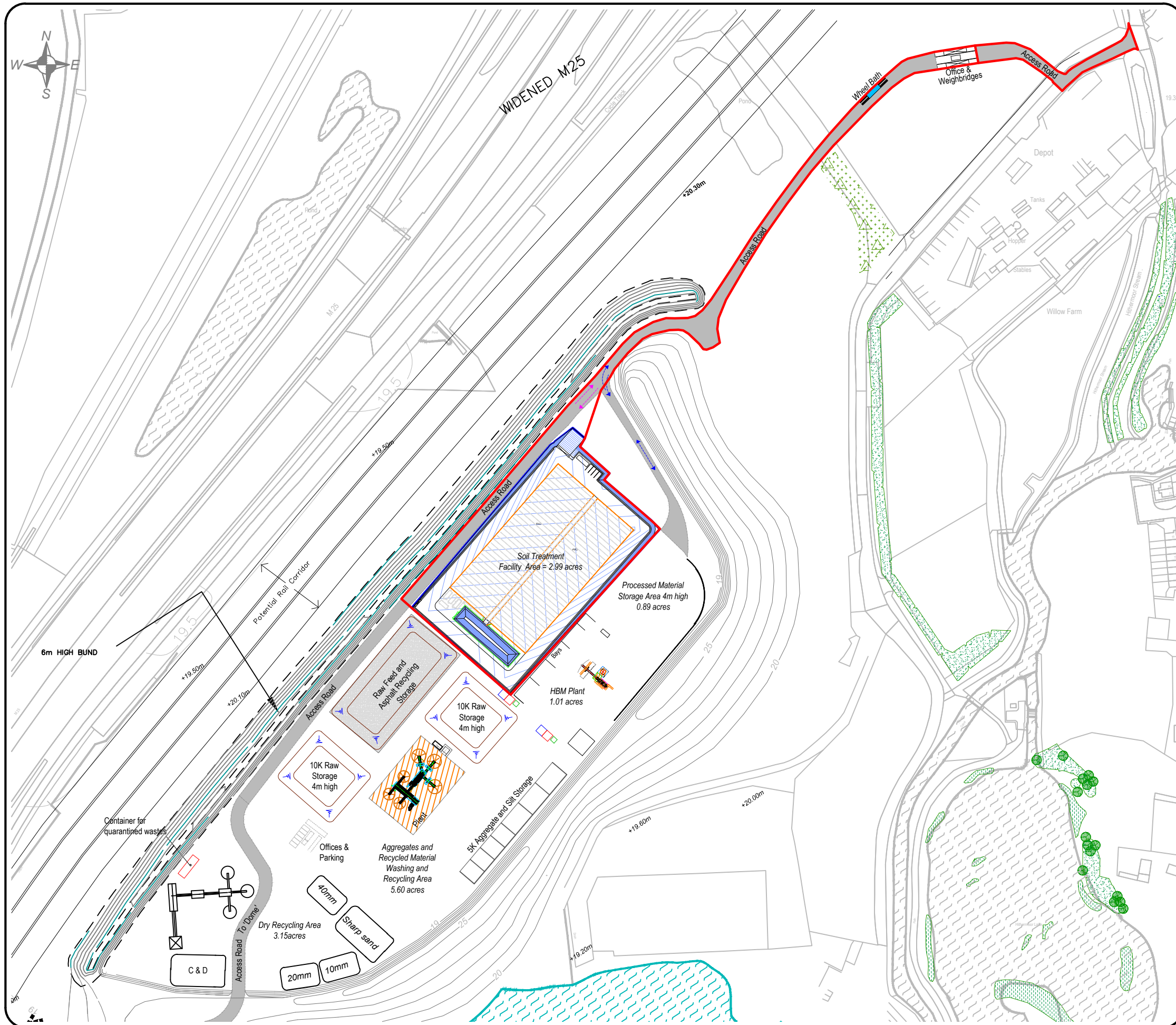
General Notes	
	Soil Treatment Application Boundary
	Other Land in Control of Applicant

Company/ Site Location Brett Aggregates/Hithermoor		
Drawing Title Soil Treatment Application Boundary showing Other Land in Control of Applicant		
Drawn By JC	Verified By JO	Drawn Size A3
Control Status CONTROLLED	Scale 1:10000	Date Created 07/09/2015
	Version A	Revision Date 08/09/2015
Drawing Number HM/98		



built on relationships

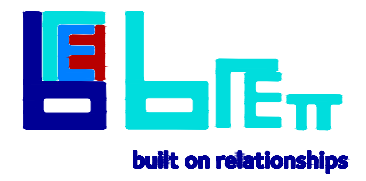
Brett Aggregates Limited
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 Info@brett.co.uk



General Notes

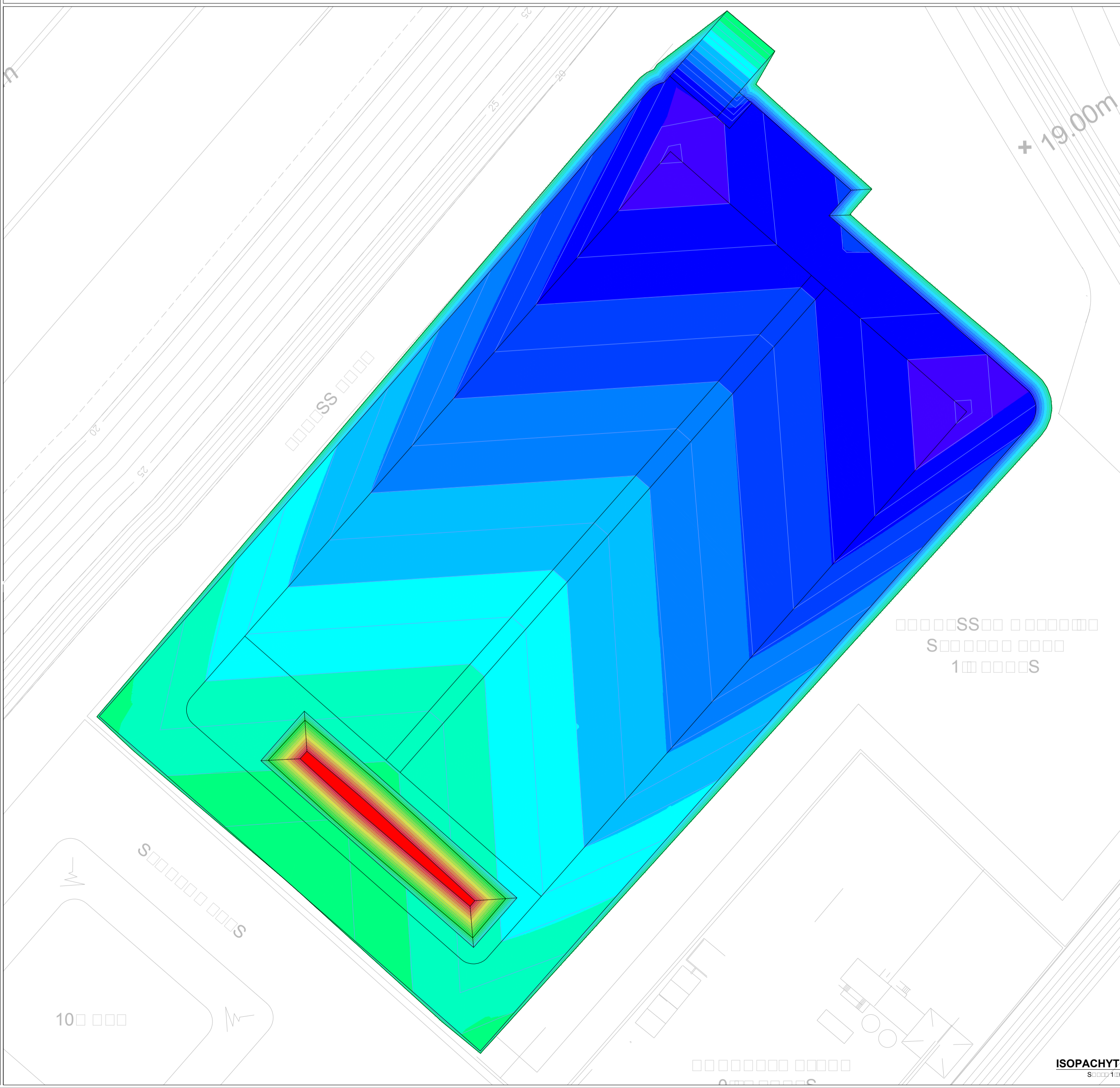
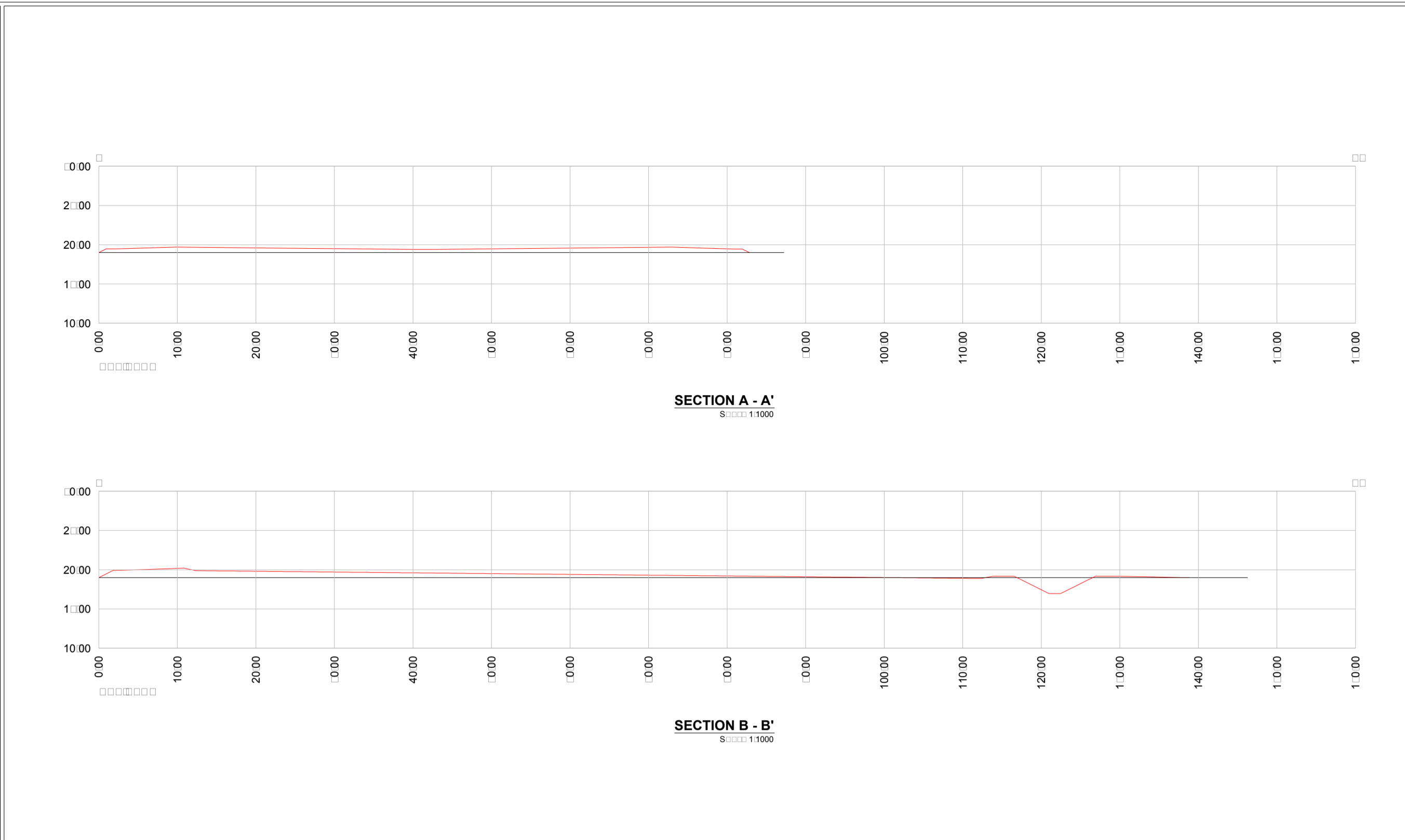
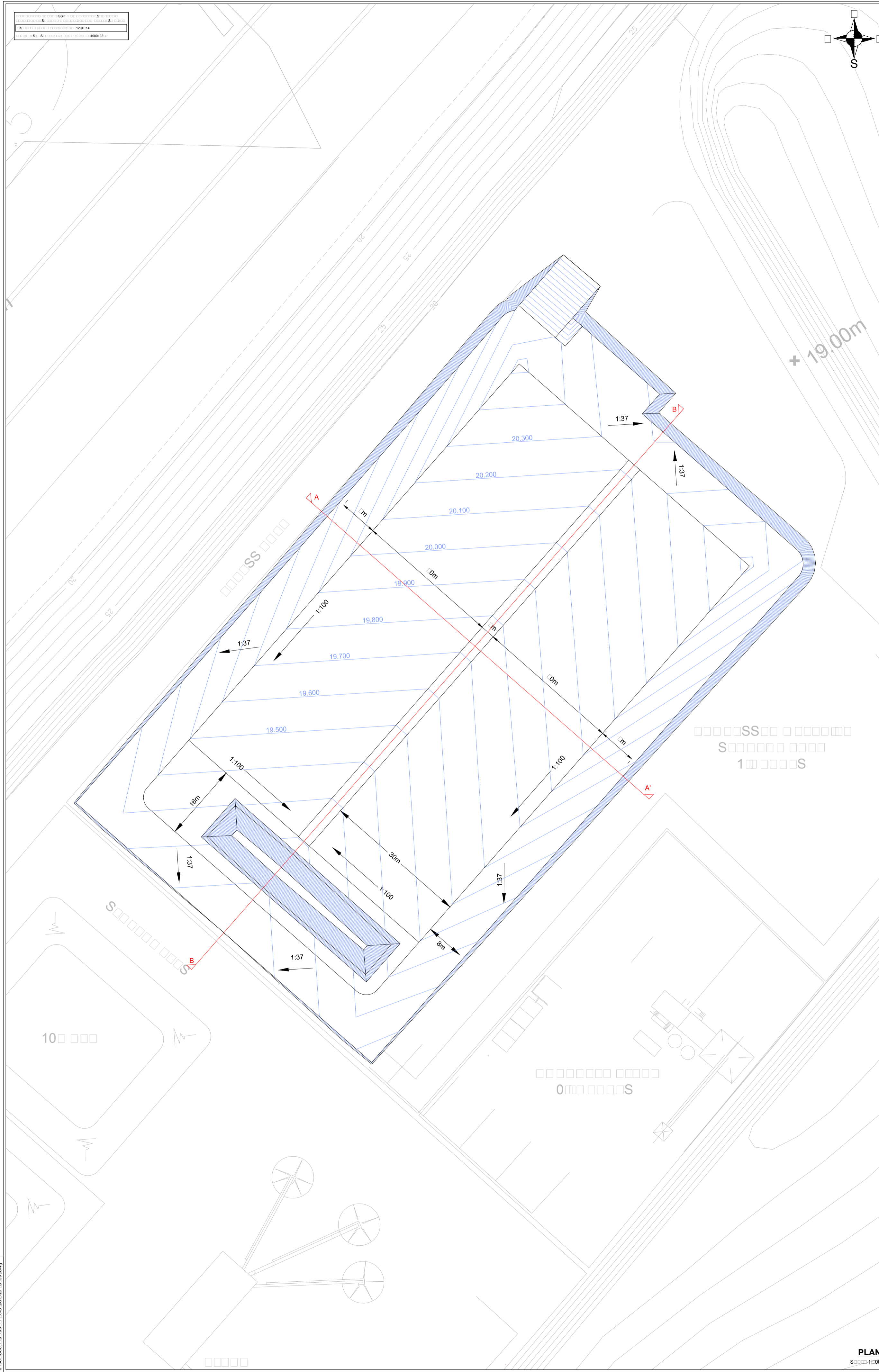
— Soil Treatment Application Boundary

Revision/ Date	Revision/Notes
08/09/2015	Application boundary revised.



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Company/ Site Location			Brett Aggregates - Hilthorpe
Drawing Title			Soil Treatment Application Boundary
Drawn By	Verified By	Paper Size	A3
JC	JO	Scale	1:2500
Control Status	Revision	Date Created	07/09/2015
CONTROLLED	A	Revision Date	08/09/2015
Drawing Number			HM/97

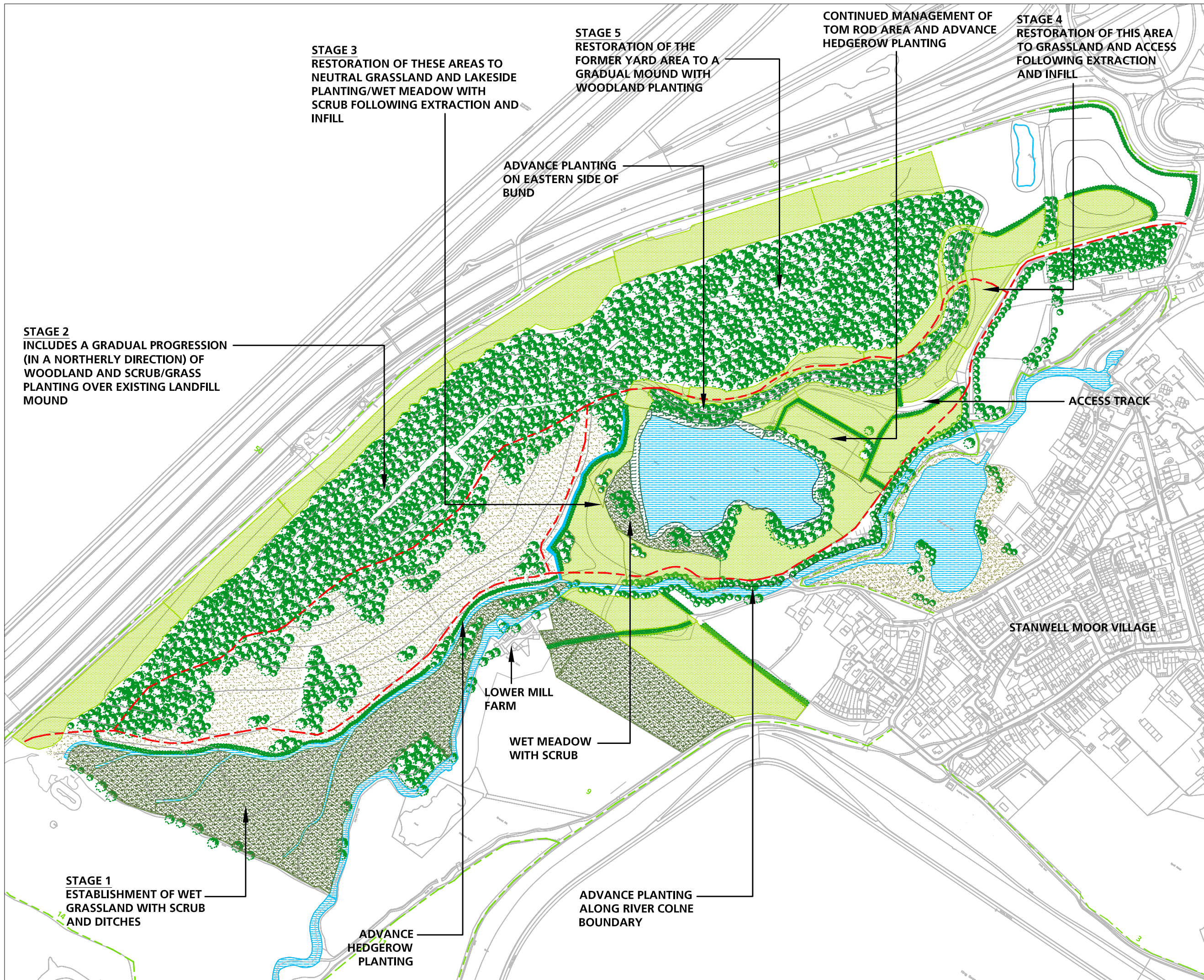


EARTHWORk VOLUME	
4.1m³	0.4m³
12.2m³	1.2m³

1	12.0.14	12.0.14	12.0.14	12.0.14
0	0.0.14	0.0.14	0.0.14	0.0.14
Revision	Date	Date	Date	Comments

SLR

Site: _____
 Project: _____
 Drawing Title: **DETAILED SITE LAYOUT**
 Scale: _____ Date: _____ 2014
 Drawing Number: **006** Revision: **1**



- KEY**
- SCRUB-GRASSLAND MOSAIC
 - WET GRASSLAND WITH SCRUB
 - NEUTRAL GRASSLAND
 - MARGINAL PLANTING
 - OPEN WATER
 - GREENHAMS POND / FRESHWATER LAKE
 - TREES & SHRUBS
 - TREES
 - HEDGE PLANTING
 - EXISTING FOOTPATHS / BRIDLEWAYS
 - PROPOSED FOOTPATHS / BRIDLEWAYS



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Revision		
Rev D	MAR 2009	Restoration scheme altered to minimise attractiveness to bird strike species of concern
Rev C	AUG 2006	Base map updated and other related adjustments
Rev B	AUG 2003	Amended in accordance with HM10 rev C
Rev A	AUG 2002	Revised following changes to HM10 Rev A

DAVID JARVIS ASSOCIATES
 planning development landscape environment

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Client
BRETT AGGREGATES LTD.

Project
HITHERMOOR

Drawing Title
FINAL RESTORATION

Scale 1:5000 at A3	Date APRIL 2006
Drawing No. 8/H Rev D	

COUNTY MATTER APPLICATION: SECTION D

ITEM NUMBER 6

APPLN. NO.: : 03/01212/SCC
VALID DATE : 11/12/2003
CTTEE DATE : 05/03/2008 (WH)

Hithermoor Quarry, Leylands Lane, Stanwell Moor

Mineral extraction together with mineral processing, including material from windfall operations, recycling of construction and demolition wastes, together with concrete production, provision and operation of aggregate bagging plant, and restoration to nature conservation, public access and agricultural uses; for Brett Aggregates Limited.

WARDS : Stanwell North, and Staines

INTRODUCTION

This application was reported to the Planning Committee, in its original form, on 28 April 2004. The Committee strongly objected to the proposal in that form.

However, the County Council deferred consideration of the application, at the applicant's request. Amendments were made to the original submission, and it was reported to the Committee on 3 January 2007. No resolution was made, and the application was deferred to enable further discussions between the applicant and officers of this Council. Extensive discussions have taken place, resulting in the proposal as now presented (see in particular para 3.9 of the report below).

The application will be reported to the County Council's Planning Committee once this Council's Planning Committee has made a resolution on the proposal.

1. Borough Local Plan/Local Development Framework

- Green Belt
- Colne Valley Park
- Area Liable to Flood (part)
- Public Safety Zone (part)
- Sites and areas of high archaeological potential (part)
- Sites of nature conservation importance (part)

2. Relevant Planning History

- 2.1 There is an extensive planning history associated with the Hithermoor Quarry site. Permission existed to extract sand and gravel from the site up until 31 December 2003 (Ref SP02/0182). The Colas roadstone coating plant; in the northeast corner of the Hithermoor Quarry site; also had planning permission (Ref SP02/1169) until the end of that year and the ready-mix concrete plant, under conditions attached to the original consent, can remain whilst there is mineral to use from the site.
- 2.2 In December 2000 the County Council's Planning and Regulatory Committee resolved to grant planning permission for a proposal submitted by RMC Aggregates, to recycle inert waste, including concrete crushing, at Stanwell Quarry (a site to the northeast of Park Road/Stanwell Moor Road) for a temporary period of ten years (Ref SP99/0718).

COUNTY MATTER APPLICATION: SECTION D

- 2.3 The application was forwarded to the Secretary of State as a departure from the development plan. The Secretary of State decided to call in the application and to determine it himself after holding a Public Inquiry due to commence in May 2002. However, in mid April two planning applications were submitted by Brett Aggregates Ltd (Bretts), proposing the recycling of inert waste; one relating to Hithermoor Quarry and Stanwell Quarry (Ref SP02/0522) and a second application just relating to Hithermoor Quarry (Ref SO02/0524). The RMC Inquiry opened and adjourned on the first morning, the Inspector reporting that the Secretary of State was aware of the two applications submitted by Bretts and was minded to adjourn the Inquiry so that all three applications could be considered together. The two Bretts applications were called in by the Secretary of State at the end of May. At the end of July the applications submitted by RMC for Stanwell Quarry and by Bretts for Hithermoor Quarry were both withdrawn. This left the Bretts application for Hithermoor Quarry and Stanwell Quarry as the sole application to be considered at the re-opened Inquiry in October 2002. The understanding behind the withdrawals was that both companies were going forward with the one remaining application.
- 2.4 At their meeting in September 2002 the County Council's Planning and Regulatory Committee resolved that had the application not been called in by the Secretary of State they would have refused planning permission on Green Belt grounds.
- 2.5 During the Inquiry reference was made by Bretts to a legal agreement being prepared between themselves and RMC committing both companies to the combined application thus guaranteeing the very special circumstances with respect to Stanwell Quarry that formed the basis of the case for Bretts in making an exception on Green Belt policy. The Inquiry ended, however, without the legal agreement being submitted. RMC did not participate in the Inquiry.
- 2.6 The Inspector in her report considered that a case had been made out by Bretts for making an exception to Green Belt policy, but concluded that, in the absence of a legal agreement between Bretts and RMC, the very special circumstances that she considered clearly outweighed the harm to the Green Belt, such that an exception to Green Belt policy could be made, could not be guaranteed. Accordingly, she recommended to the Secretary of State that planning permission be refused.
- 2.7 The Secretary of State, in a letter dated 2 May 2003, indicated that he was minded to disagree with his Inspector, subject to the legal agreement being completed. The Secretary of State allowed two months for this process to be completed. This period was subsequently extended at the request of the applicants and in a letter dated 30 July 2003 the Secretary of State gave the parties a further two weeks to complete the agreement. With the legal agreement still not forthcoming the Secretary of State refused planning permission in his letter of 28 August 2003.
- 2.8 Following the Secretary of State's decision Bretts submitted a revised application (Ref SP03/01212) in December 2003 relating just to Hithermoor Quarry, which is the current application.

3. Description of Current Proposal

- 3.1 The application site comprises 73 hectares of land to the east of the M25 motorway and south of Leylands Lane, which provides vehicular access to the land. The site has been used for mineral extraction for many years, and there is processing plant on the eastern part of the land which incorporates a concrete plant. In the northeast of the site was a coating plant operation used by Colas Limited. This and the mineral

COUNTY MATTER APPLICATION: SECTION D

processing operations are served by a haul road on the eastern area of the site. Lower Mill Farm is situated as a prong off the eastern side of the main site area. Restoration has occurred on much of the Hithermoor Quarry site, with a large landfill mound in the southern part of the site.

- 3.2 To the south of the village is Staines Moor, and to the south east is King George VI Reservoir. The village of Stanwell Moor, and its residences is off to the east of the site.
- 3.3 There are five main elements of the proposal:
- (a) Mineral extraction with mineral processing;
 - (b) Recycling operation;
 - (c) Concrete production;
 - (d) Aggregate bagging;
 - (e) Restoration.

The initial phases of the proposal would involve the dismantling of existing plant on the eastern and northern part of the site, and the existing haul road. This would allow the extraction of the remaining minerals on such land, which covers 3.1 hectares. The new mineral processing plant and items (b) – (d) would be located in a new six hectare compound on the western side of the site close to the M25 motorway. This compound would be screened by an earth bund 4m – 5m high with tree and shrub planting on it, plus a 2m fence on the M25 boundary. The existing Leylands Lane access would be realigned, and a new access road to the new compound constructed.

- 3.4 The mineral extraction on the 3.1 hectares would be undertaken in three phases, with subsequent restoration, with the Colas Limited site being the last item. 2m high temporary screen bunding would be provided to the eastern side of the extraction working areas, apart from for Colas, where a 3.5m screen would be on the northern boundary. Days and hours of operation would be 7.30am – 5.30pm (Mondays – Fridays), and 7.30am – 1.00pm (Saturdays). To complete restoration, the three phases would take two years, nine months and 24 months respectively.
- 3.5 Turning to the new compound, the new mineral processing operation would be on the southern section of the new compound. The plant involved would be 4m high in the main, but with a feed conveyor 5.7m high. Stockpiles would be up to 6m high. The majority of the sand and gravel produced will be utilised by the new concrete and aggregate bagging plants (items (c) and (d)). This operation would work 7.30am – 5.30pm (Mondays – Fridays), and 7.30am – 1.00pm (Saturdays). Items (b) – (d) would be located in the northern part of the compound. The existing concrete plant which is to be dismantled on the eastern part of the application site would be replaced by two new plants. One of these plants would have the majority of its production allied to the proposed recycling operation (item (d)). The concrete plants would be mainly 7m high, but with 9m high aggregate bins. They would supply projects within a 15 kilometre radius of the site. The upper limit of production would generate an average of 27 deliveries per day, with six/seven mixer trucks involved, plus two tankers coming to the site. Days and hours of operation would be 7.00am – 6.00pm (Mondays – Fridays), and 7.00am – 1.00pm (Saturdays), with occasional other weekend working (15 events a year). The aggregate bagging plant would involve the erection of a steel framed building clad with plastic coated profiled steel panes, measuring 18m long x 12m wide x 7.8m high. Open stacks would be 3m high. Three vehicles are likely to operate out of the site, each making three/four deliveries a day. Six/seven staff would be employed on site. The recycling operation that is proposed would produce a variety of materials and have plant up to 7m high. Those materials in excess of the

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production and storage capacity of the recycling facilities together with process residues would be used on the application site for landfill. The aim of the recycling operation is to produce a recycled aggregate capable of replacing primary aggregate. Days and hours worked would be 7.00am – 5.30pm (Mondays – Fridays), and 7.00am – 1.00pm (Saturdays).

- 3.6 The restoration element of the proposal, beyond that mentioned in para 3.4 above, would take place towards the end phases of the proposal, being completed at the end of 11 years from the start of the overall project. As compared with the presently approved restoration of the site (excluding Lower Mill Farm), there would be much more woodland/scrub provided, especially on the western side of the site. Also, the lake in the north eastern part of the site would be larger. Further, there would be more permissive footpaths provided on the site. This restoration would allow for nature conservation, agriculture, and public access after uses on the site.
- 3.7 Lower Mill Farm would be restored. This would take two years and would occur in years eight and nine of the proposal.
- 3.8 The actual area to be infilled under the proposal is 5.5 hectares, with further enhancement work undertaken over much of the remaining application area.
- 3.9 The items now put forward, following the extensive discussions with officers of this Council, and which would be the subject of a Section 106 (Legal) Agreement are as follows:
- (a) Staines Moor would not be worked for gravel extraction for 50 years (previously this was to be for 30 years).
 - (b) The following financial contributions would be made by the applicant in respect of annual conservation/maintenance of Staines Moor:-
 - (i) an annual sum of £25K for 11 years;
 - (ii) fencing improvements : total value of £10K;
 - (iii) Colne Valley interpretation boards : total value of £10K;
 - (iv) extension to the Colne Valley Trail : maximum contribution of £50K;
 - (v) a “conservation herd” to assist in the effective grazing of Staines Moor : a one-off payment of £20K;
 - (vi) payment for an educational facility concentrating on biodiversity at Church Lammas : total value of £20K.
 - (c) The following non-financial contributions would be made by the applicant:-
 - (i) improved partnership working;
 - (ii) co-ordinated timings of pest and weed treatments;
 - (iii) pro-active involvement in the Staines Moor Management Committee.

4. Consultations

- 4.1 These were undertaken for the 28 April 2004 report.

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4.2 Head of Environmental Health and Building Control

- (i) **NOISE:** The submitted noise assessments are generally within Surrey County Council guidelines for mineral extraction, which are in turn based on Government advice in Mineral Planning Guidance Note MPG11. Bunds will be constructed to mitigate noise, and no night working would take place: this should prevent the disturbance from early morning activity at the Colas plant, which has been the subject of complaint from nearby residents in the past. On this basis it is considered that the proposal would be acceptable from a noise point of view.

Appropriate conditions would be necessary to cover all relevant noise-related points.

- (ii) **DUST:** Certain matters in this respect would be covered by permits and licences under non-planning legislation. From a planning aspect a condition governing dust emissions is recommended including monthly monitoring of dust levels on the boundary of the site, with any consequently necessary mitigation measures.
- (iii) **AIR POLLUTION:** A condition is recommended for an air quality management plan to be submitted and approved prior to the implementation of the proposal.
- (iv) **ON-SITE BURNING:** This should be prohibited.
- (v) **CONTAMINATION:** An operational strategy would be required to prevent this.

- 4.3 It should be standard practice for the County Council to impose conditions dealing with matters such as noise, dust, air pollution, and contamination.

5. Third Party Representations

- 5.1 Letters were received from 33 residences, Councillor Pinkerton, Stanwell Moor Residents Association, and the Association for the Preservation of Staines Moor, objecting to the originally submitted proposal on the following grounds:-

- Green Belt
- Basically commercial development
- Would delay restoration, in comparison with the existing situation
- Recycling facility is unnecessary, would not help Surrey to meet waste targets and no viable market for recycled concrete
- Cumulative impact on Stanwell Moor, with other developments in the general locality
- Loss of amenity to Stanwell Moor: dust and pollution, with possible toxic effects and health implications
- Noise and vibration
- Infrastructure of Stanwell Moor would not be able to cope
- Traffic generation and safety
- Contrary to County Transport Plan
- Mud on highway
- Flooding
- Devaluation of property

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5.2 Further representations were received from 17 residences for the 3 January 2007 report, and on behalf of Stanwell Moor Residents Association.

5.3 Some of the previous objections were reiterated, but in addition the following objections were raised:

- The planning gains and environmental benefits are insufficient
- Maintenance work has been carried out on Sundays

6. Issues

6.1 - Would the proposed amendments justify no objection to the proposal.

7. Planning Considerations

7.1 The original submission sought to establish that very special circumstances applied to it to justify approval for the proposed development in the Green Belt. In effect, what was then proposed at Hithermoor Quarry, was sufficient to make up for the omission of Stanwell Quarry, which had been included in the SP/02/0522 scheme (see paras 2.3 – 2.7 above). This was not accepted by this Council, and thus the strong objection in April 2004.

7.2 What now needs to be assessed is whether the amendments are due sufficient weight such that these would establish that there are very special circumstances applying. This would then justify this Council having no objection to the proposal.

7.3 To set the amendments in some form of context I would make the following comments with regard to Stanwell Quarry. Whilst it is not possible to quantify precisely the weight which the Inspector and the Secretary of State placed on the Stanwell Quarry benefits, it is possible from a careful consideration of the Inspector's report and the decision notice to gauge, in general terms, the importance that was placed on Stanwell Quarry elements. Examination of the planning application and decision letter show that there was a material benefit in removing the existing processing plant at Stanwell Quarry and all processing being carried out at Hithermoor. There would have been a further material improvement in the foregoing of mineral extraction underlying and surrounding the Site of Nature Conservation Importance (SNCI), with a phased programme of working and an enhanced restoration programme to secure nature conservation objectives and restore part of the garden and parkland. Restoration would have offered new countryside access through provision of permissive paths and long term management. Had permission been granted by the Secretary of State conditions would have been attached requiring a detailed restoration plan for Stanwell Quarry including a scheme of management, restoration of the parkland and the layout and specification of all routes providing public access. Further conditions would have required a scheme of aftercare for five years and a management plan. Thus had permission been granted there would have been considerable benefits which would have been provided and maintained to the benefit of the residents and the ecology of the area. It is against this package of benefits which cannot now be delivered at Stanwell Quarry that I consider the revised package on offer by Bretts must be judged.

7.4 The major change to the proposal as now presented is the package of items noted in para 3.9 of this report. These include both financial and non-financial elements, which would be of benefit to the ecology of the area and to residents and visitors to Staines Moor. I would therefore attach a reasonable weight to this package.

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- 7.5 Beyond that there is also the restoration of Lower Mill Farm (see para 3.7 above). Lower Mill Farm has not been restored after working, and although there were conditions covering some later extensions to the working, it remains a fact that the main part of the site is not covered by any restoration conditions. The current proposal represents the only opportunity at present to achieve a satisfactory final restoration. I consider that this is due some weight.
- 7.6 Further, there is temporary permission for a recycling facility at Littleton Lane, Shepperton (04/00750/SCC). The applicant has offered to relocate the plant at Littleton Lane to Hithermoor Quarry if they obtain planning permission for the current proposal. This would represent a benefit for Shepperton in terms of reduced HGV movements. However, the permission is only due to run until 21 May 2009, and by the time the Hithermoor Quarry plant was active the benefit would only represent a short period of time. I consider that this is due some weight, though not a particularly substantial weight.
- 7.7 I consider the matter of whether the proposal as now presented would involve very special circumstances thus removing the previously noted objection is finely balanced. With regard to item (a) noted in para 3.9 above, it would have been preferable that 100 years rather than 50 years was agreed. However, with certain important caveats; I consider that such very special circumstances can be said to apply and no objection should now be raised subject to those caveats being suitably dealt with.
- 7.8 The caveats are as follows:-
- (1) With regard to item (b)(i) noted in para 3.9 above, the annual sum of £25K should continue for any additional years until such time as the site has been fully restored in accordance with any grant of planning permission. Thus if the site is not restored within the 11 years the applicant intends, this would be a safeguard for that situation.
 - (2) There are several statements made in the Environmental Statement accompanying the application (notably in Volume1 Section 3: Hithermoor Management Plan para 3.7) that suggest some of the countryside access routes "can be established at a relatively early stage". However, the submitted plan only shows these routes at final completion in year ten and that there appears to be no attempt to show how they could be phased in. This means that the public will receive no significant benefit from the proposals until the end of the scheme. Bretts need to demonstrate how the public access benefits can be achieved much sooner.
 - (3) The reinstatement of the Yeoveney Ditch: provided that the Environment Agency and Natural England consider that this would benefit the northern end of Staines Moor.
 - (4) The agreement of this Council to the time periods for the provision of the extension to the Colne Valley Trail (see item (b)(iv) in para 3.9 above); and repayment to the applicant of any sum not spent overall.
 - (5) There being no material objections received from any body consulted by the County Council to the proposal.

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- 7.9 Turning lastly to the new third party points, noted in para 5.3 above, it is considered that the first point is dealt with above. The question of Sunday maintenance work is a matter for the County Council to decide whether it is expedient to consider enforcement action.

8. Recommendation

That Surrey County Council be informed that on balance, this Council DOES NOT OBJECT to this proposal, subject to the finalisation of an appropriate Section 106 (Legal) Agreement, and the caveats set out in para 7.8 of this report being dealt with: caveats (1) and (4) to be within the Section 106 Agreement.