

**PLANNING AND REGULATORY COMMITTEE
NOTICE OF MEETING**

Date: Wednesday, 24 September 2014
Time 10.30 am
Place: Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN

Contact: Cheryl Hardman or Huma Younis, Room 122, County Hall
Telephone: 020 8541 9075 or 020 8213 2725
Email: cherylh@surreycc.gov.uk or huma.younis@surreycc.gov.uk
[For queries on the content of the agenda and requests for copies of related documents]

APPOINTED MEMBERS [12]

Keith Taylor (Chairman)	Shere;
Tim Hall (Vice-Chairman)	Leatherhead and Fetcham East;
Ian Beardsmore	Sunbury Common & Ashford Common;
Natalie Bramhall	Redhill West & Meadvale;
Carol Coleman	Ashford;
Jonathan Essex	Redhill East;
Margaret Hicks	Hersham;
George Johnson	Shalford;
Christian Mahne	Weybridge;
Ernest Mallett MBE	West Molesey;
Michael Sydney	Lingfield;
Richard Wilson	The Byfleets;

EX OFFICIO MEMBERS (NON-VOTING) [4]

David Munro	Chairman of the County Council	Farnham South;
Sally Marks	Vice Chairman of the County Council	Caterham Valley;
David Hodge	Leader of the Council	Warlingham;
Peter Martin	Deputy Leader	Godalming South, Milford & Witley;

APPOINTED SUBSTITUTES [19]

Mike Bennison	Hinchley Wood, Claygate and Oxshott;
Stephen Cooksey	Dorking South and the Holmwoods;
Tim Evans	Lower Sunbury and Halliford;
Will Forster	Woking South;
Denis Fuller	Camberley West;
Nick Harrison	Nork & Tattenhams;
Peter Hickman	The Dittons;
David Ivison	Heatherside and Parkside;
Daniel Jenkins	Staines South and Ashford West;
Stella Lallement	Epsom West;
John Orrick	Caterham Hill;
Adrian Page	Lightwater, West End and Bisley;
Chris Pitt	
Chris Townsend	Ashtead;
Fiona White	Guildford West;
Helena Windsor	Godstone;

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AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive any apologies for absence and notices of substitutions under Standing Order 40.

2 MINUTES OF THE LAST MEETING

(Pages 1 - 10)

To confirm the minutes of the meeting held on 3 September 2014.

3 PETITIONS

To receive any petitions from members of the public in accordance with Standing Order 65 (please see note 7 below).

4 PUBLIC QUESTION TIME

To answer any questions received from local government electors within Surrey in accordance with Standing Order 66 (please see note 8 below).

5 MEMBERS' QUESTION TIME

To answer any questions received from Members of the Council in accordance with Standing Order 47.

6 DECLARATIONS OF INTERESTS

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

Notes:

- In line with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, declarations may relate to the interest of the member, or the member's spouse or civil partner, or a person with whom the member is living as husband or wife, or a person with whom the member is living as if they were civil partners and the member is aware they have the interest.
- Members need only disclose interests not currently listed on the Register of Disclosable Pecuniary Interests.
- Members must notify the Monitoring Officer of any interests disclosed at the meeting so they may be added to the Register.
- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest.

- 7 MINERALS AND WASTE APPLICATION SP13/01553/SCC: CHARLTON LANE WASTE MANAGEMENT FACILITY, CHARLTON LANE, SHEPPERTON, SURREY** (Pages 11 - 262)

This is an application for the consideration of new material considerations that have emerged since the Committee's resolution on 17 March 2014 at Charlton Lane Waste Management Facility, Charlton Lane, Shepperton, Surrey.

Changes to the planning conditions attached to the Charlton Lane Eco Park planning permission (Ref: SP10/0947, dated 15 March 2012) in order to incorporate minor material amendments to the approved scheme comprising a revised gasification technology, 3 new sub stations, other minor material amendments to the layout, buildings, structures and ancillary elements of the scheme, and a minor reduction in the tonnage of waste that would be managed at the site.

The recommendation is to PERMIT subject to conditions.

- 8 MINERALS/WASTE WA/2014/0939: CHIDDINGFOLD STORAGE DEPOT, CHIDDINGFOLD ROAD, DUNSFOLD, GODALMING, SURREY, GU8 4PB** (Pages 263 - 292)

This is an application for the retention of 4 containers for storage purposes in connection with existing waste facility. The waste management facility comprises industrial scale buildings and a large open concrete yard all used in connection with the importation, deposit, storage, processing and transfer of discarded automotive parts.

The recommendation is GRANT planning permission Ref. WA/2014/0939 subject to conditions.

- 9 SURREY COUNTY COUNCIL PROPOSAL EL/2014/2424 : LAND AT ST ALBANS CATHOLIC PRIMARY SCHOOL, BEAUCHAMP ROAD, EAST MOLESEY, SURREY KT8 2PG** (Pages 293 - 330)

This is an application for the construction of a two storey, 8 classroom detached teaching block with associated hard standing, following demolition of existing double demountable building; provision of PV panels on south facing area of existing small teaching block; alterations to internal fencing; widened access for emergency vehicles; provision of external canopy to south east of existing main building; increase in cycle/scooter parking.

The recommendation is to PERMIT subject to conditions

**10 SURREY COUNTY COUNCIL PROPOSAL MO/2014/0778/SCC:
LAND AT ST PETERS CATHOLIC PRIMARY SCHOOL,
GRANGE ROAD, LEATHERHEAD, SURREY KT22 7JN**

(Pages 331 -
362)

This application is for the construction of a single storey building which would provide space for six additional classrooms and associated WC's. The proposed building is required in order to expand the school from a 1FE primary school (30 pupils per year group) to a 2FE primary school (60 pupils per year group) resulting in a total of 420 pupils.

The recommendation is to PERMIT the application subject to conditions.

11 DATE OF NEXT MEETING

The next meeting of the Planning & Regulatory Committee will be on 15 October 2014.

**David McNulty
Chief Executive**

Thursday, 11 September 2014

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, County Hall has wifi available for visitors – please ask at reception for details.

Anyone is permitted to film, record or take photographs at council meetings. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation

Note: *This meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.*

Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this, please contact the representative of Legal and Democratic Services at the meeting

NOTES:

1. The Chairman will adjourn the meeting for lunch from 12.45pm unless satisfied that the Committee's business can be completed by 1.15pm.
2. Members are requested to let the Regulatory Committee Manager have the wording of any motions and amendments not later than one hour before the start of the meeting.
3. Substitutions must be notified to the Regulatory Committee Manager by the absent Member or group representative at least half an hour in advance of the meeting.
4. Planning officers will introduce their report and be able to provide information or advice to Members during the meeting. They can also be contacted before the meeting if you require information or advice on any matter.
5. A record of any items handled under delegated powers since the last meeting of the Committee will be available for inspection at the meeting.
6. Members of the public can speak at the Committee meeting on any planning application that is being reported to the Committee for decision, provided they have made written representations on the application at least 14 days in advance of the meeting, and provided they have registered their wish to do so with the Regulatory Committee Manager in advance of the meeting. The number of public speakers is restricted to five objectors and five supporters in respect of each application.

7. Petitions from members of the public may be presented to the Committee provided that they contain 100 or more signatures and relate to a matter within the Committee's terms of reference. The presentation of petitions on the following matters is not allowed: (a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985; and (b) planning applications. Notice must be given in writing at least 14 days before the meeting. Please contact the Regulatory Committee Manager for further advice.
8. Notice of public questions must be given in writing at least 7 days before the meeting. Members of the public may ask one question relating to a matter within the Committee's terms of reference. Questions on "confidential" or "exempt" matters and planning applications are not allowed. Questions should relate to general policy and not detail. Please contact the Regulatory Committee Manager for further advice.
9. On 10 December 2013, the Council agreed amendments to the Scheme of Delegation so that:
 - All details pursuant (applications relating to a previously granted permission) and non-material amendments (minor issues that do not change the principles of an existing permission) will be delegated to officers (irrespective of the number of objections).
 - Any full application with fewer than 5 objections, which is in accordance with the development plan and national policies will be delegated to officers.
 - Any full application with fewer than 5 objections that is not in accordance with the development plan (i.e. waste development in Green Belt) and national policies will be delegated to officers in liaison with either the Chairman or Vice Chairman of the Planning & Regulatory Committee.
 - Any application can come before committee if requested by the local member or a member of the Planning & Regulatory Committee.

The revised Scheme of Delegation came into effect as of the date of the Council decision.

HUMAN RIGHTS ACT 1998 – GUIDANCE FOR INTERPRETATION

This Guidance should be read in conjunction with the Human Rights section in the following Committee reports.

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights in English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report. Members of the public wishing to make oral representations may do so at Committee, having given the requisite advance notice, and this satisfies the requirements of Article 6.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 3 September 2014 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

Members Present:

Mr Keith Taylor (Chairman)
Mr Tim Hall (Vice-Chairman)
Mr Ian Beardsmore
Mrs Natalie Bramhall
Mrs Carol Coleman
Mr Jonathan Essex
Mrs Margaret Hicks
Mr George Johnson
Mr Ernest Mallett MBE
Mr Michael Sydney
Mr Richard Wilson

Apologies:

Mr Christian Mahne

83/14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Christian Mahne.

84/14 MINUTES OF THE LAST MEETING [Item 2]

These were agreed as a true record of the last meeting.

85/14 PETITIONS [Item 3]

There were none.

86/14 PUBLIC QUESTION TIME [Item 4]

There were none.

87/14 MEMBERS' QUESTION TIME [Item 5]

There were none.

88/14 DECLARATIONS OF INTERESTS [Item 6]

There were none.

89/14 MINERALS/WASTE WA/2014/0005: ALTON ROAD SANDPIT, FARNHAM, SURREY, GU10 5EL [Item 7]

AN UPDATE SHEET WAS TABLED AND IS ATTACHED AS ANNEX 1 TO THE MINUTES

Declarations of interest:

None

Officers:

Alan Stones, Planning Development Control Team Manager
 Nancy El-Shatoury, Principal Lawyer
 Caroline Smith, Transport Development Planning Team Manager
 Peter Brett, Consultant

Speakers:

Rob Dutton, read out the following statement on behalf of **Tony Goodall** who was unable to make the meeting.

“The original planning permission lapsed in 2006 due to non-compliance with Condition 28, when the site was declared dormant. Until verifiable evidence is provided to identify precisely how or when such a Condition could possibly have been waived, isn't it beyond the limits of reasonableness for Members to be expected to approve this Application?

The proposed development falls outside of the limits of adopted Policy AR1. Consequently any sand on the site is not listed in the Local Plan as part of mineral reserves, and wouldn't be needed to meet soft sand reserve targets. Pages 27,28 and 29 of the Planning Inspectors Report of November 2012 specifically identifies the limitations of the site that does not include quarrying for sand.

In any event the viability of these proposals is very questionable. Furthermore, why should any Applicant be exceptionally granted an extension where in essence nothing has been done with the site since 1991 when the last landfill was deposited? Shouldn't there be substantive technical reasons that need to be identified to explain precisely why no development activities have taken place?

No gas flow data has been supplied by the Operator since 1998. Such fundamental data is essential in order to actually determine that the Gas Management System has been operating effectively. As a direct consequence about 52 million cubic metres of landfill gas is unaccounted over the past ten years alone. It can only be through pure luck that the gas has escaped through the porous surfaces of the landfill instead of migrating into homes as previously recorded.

Unfortunately the proposals would significantly increase the potential for lateral migrations of gas into homes, and the risks caused by any system failure would be increased astronomically. Under these circumstances is it possible for Members to feel confident about the Operators competence particularly since new Government guidance is not due out until late next year?

Why is it that an appropriate investigation to determine the site's suitability as a SANG and an SNCI has not been carried out, particularly since Waverley

Borough Council are desperately searching for SANGS to enable them to produce a viable Local Plan to satisfy the Government's housing targets? A Complaints procedure regarding the handling of this Application has yet to run its course. Furthermore, a request for this Application to be called-in for decision by the Secretary of State has been registered, as well as a request for the Complaint to be considered by the Local Government Ombudsman. If these procedures don't lead to a rejection of this Application then a Judicial Review is likely to follow".

Rob Dutton, a local resident, made representations in objection to the application and read out the following statement:

"Start by looking at the applicants submission prepared by Andrews Ecology This was, after all the Officers starting point. On page 24 there is a 2 line reference to part of the site (Block A on the plan) as being on the ancient woodland inventory.

On page 25 there is brief collective reference to Blocks A & B and reduced diversity but without distinguishing between the wooded Block A and the scrubby area to its East, Block B.

On Page 43 there is a heading entitled Effects on Habitat including reference to clear felling and ground disturbance again without distinguishing between Blocks A&B.

However Semi natural Ancient Woodland is sometimes referred to as managed ancient wood land as it may be coppiced or the standing trees may be periodically removed but it is still importantly covered by this legislation. Therefore some disturbance may be normal.

In summing up on the applicants work I would suggest that there is a critical lack of clear information and NO reference to Natural England's Standing Advice or the National Planning Policy Framework.

Moving to the officers report Page 64 briefly refers to "loss of natural woodland" and carries on to say "the site can be adequately mitigated".

Note that the officers go on to make the point that Natural England made NO OBJECTION Natural England makes it clear on their web site, The STANDING ADVICE replaces individual comments provided in the past to Local Authorities, so it is unlikely they would have responded.

On page s 104/105 the officers quote "planning permission should be refused for developments resulting in the loss or deterioration of irreplaceable habitats including ancient woodland"

This accords with the Standing Advice, however the officers go to considerable lengths on page 111 to say Block A is not worth keeping but completely fail to explain why their opinions are more important than Natural England's decision to include Block A on the register.

IT IS UNLIKLY THEIR COMMENTS ARE A MATERIAL CONSIDERATION. We now come to the crux of the matter.

On one hand Block A is officially recognised and the Standing Advice must apply.

On the other the officers/applicants justification of greater need, principally for sand

This site is not listed in any of the current minerals or waste plans therefore this application is opportunistic. This application does not comply with the required tests.

There is just 770,000 tons of sand, just 6 months' worth of contribution to the counties consumption. An approval will be trading 6 months unsubstantiated need for 500 years of irreplaceable heritage.

Who will history judge correct, who will our grandchildren judge correct? Councillors, do you want to make this decision NOW, please vote to DEFER and drill down into the implications and make a measured, informed and legal decision?"

The agent of the applicant, **Steve Bowley of Stephen Bowley Planning Consultancy** addressed the Committee and raised the following points;

- Supports the officer's recommendation and reassured the committee that conditions were in place to ensure work on the site was done to a high level.
- The site in question has a long history with the applicant only becoming involved with the site two years ago. Eventually want to complete the scheme which was permitted in 2002.
- Site would only deal with inert waste and not household waste.
- Permitting this application will allow the site to be restored to a high level with the building extractor on the site meeting the needs of local residents.
- An environmental statement has been prepared with the application and there have been no technical objections to the application.
- Landfill gas will be dealt with in a safe manner.

The local Member, **David Munro**, a local Member from a neighbouring division addressed the committee and raised the following points:

- Supports application in principle. The site in question has a long history and nothing has changed from the previous application which was granted in 2002.
- Permitting the application would be beneficial as it would restore the site to a good condition.
- Objections received are concerned with operational use of the site but these concerns have been answered by the conditions in the report.

Key Points raised during the discussion:

1. The report was introduced by the Planning Development Control Team Manager who explained that the current application was a return of a previous application which was granted in 2002. The current application would work inert waste on the site and restore the site. Permitting this application would add to Surreys production of soft sand, details of this are set out in the NPPF. There is a strong argument of local need for this type of mineral working. The highways

impacts have been considered and are limited to 170 HGV movements per day. The current proposal would bring the site under better order especially in terms of landfill gas. An alternative habitat has been created for protected species on the site. The application for 2002 was not called in by the Secretary of State and Natural England has no objections to the proposal.

2. A member of the committee queried the routing of the HGV's which would be travelling to the site. The Transport Development Planning Team Manager explained that the routing would depend on the market for the sand but that access would be through the A31.
3. Members agreed that there was room for a community liaison group to be set up.
4. The committee was reminded that the current application is a repeat of a 2002 application which the previous committee had permitted. Reinstating the site to a good condition would reap benefits for the local community.
5. Queries were raised around the amount of sand required by the County and the impact this application would have on the ancient woodland on the site. The Planning Development Control Team Manager explained that ancient woodland had been considered by the previous committee in 2002 who agreed it would be permissible to work on the land. If the ancient woodland is excluded from the application area this would greatly reduce the sand output.
6. It was explained that a large amount of the soft sand in Surrey was to the east of the county. The NPPF states that the location and source for materials should be considered. Not having a location in the west could be detrimental to building material production in the area.
7. It was recognised that there was a need for soft sand in the west of the county especially with the increase of building production.
8. The Consultant explained that permitting the application would allow for the proper management of gas capping on the site. A monitoring scheme would be put in place to bring landfills to modern standards.
9. Some members of the committee queried the possibility of taking out the ancient woodland from the application area. A member of the committee stated that the ancient woodland could be reinstated elsewhere and had been permitted for use by the committee in 2002.
10. It was recognised that the planning environment had greatly changed over the last 12 years and the views around soft sand and ancient woodland had also changed.
11. It was queried what measures would be put in place to ensure that any odour from the site were controlled. The Planning Development Control Team Manager explained that the material going into the site was inert waste and not household waste and therefore there should not be any odours. Any odour issues would be picked up by the Environment Agency.

12. It was explained that any gas being generated at the moment was not causing any problems. Once work on the site begins, pipes on the site will collect gas and mitigate the gas hazard and any odour with it.
13. A vote was taken to defer the application on the basis of protecting the ancient woodland on the site. The deferment was lost.

Actions/Further information to be provided:

None

RESOLVED:

That application **MINERALS/WASTE WA/2014/0005: ALTON ROAD SANDPIT, FARNHAM, SURREY, GU10 5EL** is **PERMITTED** subject to conditions and the prior completion of a Legal Agreement with the applicant and landowners to secure the long term (20 years in addition to the 5 year aftercare scheme) management, maintenance and aftercare of the application site, edged red and blue, as denoted on the application site plan (Drawing ref: ALTONRD1309/Drawing No 2/ Revision B), through the preparation of a ecological enhancement and woodland management plan in accordance with the draft Heads of Agreement set out in Appendix 1 to the report,

Committee Next Steps:

None

90/14 DATE OF NEXT MEETING [Item 8]

The next meeting will be held on 24 September 2014.

Meeting closed at 11.40am.

Chairman

UPDATE SHEET TO AGENDA ITEM 7

Planning and Regulatory Committee 3 September 2014

Minerals and Waste Application: WA/2014/0005

Site: Alton Road Sandpit, Farnham, Surrey, GU10 5EL.

Application: Extraction of sand (770,000 tonnes) and clay (512,000 cubic metres) from a site of 36.2 ha; filling of existing and resultant void with (2.6 million cubic metres) non-hazardous industrial, commercial, household and inert waste; installation of plant and equipment; alterations to existing site access onto A31; and comprehensive restoration of the site over a period of 11.5 years without compliance with Condition 1 of planning permission ref. WA99/0223 to allow the development be completed in all respects not later than 31 December 2029.

Please note the Committee Report should be amended/corrected as follows:

CONSULTATIONS AND PUBLICITY

Wrecclesham Village Society / TRASH Campaign

Paragraph 59: On 15 August 2014, SCC responded to a complaint made by Wrecclesham Village Society / TRASH Campaign against the County Planning Authority. On 26 August 2014, Wrecclesham Village Society / TRASH Campaign then emailed in respect of SCC's response. The following main points of complaint were made against SCC:

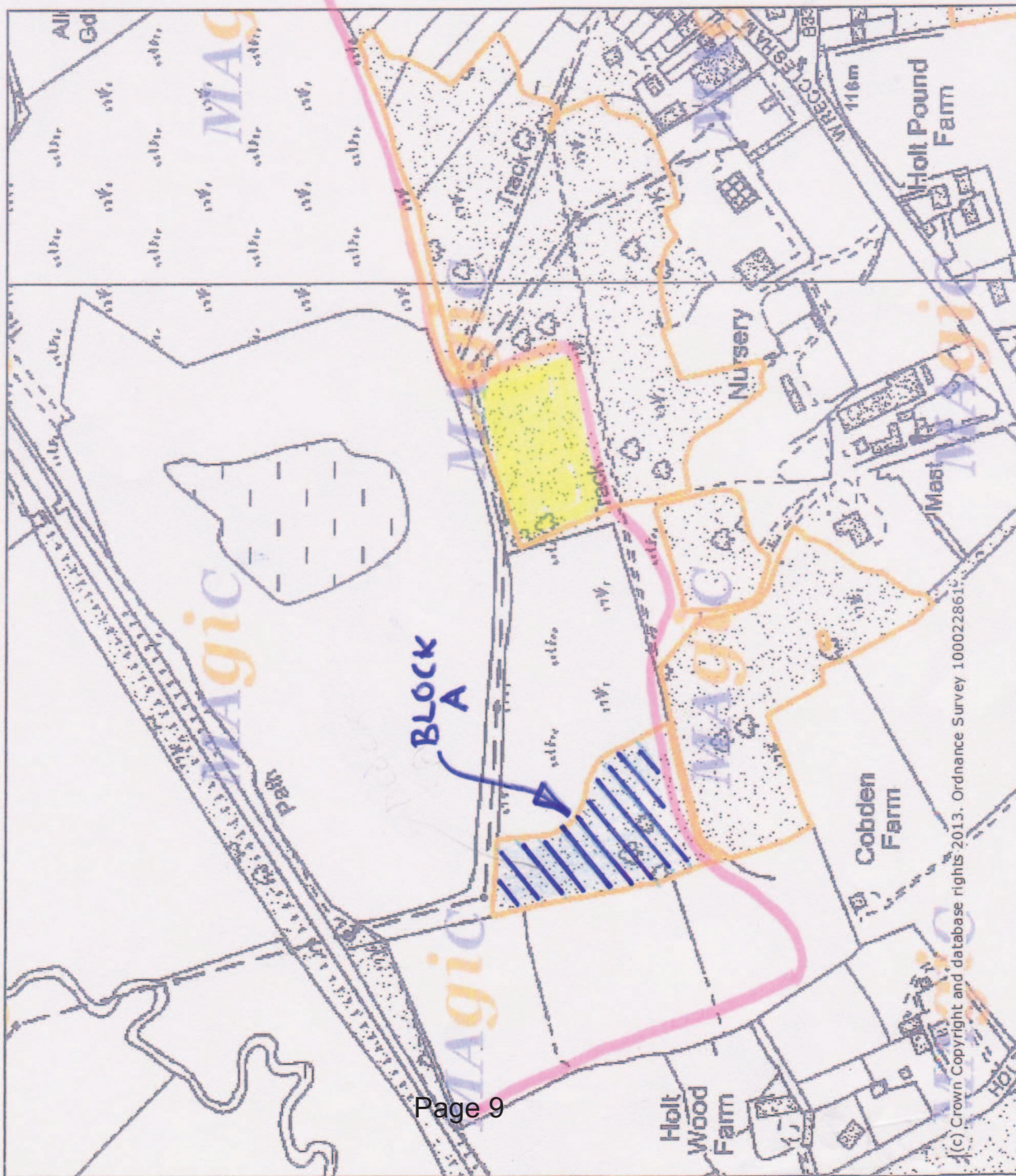
1. *No evidence has been provided that would amount to proof that the Planning Application is actually legally valid.*
2. *No evidence has been provided to demonstrate that the Applicant's proposals themselves fall within any part of the current Adopted Minerals and Waste Local Plans.*
3. *Serious infringements of environmental and criminal law, namely:*
 - *Incidents described within our email dated 22 May 2013 (including underground electric cables being exposed, and two lapwing nests being destroyed with stray fledglings running around).*
 - *Incidents of motorcycle trespass and nuisance reported on 12 November 2013 and 14 April 2014.*
 - *Land clearance on 7 June 2014 reported by email on 14 June 2014.*
4. *Longstanding serious unacceptable risks caused by the Operators of the Gas Management System and the potentially significant increased risks that would be caused by the Proposals themselves.*
5. *No evidence has been provided to demonstrate that the County Planning Authority have appropriately considered all of the options relating to this site.*

Officer's note: The above main points were made in respect of a separate complaints procedure and are provided here for completeness. In respect of point '1' above, the detail of Counsel advice received by SCC was previously requested, though as this is '*legally privileged*' (i.e. confidential) Officers have instead provided outline details in paragraph 13 of the Committee Report.

In respect of point '3' above, as set out in the Committee Report at paragraph 213 and paragraph 284, matters of environmental law (e.g. wildlife protection) and criminal law (e.g. trespass) are a matter for the Police and the sites' owners. The matter of claimed lapwing nest disturbance was considered at paragraphs 208-209 of the Committee Report. At the time of the reported incident, a County Planning Enforcement Officer visited the site and could find no signs of ground disturbance. Officers note that the detail of the account of events appears to vary yet again, with reference now to stray lapwing fledglings on the ground. At the time of writing the Committee Report and this Update Sheet, no evidence of damage to underground cables has been provided to SCC to pass on to the National Grid / Southern Electric, nor evidence of destroyed lapwing nests provided to pass on to the Police.

In respect of point '5', it was suggested on 26 August 2014 that the site should be considered as a Suitable Alternative Natural Greenspace (SANG) for the benefit of the whole community. Officers note, however, that a SANG designation would need to be formally adopted (e.g. via a Core Strategy examination process) and that the proposed final restoration would in any case allow community use and access.

Officers consider that no other new points or material considerations have been raised to those set out in the Committee Report.



Legend

- Ancient and Semi-Natural Woodland
- Ancient Replanted Woodland

Projection = OSGB36

xmin = 481000

ymin = 144100

xmax = 482500

ymax = 144800

Map produced by MAGIC on 27 November 2013.
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TO: PLANNING & REGULATORY COMMITTEE

DATE: 24 September 2014

BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER

DISTRICT(S) SPELTHORNE BOROUGH COUNCIL

ELECTORAL DIVISION(S):
Lower Sunbury & Halliford
Mr Evans

PURPOSE: FOR DECISION

GRID REF: 508585 168573

TITLE: MINERALS AND WASTE APPLICATION SP13/01553/SCC

SUMMARY REPORT

Consideration of new material considerations that have emerged since the Committee's resolution on 17 March 2014.

Charlton Lane Waste Management Facility, Charlton Lane, Shepperton, Surrey

Changes to the planning conditions attached to the Charlton Lane Eco Park planning permission (Ref: SP10/0947, dated 15 March 2012) in order to incorporate minor material amendments to the approved scheme comprising a revised gasification technology, 3 new sub stations, other minor material amendments to the layout, buildings, structures and ancillary elements of the scheme, and a minor reduction in the tonnage of waste that would be managed at the site.

Background

- 1 The above application went before the Planning & Regulatory Committee (P&RC) on 17 March 2014 when Members resolved to permit the application subject to the planning conditions set out in the committee report (Appendix B, attached including Minutes of the meeting an Update Sheet provided) and referral to the Secretary of State as a departure from the development plan. The Secretary of State confirmed on 6 August 2014 that he does not wish to call in the application (Appendix C). There is no requirement to refer back a decision taken to grant planning permission if this is confirmed today. The application therefore remains before the P&RC for determination. The purpose of this report is to put before Members once again the report placed before the P&RC on 17 March 2014 (Appendix B) and to provide such further material as Officers consider to be required to enable Members to determine the application on its merits as at 24 September 2014.

The 'Kides' protocol

- 2 A period of over five months has elapsed since the P&RC's earlier resolution. The protocol adopted by the P&RC in November 2003 regarding 'the Kides test' is therefore relevant (see Appendix D). The protocol was adopted following the October 2002 Court of Appeal judgment in *R (on the application of Kides) v. South Cambs DC [2002] EWCA Civ 1370*, where the Court observed:

"In practical terms, therefore, where since the passing of the resolution some new factor has arisen of which the delegated officer is aware, and which might rationally be regarded as a "material consideration" for the purposes of s.70 (2) (of the 1990 Town and County Planning Act), it must be a counsel of prudence for the delegated officer to

err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority would reach (not might reach) the same decision.” (Paragraph 126)

- 3 The above case law requires consideration to be given to whether new factors have emerged which could rationally be regarded as a material consideration between a committee resolution on a planning application and the issuing of a planning permission. If a new material consideration has emerged, the Officer must be satisfied that the Committee is aware of the new factors. Officers set out in the table, attached as Appendix A, consideration of whether new factors have emerged during the intervening period, which could be considered new material considerations. Officers based that table on the consideration of the issues and documents referred to in the committee report dated 17 March 2014 and issues raised in the committee debate on 17 March 2014.
- 4 Officers have also considered whether it is advisable to refer the application back to the P&RC as part of a ‘precautionary approach.’ Such an approach was referred to in a relevant Court of Appeal judgment given on 21 October 2010 in *R (on the application of Dry) v. West Oxfordshire DC [2010] EWCA Civ 1143*, where it was stated:

“Without seeking to detract from the authority of the guidance in Kides, I would emphasise that it is only guidance as to what is advisable, “erring on the side of caution”. Furthermore, in that case there had been a gap of five years between the resolution and the issue of the permission. The guidance must be applied with common sense, and with regard to the facts of the particular case.” (Paragraph 16)

‘Kides’ Consultation process

- 5 After the Secretary of State confirmed on 6 August 2014 that he does not wish to call in the application, Officers consulted all those consultees (Statutory and Non-Statutory) set out in the Committee Report at paragraphs 62 - 89. Officers asked whether consultees are aware of ‘*any new factors which would have a bearing on the Eco Park decision or any changes/updates or any issues, which could reasonably be described as material considerations in the Eco Park case*’. Officers received responses from the following:

- Local Member;
- Natural England;
- Runnymede Borough Council
- BAA Safeguarding;
- Transport Development Control;
- County Geotechnical Consultant;
- County Waste Management and Energy Recovery Consultant;
- County Air Quality Consultant;
- County Noise Consultant;
- County Lighting Consultant;
- County Ecology and Biodiversity Manager;
- County Archaeology Officer;
- County Environmental Assessment Officer;
- Spelthorne Borough Council; and
- County Legal team.

The ‘Kides’ test assessment

- 6 The ‘Kides’ protocol (see attached Appendix D) asks whether Officers are satisfied that Members of the P&RC are aware of any new factors that have arisen since their

determination. If the answer to that question is 'no' then the protocol dictates that the application is referred back to Committee. In this case, Officers consider that new material considerations have emerged since determination. For example, new information was received relating to Spelthorne's Air Quality Management Area (Appendix E). The County Highway Authority also advises that Surrey Police has requested that Surrey County Council increase the speed limit of Charlton Lane to 40mph in the immediate vicinity of the Eco Park site. Other changes have happened since March 2014, which Officers consider below.

Air Quality

- 7 In their 20 August 2014 response to consultation as part of the 'Kides' test, Spelthorne Borough Council (SBC) provided updated air quality information for 2013. Specifically, SBC provided a summary report and two excel spreadsheets with relevant data (attached as Appendix E). SBC highlight that this shows a significant worsening of air quality in 2013 compared to 2012, with the number of sites where there is an exceedance over air quality limits doubling. SBC argue that this shows a materially worse air quality position than was the case when the applicant's consultants produced their reports and the County Council made its decision in March 2014.
- 8 In their 20 August 2014 response to consultation as part of the 'Kides' test, SBC highlight that in April 2014 Public Health England (PHE) published a document 'Estimating Local Mortality Burdens associated with particulate Air Pollution.' SBC highlight that this shows that, apart from London, Spelthorne ranks 11th from bottom across the whole country for concentrations of PM2.5, worse than any other Surrey District. SBC argue that the applicant's consultants need to re-evaluate the proposal in the light of this serious position.
- 9 In their 20 August 2014 response to consultation as part of the 'Kides' test, SBC also highlight that the application site is in a smoke control zone (order no13) and that it is SBC's understanding that where there is a smoke control order in force, any such order would need to be varied to allow for an incineration activity. SBC argue that this raises two questions that SCC will need to consider: *a. Has the County Council considered the implications of this proposal being located within a smoke control zone – in particular is such a proposal appropriate within such a zone?; and b. Whether the need to amend the order is of itself of sufficient significance to add further weight to the inappropriateness?*
- 10 Lastly, in their 20 August 2014 response to consultation as part of the 'Kides' test, SBC highlight that the Surrey Future Congestion Programme 2014 was approved in July 2014, which they note is signed by their Chief Executive Roberto Tambini and County Councillor John Furey Cabinet Member for Transport and Environment. At page 60 (para 2) of this document, SBC note that it recognises the poor air quality in Sunbury and Shepperton and measures are proposed to assist in addressing this. SBC highlight that these are the two communities closest to the Eco Park and argue that the County Council's recognition in this document of the air quality problem and need to expend substantial sums of money to address the existing situation is a further consideration to be weighed in deciding the desirability of progressing this proposal.
- 11 On 23 April 2014, the Department for Environment, Food & Rural Affairs (DEFRA) published 'ENV02 – Air quality statistics' (Air quality statistics in the UK 1987 to 2013). This publication summarised the concentrations of major air pollutants as measured by the Automatic Urban and Rural Network (AURN). This release covers annual average concentrations in the UK of: particulates (PM10) and ozone (O3). The release also covers the number of days when air pollution was 'moderate or higher' for any one of five pollutants listed below: particulates (PM2.5); nitrogen dioxide (NO2); ozone (O3); particulates (PM10); sulphur dioxide (SO2).

Proposed speed limit increase on Charlton Lane

12 County Highway Authority confirmed on 7 August 2014 that:

“Surrey Police has requested that Surrey County Council increase the speed limit of Charlton Lane to 40mph in the immediate vicinity of the Eco Park site. A decision on this has not yet been made and it would need to be subject to public consultation prior to any Traffic Regulation Order being made to amend the speed limit. At this stage, it is a possibility not a certainty... As Surrey Police have requested the change in the speed limit, they must consider that the road is suitable for a 40mph limit as it is with the current levels of traffic generation of the Eco Park site and the current levels of queuing on the public highway. The Eco Park will result in a reduction in HGV generation and increased queuing capacity within the site, which is a net benefit of the proposal. Any future increase in the speed limit would therefore have no impact on the Eco Park.”

Officer’s assessment of the additional points raised

Air Quality

- 13 The County Air Quality Consultant (CAQC) responded on 20 August 2014 to each of SBC’s points stating that in relation to the new air quality information provided: *“...our original review was based on published data readily available at that time. Based on the information provided in the attachment provided, it may be the case that the monitored concentrations are higher in 2013 than in 2012 but inter-annual variation is to be expected. It is not appropriate to base decisions on the results of monitoring in a single year and a more holistic approach is required...Also, we note that eight monitoring sites have been introduced for 2013, of which four measured concentrations in excess of the limit value. Clearly, the concentrations at these locations cannot be compared with earlier years.”*
- 14 The CAQC also advised on 26 August 2014 that there is no specific guidance for describing baseline air quality in the Environmental Impact Assessment Regulations, the National Planning Policy Framework or the National Planning Practice Guidance. Defra’s Local Air Quality Management Technical Guidance (LAQM.TG(09)) and the Environment Agency’s Horizontal Guidance Note 1 (H1) both advocate the use of either representative monitoring data or Defra maps. Neither document refers to the use of most recent monitored data for describing data. Moreover, it has historically been the case that forecast background concentrations have been derived by applying a reduction to current concentrations; however, it is generally accepted that such a reduction is no longer appropriate. Both monitored concentrations and the Defra mapped data were considered in the submitted ES, which is consistent with LAQM.TG(09) and H1. Appendix 13.1, Table 8.3 of the October 2013 Environmental Statement (ES) provides the predicted annual-mean NO₂ Process Contribution (PC) and the ambient concentration (labelled Bg in the table) at each of the monitoring locations. The PC and the Bg have been totalled to give a Predicted Environmental Concentration (PEC) at each location.
- 15 The CAQC advises that if the ambient concentration used in Table 8.3 is compared with the most recent measured concentration provided by Spelthorne Borough Council on 20 August 2014, the measured concentration is higher than the value for Bg used in the ES at the following locations: SP8, SP10, SP21, SP22, SP23, SP34, SP35 and SP36. The highest PC at any of these locations is 0.4% of the Air Quality Strategy objective, i.e. All PCs are well below the 1% threshold above which the impacts cannot be screened out as insignificant.
- 16 Taking the new Spelthorne monitoring locations (where the applicant has not specifically tabulated Bg), the CAQC has additionally examined these in the context of the contour map provided in Appendix 13.1, Figure A.5 of the October 2013 ES. The only monitoring locations within the extents of Figure A.5 are SP55 (1.2 km to the south-east of the

Application Site) and SP50 (1 km to the north of the Application Site). Attached at Appendix F to this Report is an illustration showing the approximate locations of the monitors super-imposed onto Figure A.5. The CAQC advises that Figure A.5 shows that SP50 is located between the $0.1 \mu\text{g.m}^{-3}$ and $0.2 \mu\text{g.m}^{-3}$ contour and SP55 is outside the $0.1 \mu\text{g.m}^{-3}$, i.e. both PCs are well below the 1% (or $0.4 \mu\text{g.m}^{-3}$) threshold above which the impacts cannot be screened out as insignificant. The CAQC therefore advises that consideration of the most recently monitored concentrations does not alter the conclusions of the assessment.

Public Health England Report

- 17 In respect of the Public health England (PHE) Report, the CAQC responded on 20 August 2014 that: *“The PHE report presents a study of the local impacts of long-term exposure to particulate matter on mortality. The conclusion of the report are that current levels of particulate air pollution have a considerable impact on public health and measures to reduce particulate air pollution, or reduce exposure of the population to particulate air pollution, are important public health initiatives. The report did not make any recommendations for changing the EU Limit Values of UK Air Quality objectives for particulate matter. Neither did the report make any recommendations for changing the way that impacts are assessed. As such, the findings of this report produced in the intervening period do not affect the conclusions of the original assessment.”*

Smoke Control Zone 13

- 18 The CAQC responded on 20 August 2014 that the Spelthorne Smoke Control Zone Order (No. 13) dates from 1974 and that consequently, the fact that the application site is a Smoke Control Zone is not a new development that has happened since the decision was made in March 2014. Officers note that the Spelthorne (No. 13) Smoke Control Zone Order 1974 was confirmed by a formal notice published in The London Gazette on 17 June 1977, which advised that the Order came into operation on 1 July 1977. The CAQC notes that the proposed development will be regulated by an Environment Agency Permit, and that Defra’s ‘Environmental Permitting Guidance Statutory Nuisance s79(10) Environmental Protection Act 1990 For the Environmental Permitting (England and Wales) Regulations 2010, Updated February 2011’ states that:

“The Regulations were made under section 2 of the Pollution Prevention and Control Act 1999 (the PPC Act 1999) and are therefore relevant to section 79(10). Section 79(10) sets out the circumstances in which the Secretary of State or Welsh Ministers’ consent is required before a local authority can institute summary proceedings for the specified types of statutory nuisance. Its purpose is to avoid the operator of a regulated facility or exempt waste operation being exposed to regulatory action by both the Environment Agency and the local authority for the same incident, i.e. to avoid ‘double jeopardy’.”

- 19 The CAQC notes that the above-mentioned procedure is designed to avoid the operators of regulated facilities being exposed to action by both the EA and the local authority for the same incident (i.e. to avoid ‘double jeopardy’). As noted at paragraph 313 of the 17 March 2014 P&RC Report, the NPPF states that: *“local planning authorities should focus on whether a development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume these regimes will operate effectively.”* Emissions from thermal waste treatment facilities are checked, by a multilayered regime of monitoring, to ensure releases are in compliance with the limit values.
- 20 The Clean Air Act 1993 gives powers to local councils to control domestic and industrial smoke to improve local air quality and meet EU air quality standards for sulphur dioxide and particulate matter. It also enables local councils to create Smoke Control Areas and order the use of cleaner fuels in these areas. Officers note that the Eco Park would be

regulated by the EA under the Environmental Permitting Regulations 2010, and preventing harm to health and the environment from emissions, including those to air, is the main purpose of the permitting process. Officers do not consider that the necessity arises to amend the Smoke Control Zone Order 13 and note that a permit will only be granted by the EA if the facility can show it is using the Best Available Techniques to control emissions. The EA recently consulted on their draft Environmental Permit and draft decision document for the Charlton Lane Eco-Park (consultation closed on 4 September 2014).

Surrey Future Congestion Programme 2014

- 21 In respect of the Surrey Future Congestion Programme 2014, the CAQC responded on 20 August 2014 that: “...the number of HGV movements is expected to reduce when compared with the existing use and traffic-related pollutant concentrations are predicted to decrease. On that basis, the development is likely to make a positive contribution to reducing congestion.”

DEFRA Report ‘ENV02 – Air quality statistics’

- 22 In response to the DEFRA Report ‘ENV02 – Air quality statistics’, the CAQC advised on 20 August 2014 that this report is a summary of air quality statistics over the period between 1987 and 2013 and is based on the results of monitoring across the UK. The relevant headline points are as follows: 1) Urban background and roadside particulate pollution has shown long-term improvement but remained stable since 2008; 2) There were on average fewer days of moderate or higher pollution at urban pollution monitoring sites in 2013 compared with 2012. There is a long-term decline in days of moderate or higher pollution at urban sites; and 3) There were on average more days of moderate or higher pollution at rural pollution monitoring sites in 2013 compared with 2012, reversing the decrease in the previous year. However, there is a great deal of year-on-year variability and there is no clear long-term trend. The CAQC notes that that the assessment undertaken by the applicant for Charlton Lane considers the results of local monitoring (not UK-wide); however, the findings of the DEFRA report are generally beneficial. On the basis of the CAQC’s comments, it is not considered that this update introduces any change in circumstances that would be material to the decision taken by Members

Speed Limit change

- 23 Officers note the County Highway Authority’s view that any future increase in the speed limit on Charlton Lane would have no impact on the Eco Park.

Other Changes

- 24 17 June 2014, the National Audit Office (NAO) published a report on oversight of three local authority Private Finance Initiative waste contracts by the Department for Environment, Food and Rural Affairs. The report notes that three contracts were entered into by Surrey County Council (i.e. with SITA for the Charlton Lane Eco Park), by Norfolk County Council and, jointly, by Herefordshire Council and Worcestershire County Council. All three projects were noted to have experienced significant delays stemming from a range of problems, including difficulties obtaining planning permission, complex commercial considerations, and opposition from local groups and uncertainty over technology. It was clear from correspondence received by the NAO that there was a lack of clarity over both the facts and figures relating to these three projects, and the roles and responsibilities of the parties involved. The report finds that the Department had given good support and guidance to the local authorities involved, but that the nature of the Department’s funding agreements with Surrey and Herefordshire and Worcestershire, which the Department inherited from predecessor departments, made it

difficult for it to withdraw or amend its financial support to these contracts, even when significant infrastructure had not been delivered as planned.

- 25 The NAO had not sought to conclude on the value for money of the three contracts as these matters are for local authorities' auditors to examine. Nor does it examine the value for money of the overall Waste Infrastructure Delivery Programme managed by the Department. The report sets out the roles and responsibilities of the parties involved in the three contracts and examines those issues over which the Department for Environment, Food and Rural Affairs has direct influence or involvement.
- 26 This NAO report is not considered to introduce any change in circumstances that would be material to the decision taken by Members. As noted in paragraph 113 of the 17 March 2014 Planning & Regulatory Committee Report, whilst the existence of the Surrey Waste Contract is background information, the significance that this Eco Park proposal in terms of the performance of that contract – whether, for example, it results in gains pursuant to the contract (in the event that planning permission is granted), or penalties (if it is not), or other contractual issues arise (whatever the decision on this planning application may be) - is not a material consideration in the determination of this planning application.
- 27 On 31 July 2014, Department for Communities & Local Government (DCLG) consulted on a range of proposals to further improve the planning system, seeking views on proposals to: make it even easier for residents and business to come together to produce a neighbourhood plan; expand permitted development rights; improve engagement with statutory consultees so they are consulted in a proportionate way; raising the environmental impact assessment screening thresholds for industrial estate and urban development projects; and expand the number of non-planning consents which can be included within a development consent order. The County Environmental Assessment Officer advises that the technical consultation on planning (Section 5, pp.74-80, July 2014) proposes changes to the thresholds given in Schedule 2 of the EIA Regulations 2011 for urban development and industrial estate projects, but those changes have no relevance to or bearing on the Eco Park application. This document relates to a consultation, and is not considered to introduce any change in circumstances that would be material to the decision taken by Members.
- 28 On 22 May 2014, DEFRA published Provisional Statistics on waste managed by local authorities in England including October to December 2013. This showed that: the annual rate of recycling of 'waste from households' was 44.2 per cent in 2013 and continues to be stable with just a slight increase from 44.1 per cent in 2012; the quarterly rate of recycling of 'waste from households' reached 42.7 per cent in October to December 2013, increasing from 41.5 per cent in the same quarter in 2012; total 'waste from households' dropped 1.8 per cent to 21.6 million tonnes in 2013 (which amounts to 403 kg per person); and that local authority managed waste to landfill and incineration fell by 5.2 per cent in 2013. The statistics are not considered to introduce any change in circumstances that would be material to the decision taken by Members.

Case law

- 29 On 18 July 2014, the High Court issued a Judgment in respect of *Redhill Aerodrome Ltd v. Secretary of State for Communities & Local Government [2014] EWHC 2476 (Admin)*. Officers note that NPPF paragraph 88 provides that: *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' ('VSC') will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'* (emphasis added). The 18 July 2014 Redhill High Court decision determined that non Green Belt harm is not *'any other harm'* within NPPF paragraph 88 and that this position is changed from PPG2.

- 30 The CPA has attached substantial weight to the harm recognised to result to the Green Belt through the course of its decision-making process including at 17 March 2014. It has also addressed compliance with Green Belt policy by reference to whether VSC 'clearly outweigh' harm to the Green Belt. Officers consider that the VSC referred to at 17 March 2014 are unchanged. The CPA weighed, on the other hand, non Green Belt harm against VSC in the course of its decision at 17 March 2014 (see the discussion at paragraphs 324-333). Officers consider that the removal of non Green Belt harm from the Green Belt planning policy balance, in accordance with NPPF paragraph 88 and *Redhill*, does not amount to a circumstance that suggests that the CPA would have or should now consider that VSC do not clearly outweigh harm to the Green Belt. It is important to note that the matters concerned have been assessed on their individual merits through the CPA's decision-making process and considered not to justify the refusal of planning permission.

Summary of publicity undertaken and key issues raised by public

- 31 Since the 17 March 2014 P&RC Report was published, the CPA has received further representations in response to this application and a 'pro-forma' petition with some 29 signatures. As at 11 September 2014, the CPA has received some 190 total representations to this application. One representation raised the following new points: 'the application is misdescribed as it does not contain '3 new substations' but two substations and a much larger switchroom'; and 'there was an industrial accident at an Anaerobic Digester site in Chittering.' The CPA also received a copy of a resident's email to SCC Councillors, including points made on the EA's draft Environmental Permit (ref EPR/VP3997NK/V005), which was out to consultation until 4 September 2014. Officers have also passed this email to the EA's Permitting team.
- 32 In response to the new points, Officers consider that this application accurately describes the proposal. The Chittering incident referred to occurred during the construction of an AD plant in Cambridgeshire, which the HSE are now investigating. As set out at paragraph 310 of the 17 March P&RC Report, Officers note that as part of the EA Permitting Regime, the Health and Safety Executive (which does not advise against the grant of planning permission) would be consulted to obtain confirmation that the both design of the Eco Park and its future operations would comply with Health and Safety Legislation, including risk of fire and emergency procedures/safety distances. In respect of the points received on the EA's draft Environmental Permit (ref EPR/VP3997NK/V005), Officers note that the NPPF states that planning authorities should assume separate regimes will operate effectively. Officers have read the further representations received, including the comments on the EA's draft Environmental Permit (ref EPR/VP3997NK/V005), and confirm that no new points have been raised additional to those set out in the 17 March 2014 P&RC Report, Update Sheet presented to Members on 17 March 2014 and noted in this report.

Conclusion

- 33 Officers do not consider that any change is warranted to the overall conclusions made in the 17 March 2014 Committee report in light of events since March 2014 (albeit reference to 'other harm' is no longer required following the *Redhill* decision). Paragraph 348 and 349 of the Committee report provided at Appendix B states:

"Notwithstanding the revisions to the Eco Park's technology and design/layout and changes to policy (principally the NPPF 2012), Officers still consider there are a number of factors which together constitute very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness, harm to openness and other harm, and that these justify the grant of planning permission. None of the factors identified in the application can, on its own, be considered to constitute very special circumstances and clearly outweigh the harm referred to above; but in combination they do so.

These factors, which have been considered in detail, are: (1) the continued lack of alternative suitable sites in or outside of the Green Belt; (2) the continued need for the County to increase recycling and recovery capacity to contribute to agreed targets; (3) the close proximity of the site to the arisings of waste; (4) the characteristics and suitability of the site for the scale of waste operation proposed given the length of time that the site has been in waste management; (5) the unique benefits of co-location at Charlton Lane; (6) the wider environmental and economic benefits of sustainable waste management, including the need for a range of sites (though noting possible future changes to Government waste policy as noted in this report); (7) the provision of substantial renewable energy generation capacity and (8) environmental enhancement measures for the adjoining land."

- 34 The proposed conditions found at the end of this report and have been slightly redrafted to those set out in Appendix B, in order to improve their meaning (though remaining unchanged in their substance). The proposed summary reasons and policies may also be found at the bottom of this report and have been updated following the recent above-mentioned *Redhill* decision. The P&RC is asked to resolve that the conditions and summary reasons be approved in substitution for those previously approved. In accordance with the protocol adopted in November 2003, the matter is now referred back to Committee to ensure Members are aware of the new issues that have arisen since the P&RC's resolution in March 2014 to enable them to determine this application in September 2014.

Recommendation

The recommendation is to PERMIT subject to conditions

APPENDICES:

- A - Table considering whether new material considerations have emerged since March 2014;
- B - Officer's report to Committee, Update Sheets and Minutes of the meeting (17 March 2014);
- C - Letter from the Secretary of State (dated 6 August 2014);
- D - 'Kides' Protocol flow chart adopted November 2003;
- E - Air Quality data from Spelthorne Pollution Control;
- F - Approximate locations of new air quality monitors super-imposed onto submitted Figure A.5.

CONDITIONS:

Approved Plans

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Drawing No	Title	Dated
1224 PL-B001 Rev A	Site Plan and Location Plan	September 2013
1224 PL-B002 Rev A	Site Plan Existing	September 2013
1224 PL-B003 Rev B	Site Plan Proposed	September 2013
1224 PL-B004 Rev C	General Arrangement Plan	September 2013
1224 PL-B005 Rev A	Gasification Facility Ground Floor Plan	September 2013
1224 PL-B006 Rev A	Gasification Facility Roof Plan	September 2013
1224 PL-B007 Rev A	Admin & Visitor Centre Floor Plans	September 2013
1224 PL-B008 Rev A	Gasification Facility Elevations North & South	September 2013
1224 PL-B009 Rev A	Gasification Facility Elevations East & West	September 2013
1224 PL-B010 Rev A	AD Ground Floor Plan	September 2013
1224 PL-B011 Rev A	AD Roof Plan	September 2013
1224 PL-B012 Rev A	AD Elevations	September 2013
1224 PL-B013 Rev A	RBF Ground Floor Plan	September 2013

1224 PL-B014 Rev A	RBF Roof Plan	September 2013
1224 PL-B015 Rev A	RBF Elevations	September 2013
1224 PL-B016 Rev A	AD Tank Area Plan & Elevations	September 2013
1224 PL-B017 Rev A	CRC / RBF Office and Amenity Building Plans & Elevations	September 2013
1224 PL-B018 Rev A	Weighbridge Office Plans & Elevations	September 2013
1224 PL-B019 Rev A	CRC Centre Reuse Canopy Plans & Elevations	September 2013
1224 PL-B020 Rev A	CRC Canopy Elevations	September 2013
1224 PL-B021 Rev A	Gasification Facility Building Sections & Site Sections	September 2013
1224 PL-B022 Rev B	Entrance Gates and Signs	September 2013
1007-02-01 Rev A	Landscape Masterplan	September 2013
1007-02-02 Rev A	Site Entrance Landscape Plan	September 2013
1007-02-03 Rev A	Proposed Surface Water Drainage Layout	September 2013
1007-02-04 Rev A	Section Through Proposed Bund	September 2013
1007-02-05 Rev C	Site Entrance Improvement Proposals	September 2013

Commencement

2. The development hereby permitted shall begin before 15 March 2015. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of development.

Restriction of Permitted Development Rights

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification),
 - (a) no buildings, fixed plant or machinery shall be located on the site of the development hereby permitted without the prior submission to and approval in writing by the County Planning Authority of details of their siting, detailed design, specifications and appearance. Such details shall include details of noise emission levels (including tonal characteristics) of any plant or machinery; and
 - (b) no fencing or external lighting other than that hereby permitted shall be erected or installed at the site of the development hereby permitted unless details of them have been submitted to and approved in writing by the County Planning Authority

Hours of Operation

4. No operations or activities authorised or required by this permission in respect of the Community Recycling Centre and Recyclables Bulking Facility shall be carried out except between the following times:

- (a) Community Recycling Centre

Monday to Saturday 0730 to 1800 hours
Sundays and Bank Holidays 0800 to 1700 hours

- (b) Recyclables Bulking Facility

Monday to Saturday 0730 to 1800 hours
Sundays and Bank Holidays 0800 to 1700 hours (when only waste delivered to the Community Recycling Centre will be handled).

There shall be no operations or activities at any time on Christmas Day, Boxing Day and New Year's Day.

This condition shall not prevent Heavy Goods Vehicles for the Recyclables Bulking Facility entering the application site gates from 0700 hours Monday to Saturday.

5. No vehicles either delivering waste or other materials or removing waste from the Gasification plant and Anaerobic Digestion plant hereby permitted, shall enter or leave the site except between the hours of:

(a) Gasification Plant

- Monday to Saturday 0730 to 1800 hours
- Sundays and Bank Holidays 0800 to 1700 hours
- There shall be no deliveries or removals at any time on Christmas Day, Boxing Day and New Year's Day.

(b) Anaerobic Digestion Plant

- Monday to Friday 0730 to 1800 hours
- Saturdays 0730 to 1200 hours
- Bank Holidays 0800 to 1200 hours

There shall be no deliveries or removals at any time from the Anaerobic Digestion Facility on a Sunday.

There shall be no operations or activities at any time on Christmas Day, Boxing Day and New Year's Day.

This condition shall not prevent Heavy Goods Vehicles for the Gasification Facility and Anaerobic Digestion Plant entering the application site gates from 0700 hours Monday to Saturday.

6. Construction work on site shall be carried out only between 0730 to 1730 hours Monday to Friday and 0730 to 1330 hours Saturday; with piling (if approved under Condition 20) and soil moving limited to 0800 to 1700 hours Monday to Friday. There shall be no construction work or restoration activity carried out at any time on a Sunday, Christmas Day, Boxing Day, New Year's Day or Bank Holidays.
7. The Education/Visitors Centre shall not open to members of the public outside the hours 0900 hours to 1730 hours Monday to Saturday and there shall be no opening on Christmas Day, Boxing Day and New Year's Day. These permitted hours of opening shall not apply to meetings of the Charlton Lane Eco-Park Community Liaison Group

Lighting

8. The Lighting Scheme shall be implemented strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 20 August 2013 under reference SP10/00947/SCD13

Construction Environmental Management Plan (CEMP)

9. Construction of the development hereby permitted, including the demolition of the existing buildings, shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The CEMP shall include details of:
- a) the programme of works;

- b) arrangements for liaison between contractors, the highway authority, local residents and other interested persons including the constitution of the liaison committee, its terms of reference and frequency of meetings of any liaison panel;
- c) measures for the control of noise and vibration, air quality and dust during construction;
- d) measures to minimise risks to the hydrogeology of the site by virtue of ground and earthworks (to include details of piling [subject to the requirements of Condition 20], service installation, foundation construction and dewatering);
- e) measures for minimising risks of pollution during construction;
- f) siting of any construction compounds or lay down areas;
- g) the number, type and size of vehicles associated with each stage of construction including any abnormal loads;
- h) daily HGV arrivals and departures for each stage of construction with routing details;
- i) construction and demolition operating and delivery hours;
- j) vehicle access and on-site parking and manoeuvring;
- k) loading and unloading of plant and materials;
- l) construction traffic routing including measures to prevent HGVs accessing the site through Charlton Village;
- m) storage of plant and materials;
- n) measures to prevent materials from being deposited on the public highway;
- o) management of traffic entering and leaving the Community Recycling Centre including measures to avoid conflict with construction traffic or activities; and
- p) measures to prevent vehicles parking up outside the site before the entrance gates to it are open;
- q) arrangements for the prior notification in writing to the residents of Ivydene Cottage of: emergency shut down testing procedures during commissioning; and steam vent testing during commissioning and regular testing during the operational period;
- r) a method statement for the protection of trees along the northwest boundary during the construction of the amended internal access road; and
- s) protection of boundary vegetation at southern boundary of the site during the construction of the 3 new electricity substations and their enclosures.

The CEMP shall be implemented strictly in accordance with the approved details.

Highways, Traffic and Access

10. The development hereby permitted shall handle no more than 141,870 tonnes of waste per annum, of which no more than 42,750 tonnes per annum shall be handled by the

Recyclables Bulking Facility. The operator shall maintain records of the tonnage of waste delivered to the site and the Recyclables Bulking Facility and shall make these records available to the County Planning Authority at any time upon request

11. The modified access to Charlton Lane shall be maintained in accordance with the detailed specification (including keeping visibility splays permanently clear of any obstruction above 600mm) approved in writing by the County Planning Authority by notice dated 2 October 2013 under reference SP10/00947/SCD15.
12. The development hereby permitted, including the demolition of the existing buildings, shall not commence unless the internal access roads, parking, loading and unloading areas for the Community Recycling Centre have been constructed as shown on Drawing No 1224 PL-B004 Rev C dated September 2013; and those roads and other areas shall be permanently maintained for the purposes shown on that drawing.
13. Prior to commencement of the internal fit out of the gasification and anaerobic digestion plants hereby permitted, the remaining internal access roads, parking, loading and unloading areas, shall be constructed as shown on Drawing No 1224 PL-B004 Rev C dated September 2013; and those roads and other areas shall be permanently maintained for the purposes shown on that drawing
14. Prior to commissioning of the gasification and anaerobic digestion plants hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the County Planning Authority. The Parking Management Plan shall include measures to prevent the parking of vehicles:
 - a) at the entrance and exit to the site;
 - b) on the access roads; and
 - c) at the access to the scout hut.

The Parking Management Plan shall be implemented strictly in accordance with the approved details.
15. The Bulk HGV Routeing Strategy (including measures to prevent HGVs contracted to the site operator from travelling through Charlton Village) shall be implemented and maintained strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 10 June 2013 under reference SP10/0947/SCD11.
16. Prior to the commissioning of the gasification and anaerobic digestion plants and use of the education and visitors centre, the operator shall implement the Travel Plan dated 4 October 2010 (ref APB / 1007-01-05c, contained in Appendix TS4 to the Transportation Assessment forming part of the application hereby approved) strictly in accordance with the details hereby approved; and the approved details shall be permanently maintained and enforced thereafter.

Contamination

17. The remediation scheme to deal with the risks associated with contamination of the site shall be implemented strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 5 December 2013 under reference SP10/00947/SCD6.
18. The construction of the surface water drainage basin shown on Drawing No. 1007-02-03 Rev A dated September 2013 shall not commence unless the County Planning Authority has confirmed in writing that the verification plan referred to under Condition 17 has demonstrated that remediation has been undertaken to appropriate standards.

19. If, during the course of the development hereby permitted, contamination not previously identified is found to be present on the application site then no further development, shall be carried out until an amendment to the remediation strategy (required by Condition 17 above) detailing how the unsuspected contamination shall be dealt with, is submitted to and approved in writing by the County Planning Authority and thereafter the development shall be implemented in accordance with the approved scheme.

Groundwater Protection

20. No piling using penetrative methods shall be carried out at the site, other than following the submission and written approval of a piling risk assessment. Such an assessment should demonstrate that the construction of the development would not mobilise existing contamination or create new pathways with risk to groundwater. The development shall be carried out strictly in accordance with any details subsequently approved in writing by the County Planning Authority.

Surface Water

21. Prior to the commencement of development, a scheme for the implementation, maintenance and management of a sustainable water drainage system (based on an assessment of the hydrological and hydrogeological context of the development and the requirements of the NPPF and its Practice Guidance) shall be submitted to and approved in writing by the County Planning Authority. The scheme shall take into account the remediation strategy options proposed in compliance with Condition 17 and include details of:
- the final drainage layout, the infiltration basin as detailed on the section shown on Drawing No. 1007-02-03 Rev A dated September 2013 and any pumping locations and surface water storage locations in the event of pump failure;
 - all proposed infiltration devices;
 - full calculations to demonstrate that the proposed drainage system will not increase flood risk and surface water runoff rates and volumes off site up to and including the 1 in 100 year flood event including an allowance for climate change;
 - pollution prevention methods which shall be incorporated into the drainage system (to include petrol/oil interceptors fitted in all car parking/washing/repair facilities); and
 - the management and maintenance regime of the drainage system.

The system shall be implemented and thereafter managed and maintained in accordance with the approved details.

22. The development hereby permitted shall be constructed to ensure that infiltration of surface water at the application site takes place only in those locations approved in accordance with schemes approved in writing pursuant to Conditions 17 and 21 above.

Noise

23. The acoustic fence constructed along the western and northern boundary of Ivydene Cottage shall be permanently retained and maintained in good condition in accordance with the details approved in writing by the County Planning Authority by notice dated 16 May 2013 under reference SP10/00947/SCD1.
24. The level of noise emitted from the site during construction shall not exceed 70 LAeq during any 30 minute period between 0800 to 1700 hours Monday to Friday and 0830 to 1300 hours on a Saturday measured at, or recalculated as at, a height of 1.2 m above ground level and 3.5 m from the façade of any residential property or other noise sensitive building that faces the site. Construction noise at any other permitted time shall not, so measured, exceed 60 LAeq during any 30 minute period.

- 25. Use of the gasification plant HGV turning and reversing space shall not commence unless the 5 metre high acoustic fence has been constructed as shown in accordance with Drawing No. 1224 PL-B022 Rev B dated September 2013 using close-boarded fencing or a similar solid screen having a minimum mass of 15kg/m²; and that fence shall be retained permanently and maintained thereafter.
- 26. Site attributable noise levels shall not, when measured at, or recalculated as at, a height of 1.2 m and at least 3.5 m from the façade (or the nearest equivalent location) of any noise sensitive property at the locations referred to in Table 1 below exceed the values shown in columns 1 and 2 for the weekday and weekend working hours shown; and they shall not when measured at, or recalculated as at, a height of 4 m and at least 3.5 m from the façade (or the nearest equivalent location) of any noise sensitive property at the locations referred to in Table 1 below exceed the values shown in column 3 during the evening and night time).

Table 1 – Daytime, Evening and Night time Noise Limits

	1	2	3
Location	Weekday 0700 – 1830 LAeq, 30 min LAeq, 30 min	Weekday 0700 – 1830 LAeq, 30 min LAeq, 30 min	Evening and night noise limits all days LAeq, 30 min
Hawthorn Way	55	52	34
Ivydene Cottage	55	53	32
Charlton Road	55	53	33

- 27. The evening and night (as in Table 1 above) site attributable noise levels when measured at, or recalculated as at, a height of 4 m and at least 3.5 m from the façade of any of the noise sensitive property at the locations referred to in Table 2 below shall not exceed the values shown in Table 2. For the one-third octave limits up to 8 frequencies may be exceeded by up to 4 dB logarithmically averaged over any 30 minute period without breaching this condition. For site generated noise only, if the level of a one-third octave band exceeds the level of the adjacent bands by 4 dB or more, the level of that one-third octave band must comply with the limit value in Table 2 for the corresponding one-third octave band.

Table 2 – Evening and Night time Noise Limit

1/3 octave centre	25	32	40	50	63	80	100	125	160
Hawthorn Way	59.3	58.2	56.8	54.6	53.7	51.5	50.2	49.2	45.9
Ivydene Cottage	53.5	50.3	51.2	52	51.5	47.7	43.3	43.2	43.6
Charlton Road	60.2	58.2	56.9	53.7	50.4	49.3	48.1	47.2	46.6

1/3 octave centre	200	250	315	400	500	630	800	1k	1k25
Hawthorn Way	44.4	40.5	39.3	38.1	38.2	41.9	41.6	41.1	37.3
Ivydene Cottage	43.5	42.2	42	42.3	43.2	43.4	42.3	40.2	40
Charlton Road	44.2	43.5	41.3	41.6	40.2	38.7	39.3	40.7	39.6

1/3 octave centre frequency	1k6	2k	2k5	3k15	4k	5k	6k3	8k
Hawthorn Way	38.1	37.5	34.6	32.7	32.1	27.2	24.6	22.4
Ivydene Cottage	39.5	36.5	36	34.9	34.2	29.3	26	22.8
Charlton Road	39.1	34.8	33.7	32.4	30.4	28.1	24.8	21.2

- 28. Any vent used to discharge surplus steam shall be fitted with a silencer, which will reduce noise levels to the equivalent of 75 dBA at 1 metre from the closest part of the

steam vent. In the case of an emergency shutdown requiring the emergency discharge of steam, any vent should be fitted with a silencer which will reduce noise levels to the equivalent of 112 dBA at 1 metre from the closest part of the steam vent. Details of these silencers shall be submitted to and approved in writing by the County Planning Authority prior to their installation

Ecology

29. No removal or cutting of vegetation including trees and shrubs shall be carried out between 1 March and 31 August inclusive in any year, with the exception of previously netted trees, details of which to be provided to the County Planning Authority prior to the any work being carried out.
30. The provision of bird nest boxes (including the timing of their installation and future maintenance) shall be carried out strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 1 May 2013 under reference SP10/00947/SCD7.

Airport Safeguarding

31. The Bird Hazard Management Plan (including details of the management of any flat or shallow pitched roofs of buildings on site that may be attractive to nesting, roosting and loafing birds and to comply with Advice Note 8 'Potential Bird Hazards from Building Design') shall be implemented strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 1 May 2013 under reference SP10/00947/SCD4.
32. All soft and water landscaping works shall be carried out strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 1 May 2013 under reference SP10/00947/SCD8.

Restriction of Activities

33. No waste shall be deposited or stored at the site except within the designated areas of the gasification plant, anaerobic digestion plant, bale storage building and within the covered bay areas for the bale storage building and community recycling centre as shown on Drawing No. 1224 PL-B004 Rev C dated September 2013.
34. No mobile plant shall be used outside the gasification and anaerobic digestion buildings between 1800 hours and 0700 hours.

Building Details (materials)

35. The development shall be carried out strictly in accordance with the approved details of external materials (including their colours) of each of the buildings and the stack approved in writing by the County Planning Authority by notice dated 4 September 2013 under reference SP10/00947/SCD12.

Dust and Odour Management Plan

36. Development shall not commence unless a Dust and Odour Management Plan has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented strictly in accordance with the approved details, which shall be maintained and enforced permanently thereafter.

Rights of Way

- 37. Works on the definitive route of Public Footpath 70 Sunbury shall not commence unless a Diversion Order has come into effect and the footpath diverted in accordance with the alignment shown on Drawing No 1007-02-01 Rev A dated September 2013. The footpath shall be laid out and retained with a width of 2 metres, with an unbound surface with a minimum width of 1.8 metres (Type 1 aggregate) incorporating a camber to shed water. Details of the material to be used and specification are to be submitted to and approved in writing by the County Planning Authority before works to divert the footpath commence; and the works shall be carried out and retained in accordance with the approved details.
- 38. Safe public access to Public Footpath 70 Sunbury across the site shall be maintained at all times; and there shall be no obstructions to it (including obstructions from vehicles, plant and machinery or storage of materials and/or chemicals) at any time.
- 39. Prior to the construction of the new footpath link shown on Drawing No 1007-02-01 Rev A dated September 2013, details of works (to include low level fencing and reed bed protection) to provide for the separation of the infiltration basin shown also therein shall be submitted to and approved in writing by the County Planning Authority; and those works shall be carried out, maintained and retained in accordance with the approved details.

Soils

- 40. Works within the Environmental Enhancement Area shall be carried out strictly in accordance with the details of a survey of soils approved in writing by the County Planning Authority by notice dated 1 May 2013 under reference SP10/00947/SCD9.

Landscaping

- 41. No trees, bushes and hedgerows retained on the site shall be cut down, uprooted or destroyed, and no trees retained shall be topped or lopped other than in accordance with plans and particulars submitted to and approved in writing by the County Planning Authority. If any retained tree is removed, uprooted, destroyed or dies within 5 years from the date of this permission, another tree shall be planted at the same place; and that tree shall be of such size and species, and shall be planted at such time, as shall be agreed in writing by the County Planning Authority

Landscape & Ecology Management Plan

- 42. The development hereby permitted shall not commence unless details of mature tree planting incorporated into an enhanced Landscape and Ecology Management Plan have been submitted to and approved in writing by the County Planning Authority. Thereafter, the Landscape and Ecology Management Plan in accordance with the provisions set out on the Landscape Masterplan Drawing No 1007-02-01 Rev A dated September 2013 covering a period of 25 years (and providing for 5 yearly reviews) shall be carried out strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 16 May 2013 under reference SP10/00947/SCD3, in addition to the details of mature tree planting to be approved in writing by the County Planning Authority prior to the commencement of development.

Archaeology

- 43. The development shall be implemented strictly in accordance with the details of the programme of archaeological work set out in the Written Scheme of Investigation approved in writing by the County Planning Authority by notice dated 30 April 2013 under reference SP10/00947/SCD5.

Energy Recovery

44. The electricity generating plant to be installed in association with the Gasification plant and Anaerobic Digestion plant hereby permitted and the photovoltaic cells whose installation is also hereby permitted shall have a combined generating design capacity of not less than 5.586 MW.
45. Prior to the gasification plant becoming operational a study detailing the feasibility and commercial viability of exporting heat from the gasification plant for use by local domestic, commercial and/or industrial users (together with the demand for such heat) shall be submitted to and approved in writing by the County Planning Authority. If at the time the Gasification Plant becomes operational the study concludes that exporting heat from the plant is not feasible or commercially viable, then a timetable for the review of the study shall be agreed in writing with the County Planning Authority. Pass out valves should be provided and maintained at appropriate heat off-take points as described at paragraph 5.8.9 of the 2010 Environmental Statement Volume 1: Main Report.
46. Following the completion of commissioning, no waste shall be treated by either the Gasification plant or Anaerobic Digestion plant unless:
- (i) the electrical power is used to power the development hereby permitted itself; and
 - (ii) the electricity cable link from the Gasification plant and Anaerobic Digestion plant to the National Electricity Grid has been constructed and is capable of transmitting all the electrical power produced by the Gasification plant and Anaerobic Digestion plant facility which is not used to power the development hereby permitted itself.

Thereafter, no waste shall be treated by either the Gasification plant or Anaerobic Digestion plant unless electrical power is being generated except during periods:

- of maintenance or repair of the electricity generating plant; or
- where the operator of the National Electricity Grid is unwilling or unable to receive energy from the development hereby permitted.

REASONS FOR IMPOSING CONDITIONS:

1. To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development so as to minimise its impact on the amenities of the local area and local environment in accordance with the terms of the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policies DC3 and Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy).
2. To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (the 1990 Act) as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and in accordance with Section 73(5) of the 1990 Act and to enable the County Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.
3. To enable the County Planning Authority to exercise control over the development hereby permitted and comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and in accordance with the National Planning Policy Framework 2012; and Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) and the Key Development Criteria for Charlton Lane relating to Green Belt.
4. To enable the County Planning Authority to exercise control over the development hereby permitted and protect the amenities of local residents in accordance with Surrey Waste Plan 2008 Policy DC3.

5. To enable the County Planning Authority to exercise control over the development hereby permitted and protect the amenities of local residents in accordance with Surrey Waste Plan 2008 Policy DC3.
6. To enable the County Planning Authority to exercise control over the development hereby permitted and protect the amenities of local residents in accordance with Surrey Waste Plan 2008 Policy DC3.
7. To enable the County Planning Authority to exercise control over the development hereby permitted and protect the amenities of local residents in accordance with Surrey Waste Plan 2008 Policy DC3.
8. To protect the visual amenities of the locality to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN13.
9. In the interest of the local environment and amenity and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to prevent the pollution of groundwater to comply with the NPPF 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policies CC1 and EN11 and the Key Development Criteria for Charlton Lane relating to access to site.
10. To ensure that the amount of waste treated at the site does not exceed the level upon which the transportation impact was assessed to comply with Surrey Waste Plan 2008 Policy DC3.
11. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users to comply with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to access to site.
12. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users to comply with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy CC3 and the Key Development Criteria for Charlton Lane relating to access to site.
13. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users to comply with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy CC3 and the Key Development Criteria for Charlton Lane relating to access to site.
14. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users to comply with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy CC3 and the Key Development Criteria for Charlton Lane relating to access to site.
15. To reduce the environmental impact of the passage of heavy goods vehicles accessing the site on the residents of Charlton Village to comply with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to prevention of access through Charlton Village.
16. To reduce the environmental impact of the passage of heavy goods vehicles accessing the site to comply with the National Planning Policy Framework 2012; Surrey Waste Plan

2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policies SP7 and CC2 and the Key Development Criteria for Charlton Lane relating to access to site.

17. To ensure that the development poses no risk to groundwater as a result of it being sited on historically contaminated land to accord with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN15.
18. To ensure that the proposed infiltration basin does not pose a risk to controlled waters, in accordance with the National Planning Policy Framework 2012 and Surrey Waste Plan 2008 Policy DC3.
19. To prevent pollution of the environment with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN15.
20. To ensure that piling would not present an unacceptable risk to groundwater as parts of the site may be on historically contaminated land and to accord with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN15.
21. To ensure that the surface water drainage system complies with the requirements of the National Planning Policy Framework 2012 and its Practice Guidance, such that the rates and volume of run-off from extreme events can be attenuated on site and do not cause flood flows to increase above the natural conditions prior to development and to ensure that the techniques proposed can function appropriately and does not pose a pollution risk to controlled waters in accordance the National Planning Policy Framework 2012, Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to flood risk.
22. To ensure that the surface water drainage system complies with the requirements of the National Planning Policy Framework 2012 and its Practice Guidance, such that the rates and volume of run-off from extreme events can be attenuated on site and do not cause flood flows to increase above the natural conditions prior to development and to ensure that the techniques proposed can function appropriately and does not pose a pollution risk to controlled waters in accordance the National Planning Policy Framework 2012, Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to flood risk.
23. To ensure the minimum disturbance and protect the amenities of the residents of Ivydene Cottage and to accord with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 and EN11.
24. To ensure the minimum disturbance and to avoid nuisance to the locality to comply Surrey Waste Plan 2008 Policy DC3 Spelthorne Core Strategy and Policies DPD 2009 Policy EN11.
25. To protect the amenities of local residents in accordance with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN11.
26. To ensure the minimum disturbance and to avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN11.
27. To ensure the minimum disturbance and to avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN11.

- 28. To ensure the minimum disturbance and to avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN11.
- 29. To ensure that breeding birds are not disturbed by the removal of habitat in accordance with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies and DPD 2009 Policy EN8.
- 30. The proposal will lead to a loss of scrub habitat important for nesting birds. The provision of nest boxes will compensate for the loss of this habitat until the replacement scrub becomes established to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN8.
- 31. To minimise the attractiveness of the site to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport to accord with Surrey Waste Plan 2008 Policy DC3 and Circular 01/03.
- 32. To avoid endangering the safe movement of aircraft and the operation of Heathrow Airport through the attraction of birds and an increase in the bird hazard risk of the site to accord with Surrey Waste Plan 2008 Policy DC3 and Circular 01/03.
- 33. To comply with the terms of the application and in the interests of the local environment and amenity and to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Borough Local Plan 2001 Policy BG1 (saved policy) and the Key Development Criteria for Charlton Lane relating to Green Belt.
- 34. To comply with the terms of the application and in the interests of the local amenity and to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy E11.
- 35. To protect the visual amenities of the locality to comply with Surrey Waste Plan 2008 Policy DC3; Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 and EN8 and the Key Development Criteria for Charlton Lane relating to visual impact.
- 36. To enable the County Planning Authority to exercise control over the development and in the interests of the local environment and amenity in accordance with the National Planning Policy Framework 2012, Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to air quality.
- 37. To protect the route of the public footpath and the amenities of the users and comply with Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to the footpath.
- 38. To protect users of the footpath and comply with Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to the footpath.
- 39. To protect users of the footpath and comply with Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to the footpath.
- 40. To comply with the terms of the application and to ensure that environmental enhancement is successful in accordance with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policies SP6 and EN8 and the Key Development Criteria for Charlton Lane relating to visual amenity.
- 41. To comply with Section 197 of the Town and Country Planning Act 1990, in the interests of visual amenity and to assist in absorbing the site into the local landscape to comply with Surrey Waste Plan 2008 Policy DC3; Spelthorne Borough Local Plan 2001 Policy

GB1 (saved policy) and Spelthorne Core Strategy and Policies DPD 2009 Policy EN8 and the Key Development Criteria for Charlton Lane relating to visual amenity and Green Belt.

42. To enhance nature conservation interest and assist in absorbing the site into the local landscape to accord with the NPPF 2012; Surrey Waste Plan 2008 Policy DC3; Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 and EN8 and the Key Development Criteria for Charlton Lane relating to visual amenity and Green Belt.
43. To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide on any action required for the preservation or recording of such remains in accordance with the terms of Surrey Waste Plan 2008 Policy DC3 and Spelthorne Borough Local Plan 2001 Policy BE26 (saved policy).
44. To ensure that the development hereby permitted has capacity to contribute to the UK Government's target to source up to 15% of energy from renewable sources by 2020 in accordance with the planning application and to comply with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy WD5 criterion ii and Spelthorne Core Strategy and Policies DPD 2009 Policy EN1.
45. To enable the re-use of waste heat in accordance with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy WD5 criterion ii and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 and SP7.
46. To ensure that no waste is treated by either the Gasification Plant or Anaerobic Digestion facility unless the electricity generated is used either within the Eco Park or exported to the National Grid in accordance with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy WD5 criterion ii and Spelthorne Core Strategy and Policies DPD 2009 Policy EN1.

INFORMATIVE(S):

1. The applicant's attention is drawn to the information and advice contained in BAA Airports letter dated 12 January 2011 in relation to Bird Hazard Management Plans and water posing a potential bird attractant.
2. Pollution Prevention Guidelines will be appropriate for this site and the discharge of a number of planning conditions. Please check www.netregs.gov.uk for further information.
3. An Environmental Permit will be required for this site under the Environmental Permitting (England and Wales) Regulations 2010 (as amended).
4. A pedestrian inter-visibility splay of 2 metres (m) by 2 metres (m) shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6 m and 2 m in height above ground levels shall be erected within the area of such splays.
5. Thames Water will aim to provide customers with a minimum pressure of 10 m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The applicant should take account of this minimum pressure in the design of the proposed development.
6. Where it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not

permitted for the removal of groundwater. Where the applicant proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

7. A Trade Effluent Consent will be required for an effluent discharge other than a 'domestic discharge'. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London SE2 9AQ. Telephone 020 8507 4321
8. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
9. Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

Reasons for the grant of planning permission and development plan policies/proposals relevant to the decision.

The applicant proposed minor material amendments to planning permission ref SP10/0947 dated 15 March 2012 for the development of a waste management Eco Park. An assessment was made of the amendments proposed and changes in circumstances since the previous approval.

Planning and Waste Management Issues. There remains a need for further waste management capacity within the county to handle Surrey's waste in a more sustainable manner by facilitating recycling, compositing and energy recovery – including the treatment of waste further up the waste hierarchy - and thereby both manage waste more locally and divert waste from landfill. Whilst the implementation of permanent planning permission for the community recycling facility, materials recycling facility and waste transfer station at the Charlton Lane site has secured the planning status of those facilities, the Eco Park will provide recycling / recovery capacity and landfill diversion that will contribute to meeting EU and national government waste policy objectives and targets - and the objectives and targets of the revised Joint Municipal Waste Management Strategy for Surrey. There is a lack of non-Green Belt sites to meet this need. The Eco Park accords with Waste Strategy 2007 and Planning Policy Statement 10, which together provide the waste planning framework in England that satisfies the relevant EU Directives. It also accords with the Government Review of Waste Policy in England 2011.

The Surrey Waste Local Plan 2008 ('**SWP 2008**') continues to provide the local development plan policy focussed on waste, and is considered to be consistent with the National Policy Framework 2012 ('**NPPF**'). Focussing on the Charlton Lane site in the context of SWP 2008, the great majority of the site of the built development comprising the Eco Park is within the area of land shown to be allocated, by SWP 2008 Policies WD1 and WD2, for 'the improvement or extension of existing civic amenity sites' and 'recycling, storage, transfer, materials recovery and processing facilities (excluding thermal treatment)'. This allocation is subject to the provisos in each case that the development proposed meets the key development criteria ('**the KDC**') set out in the Plan and demonstration of very special circumstances in accordance with SWP 2008 Policy CW6. The Charlton Lane site is also allocated, by SWP 2008 Policy WD5, for 'thermal treatment facilities'. This further allocation is subject to the same provisos and the additional requirements that (i) the waste to be treated cannot practically and reasonably be reused, recycled or processed to recover materials and (ii) provision is made for energy recovery. The gasification plant meets those additional requirements and the Eco Park considered as a whole satisfies the provisos to each of these policies. Those parts of the Eco Park that lie outside the

indicative boundary of the allocation do not bring the development into conflict with SWP 2008 Policy CW5.

The Eco Park will make a significant contribution to net self-sufficiency within Surrey, will enable waste to be managed in one of the nearest appropriate installations (the Eco Park is well-related to the source of waste arisings it is to treat) and - subject also to the grant of an environmental permit by the Environment Agency ('the EA') - by means of the most appropriate methods and technologies. The co-location of facilities will further assist Surrey to achieve its ambitious recycling targets. SWP 2008 Policy CW4 supports the grant of planning permission for the Eco Park.

Renewable Energy and Climate Change. The Eco Park will make a significant contribution towards the UK's binding target under the Renewable Energy Directive (reflected in its Renewable Energy Strategy) to source up to 15% of energy from renewable sources by 2020 by providing a potential combined generating capacity of up to 5.586MW of electricity, the greater part of the electricity generated to be exported to the local electricity distribution network. It will result in substantial savings of carbon dioxide per year compared with the continued landfill of residual waste; and options for the reduction of carbon dioxide associated with the Eco Park (renewable energy and energy efficiency options) have been investigated, resulting in the installation of photovoltaics. The Eco Park is in accordance with development plan policy relevant to renewable energy and climate change in the NPPF, SWP 2008 and Spelthorne Core Strategy and Policies DPD 2009 ('**Spelthorne Core Strategy**').

Highways Traffic and Access. The local highway network in the vicinity of the site is considered suitable in terms of highway capacity and safety for the amount and type of traffic to be generated. The permitted revisions to the site access and access and parking arrangements within the site are assessed to address the issue of queuing on the public highway and to be satisfactory. The requirements the vehicle routing strategy will minimise the impact of HGV traffic on Charlton Village. A Construction Environmental Management Plan ('**CEMP**') and Travel Plan will mitigate the impact of construction traffic and support sustainable transport to the site thereafter. This is a suitable location for the sources of waste to be treated; and development of the Eco Park will result in substantial savings in HGV kms travelled in association with waste management. The development complies with the NPPF and relevant development plan policy in the SWP 2008 (including the KDC) and Spelthorne Core Strategy.

Environmental and Amenity Issues.

Air quality, dust and odour. Emissions from the plant will be regulated in accordance with an environmental permit to be issued by the EA; and a permit will not be granted unless the EA is satisfied that emissions from the anaerobic digestion and gasification plants will comply with the Waste Incineration Directive. The Council has no reason to dispute the EA's advice to the effect that there is no basis upon which it should have refused planning permission for the Eco Park on air quality grounds. The anaerobic digestion and gasification plant reception buildings will operate under negative pressure; the gasification building will contain a dust suppression system; the anaerobic digestion plant includes an odour control facility to be regulated by the EA; and detailed flue gas dispersion modelling predict odour levels at nearby sensitive receptors well below the EA's most stringent Odour Exposure Standard. Although fugitive emissions, i.e. dust or odour not emitted via vents or stacks, are predicted to produce no significant effects, a Dust and Odour Management Plan will be secured by condition. Traffic emissions will reduce compared with continued operation of the existing facility. The advice from the EA and NHS indicates that there is no basis upon the Council should have refused planning permission on grounds of impact on human health. The Eco Park complies with the NPPF and development plan policy relevant to air quality, dust and odour in the SWP 2008 (including the KDC) and Spelthorne Core Strategy.

Landscape and visual amenity The applicant undertook a visual impact assessment as required by SWP 2008 KDC. Whilst of much larger scale, the design of the Eco Park (particularly the gasification building) incorporates a much higher standard of design than that of the existing

buildings on site. The requirement for a high standard of design for both built development and site layout, including landscaping, has been met (SWP 2008 KDC refers). The quality of finishes reflects the applicant's response to CABE's earlier challenge to provide a 'celebratory' aspect to the design scheme, given that it will be the focus of innovative/modern waste management technology and learning through the visitor/education centre. The Council has considered whether the visual impact of the development as a whole is in breach of development plan policy. There will not be compliance with development plan policy during the construction phase, when large areas of existing peripheral planting will be removed. The 49-metre stack and gasification building will create a permanent significant feature in the wider landscape and have particular visual impacts on Ivydene Cottage and properties to the east in Upper Halliford. With regards to visual impact on properties in Charlton Village to the northwest, intervening screening will effectively filter views of the stack and gasification building. The Environmental Enhancement Area ('EEA') will secure appropriate mitigation to both compensate for loss of landscape features and minimise visual impacts in the wider landscape setting and the improvements permitted may be beneficial in light of the Landscape and Ecology Management Plan ('LEMP'), secured by condition. It is not considered, on balance, that the Eco Park's landscape and visual impacts viewed as a whole are in breach of the NPPF or relevant development plan policy the SWP 2008 (including the KDC in respect of the footpath and visual amenity), Surrey Minerals Plan Core Strategy DPD 2011 and Spelthorne Core Strategy.

Noise and vibration. The applicant proposed that the best practical means should be employed to control noise during construction; and the Council agreed that adequate mitigation will be achieved during this phase by means of the CEMP, secured by condition. The acoustic fence around Ivydene Cottage is to be permanently maintained and this fence (3m high along the western boundary and 4m high along the northern boundary) (50 metres from rear first floor habitable windows) is considered to provide a successful compromise, attenuating noise impacts to acceptable levels whilst protecting visual amenities. Predicted levels of industrial noise confirmed no significant effects at Ivydene Cottage or elsewhere. Calculations of the impact of road traffic noise also showed no significant increase at selected receptor positions and no further mitigation is therefore proposed. However, testing of the emergency shut-down procedures during the commissioning phase and any steam venting/emergency shut-down whilst the plant is operational will cause high noise levels and mitigation measures are to be secured in respect of these by condition. No significant effects are anticipated arising from ground borne vibration from operations at the site, although a short-term temporary effect may be experienced during construction of the internal access road construction. The Eco Park is in accordance, in this context, with the NPPF, SWP 2008 and Spelthorne Core Strategy.

Surface water and flooding. A flood risk assessment has been undertaken in accordance with SWP 2008 KDC. The Eco Park will be constructed within Flood Zone 1 (a low probability area); and it is not anticipated that it will give rise to adverse impacts in terms of surface water or flooding. The development is therefore in accordance with the NPPF and its Practice Guidance and relevant policy in the SWP 2008 and Spelthorne Core Strategy (including the 2012 Flooding SPD).

Geology, soils and groundwater. Site investigations identified potential sources of contamination of low to moderate significance and confirmed that conditions would secure any further works necessary. No adverse impacts are anticipated in terms of geology, soils and hydrology and the development accords with the NPPF and its Practice Guidance and relevant policy in the SWP 2008 and Spelthorne Core Strategy.

Ecology and nature conservation. SWP 2008 KDC indicates that it was likely that Appropriate Assessment should be required; but Natural England agreed that this was not so in relation to the proposed Eco Park. No protected species issues arose in relation to the proposed Eco Park. Habitats within and around the site are mostly of relatively recent origin; and the exception is of plantation origin with a high proportion of non-native species in the canopy. Some of the more recently established habitats have developed a local value for nature conservation. The local open space around the development supports few features of significant ecological interest, and is relatively isolated by transport corridors from interest features in the wider ecological context.

The development addresses any impacts on ecological interest features during construction and operation with appropriately-targeted mitigation measures secured by condition. Sensitive ecological receptors remote from the site (potentially vulnerable to impacts from atmospheric deposition, noise or water pollution) were considered, and no significant impacts predicted on any European or UK statutory designated sites. A key component of the Eco Park is the EEA and approval of the LEMP, which is to last 25 years. Management of the EEA in accordance with the LEMP will result in new habitats and enhance conservation and biodiversity interests and value. The Eco Park complies with the NPPF and relevant policy in the SWP 2008 and Spelthorne Core Strategy.

Lighting. A full scheme of lighting design details was previously submitted; and no objection to the proposal arises subject to the imposition of a condition to secure a detailed lighting scheme (to include provision for the adjustment or shielding of lighting within the first year of operation). Subject to the implementation of an approved lighting scheme, the proposed development will comply with the NPPF, SWP 2008 and Spelthorne Core Strategy.

Archaeology and cultural heritage. The possibility of archaeological deposits across the site is assessed to be limited; and the approved programme of archaeological work in accordance with the approved scheme of investigation is considered to be a sufficient safeguard. Although a number of cultural assets will experience a minor effect on their setting from the gasification building and 49 metres stack, such effects will not result in significant residual impacts. The Eco Park is in accordance with the NPPF and relevant policy in SWP 2008 and Spelthorne Borough Local Plan.

Cumulative effects. A number of projects within 5km were identified and these have been considered and significant cumulative environmental effects are unlikely to result from the construction and operation of the Eco Park due to the nature of the likely effects of these developments and their spatial separation from Charlton Lane

Other Issues. The Council has had due regard to but did not consider that substantial weight should attach to concerns arising from perceived risk to human health or the choice of technology. The Council did not consider that the Eco Park would have unacceptable health and safety impacts. Neither did it consider that substantial weight attached to socio-economic factors, including increased employment.

Green Belt. The Eco Park remains inappropriate development in the Green Belt and is therefore harmful to it by definition; and Government places substantial importance on the protection of the Green Belt from the effects of inappropriate development. It will also cause significant harm to the openness of the Green Belt (bearing in mind also its important role of separating Charlton and Upper Halliford) by reason of its size and extent. The built parts of the Eco Park run counter to one of the purposes of including land in the Green Belt (safeguarding the countryside from encroachment). The planting and use of the EEA, on the other hand, will not be inappropriate development and will fulfil Green Belt objectives (providing opportunities for access to the open countryside for the urban population, the enhancement of landscapes near to where people live and securing some nature conservation interest). Although the Eco Park will have a significant impact on openness, the SWP 2008 provides (and the Inspector considered) that the site at Charlton Lane was acceptable for use for various waste management uses, including a small scale energy-from-waste plant, provided both that the development was in accordance with the site-specific KDC, and that very special circumstances had been demonstrated in the context of the specific proposal. Significant weight therefore attaches to the Eco Park's compliance with the KDC so far as the impact on openness is concerned. The adverse impact of the built part of the Eco Park on the visual amenity of the Green Belt is less than it would otherwise be bearing in mind the history of waste development on the site, the implemented permanent planning permission for the existing facilities on site and the proposed EEA (which will assist with the wider landscape setting and minimise the impact on visual amenity and openness).

There are, on the other hand, a number of factors, which together constitute very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness,

and harm to openness. None can, on its own, be considered to constitute very special circumstances and clearly outweigh the harm referred to above; but in combination they do so. In accordance with current national waste management policy and the development plan, these factors, which have been considered in detail, are: (1) the lack of alternative suitable sites in or outside of the Green Belt; (2) the need for the County to increase waste recycling / recovery and landfill diversion to contribute to agreed targets; (3) the close proximity of the site to the arisings of waste; (4) the characteristics and suitability of the site for the scale of waste operation proposed given the length of time that the site has been in waste management; (5) the unique benefits of co-location at Charlton Lane; (6) the wider environmental and economic benefits of sustainable waste management, including the need for a range of sites; (7) the provision of substantial renewable energy generation capacity and (8) environmental enhancement measures for the adjoining land.

These factors combined are such that very special circumstances have been demonstrated as required by the NPPF and SWP 2008 Policy CW6; and they clearly outweigh the harm that will result from the Eco Park. The Council concluded, therefore, that it should make an exception to Green Belt policy in the NPPF 2012 and SBLP and grant conditional planning permission for the Eco Park as amended.

The proposal has been considered against the following development plan policies/ provisions:

Surrey Waste Plan 2008

Policy CW4 Waste Management Capacity
 Policy CW5 Location of Waste Facilities
 Policy CW6 Development in the Green Belt
 Policy WD1 Civic Amenity Sites
 Policy WD2 Recycling, Storage, Transfer, Materials Recovery and Processing Facilities (Excluding Thermal Treatment)
 Policy WD5 Thermal Treatment Facilities
 Policy DC2 Planning Designations
 Policy DC3 General Considerations

Surrey Minerals Plan Core Strategy DPD 2011

Policy MC18 – Restoration and Enhancement

Spelthorne Core Strategy and Policies Development Plan Document 2009

Policy CC1 Renewable Energy, Energy Conservation and Sustainable Construction
 Policy CC2 Sustainable Travel
 Policy CC3 Parking Provision
 Policy EN1 Design of New Development
 Policy EN3 Air Quality
 Policy EN8 Protecting and Improving the Landscape and Biodiversity
 Policy EN11 Development and Noise
 Policy EN13 Light Pollution
 Policy EN15 Development on Land Affected by Contamination
 Policy LO1 Flooding
 Policy SP6 Maintaining and Improving the Environment
 Policy SP7 Climate Change and Transport

Spelthorne Borough Council Flooding Supplementary Planning Document 2012

The Spelthorne Borough Local Plan 2001 (saved policies)

Policy GB1 Development Proposals in the Green Belt
 Policy BE26 Archaeology and Ancient Monuments

CONTACT

Mark O'Hare

TEL. NO.

BACKGROUND PAPERS

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

Government Guidance

National Planning Policy Framework 2012
 National Planning Policy Framework Practice Guide 2014
 The Waste Strategy for England 2007
 Planning Policy Statement 10 - Planning for Sustainable Waste Management, March 2011
 Government Review of Waste Policy in England 2011
 Government Review of Waste Policy in England Action Plan 2011

The Development Plan

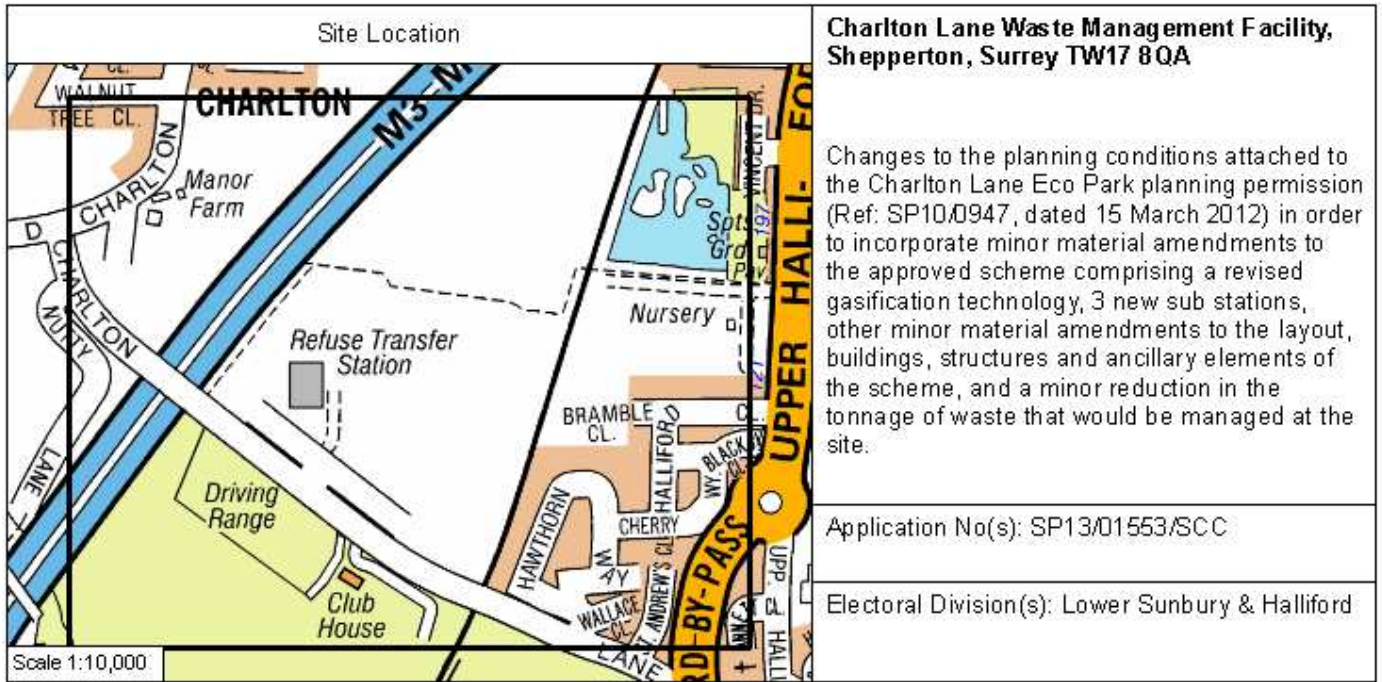
Surrey Waste Plan 2008
 Surrey Minerals Plan Core Strategy DPD 2011
 Spelthorne Core Strategy and Polices Development Plan Document 2009
 Spelthorne Borough Local Plan 2001 (saved policies)
 Spelthorne Borough Council Flooding Supplementary Planning Document 2012

Other Documents

Planning and Regulatory Committee meeting and Committee Report to the 30 June 2011
 Planning and Regulatory Committee meeting.
 Environmental Impact Assessment Regulations 2011
 Inspector's Decision on Public Footpath 70 (Sunbury) Diversion Order, 22 May 2013
 Environmental Permitting Regulations 2010
 Environmental Permitting Guidance The Waste Incineration Directive 2010, DEFRA 2010
 Revised Waste Framework Directive, 2008
 Response with Responsibility - Policy Making for Public Risk in the 21st Century May 2009
 (The Risk and Regulation Advisory Council)
 The UK Health Protection Agency's Position Paper on Municipal Waste Incineration (2009)
 DEFRA Waste Management Plan for England – Consultation Plan (July 2013)
 National Policy Statement for Renewable Energy Infrastructure (EN-3) 2011
 Overarching National Policy Statement for Energy (EN1) 2011
 DCLG Planning Practice Guidance for Renewable and Low Carbon Energy
 DEFRA Energy from Waste – A Guide to the Debate (Feb 2013 & revised edition Feb 2014)
 Environment Agency Guidance on Stage 1 and 2 Assessment of New Process Industry
 Regulations (PIR) Permissions (Ref. 12) under the Habitats Regulations
 The Environment Agency H1 Guidance
 The Environmental Protection UK guidance
 Human Health Risk Assessment Protocol "Human Health Toxicological Assessment of
 Contaminants in Soil", United States Environment Protection Agency 2005
 European Union ATEX Workplace Directive 99/92/EC & ATEX Equipment Directive 94/9/EC
 GLVIA3, IEMA April 2013.
 2009 Birds Directive
 Town and County Planning Act 1990
 Planning and Compulsory Purchase Act 2004
 A Plan for Waste Management (Joint Municipal Waste Strategy) September 2010 (Surrey Waste
 Partnership)
 The World Class Waste Solutions (WCWS - Action Plan for the JMWMS Officer Report to
 Cabinet dated 2 February 2010)
 Health & Safety at Work Act 1974
 Government Review of Waste Policy in England 2011
 Guidelines for Noise Control Minerals and Waste Disposal, SCC 1994
 Guidance Notes for the Reduction of Obtrusive Light 2005 (The Institution of Lighting Engineers)

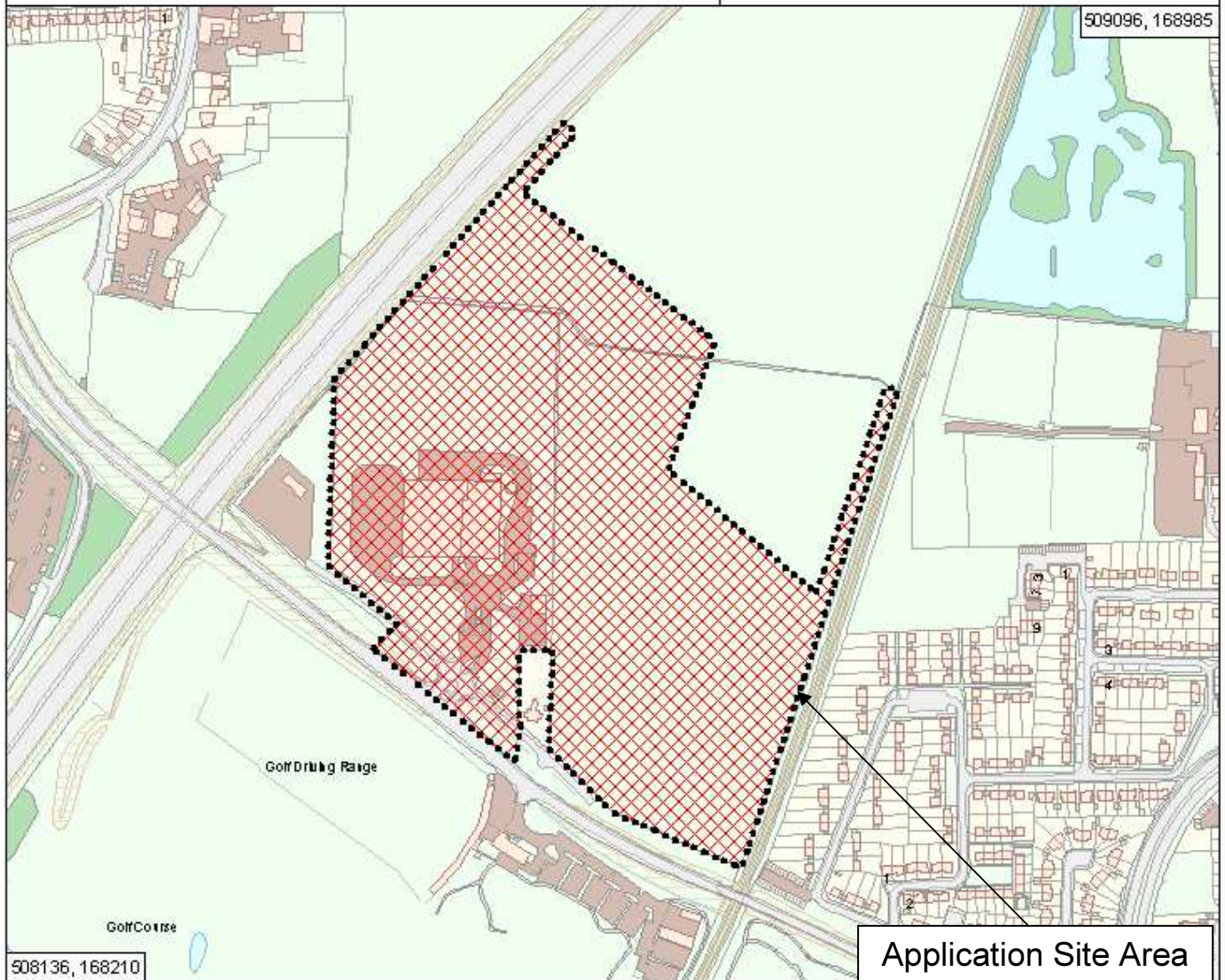
Letter plus enclosures from James Waterhouse (Iceni Projects) dated 21 February 2014 relating to planning application ref EL13/1251
Waste Management Plan for England, DEFRA 12 December 2013
'Energy Recovery for Residual Waste - A carbon based modelling approach', DEFRA 26 February 2014
National Planning Practice Guidance (DCLG on-line version), 6 March 2014
'Refuse-derived fuel market in England: call for evidence', DEFRA 12 March 2014
'ENV02 – Air quality statistics' (Air quality statistics in the UK 1987 to 2013), DEFRA April 2014
'Estimating Local Mortality Burdens associated with particulate Air Pollution' (Public Health England, April 2014)
Surrey Future Congestion Programme 2014, July 2014
National Audit Office Report, June 2014
Technical Consultation on Planning, DCLG July 2014
Provisional Statistics on waste managed by local authorities in England (DEFRA, May 2014)
Redhill Aerodrome Ltd v. Secretary of State for Communities & Local Government [2014] EWHC 2476 (Admin).
Clean Air Act 1993
Spelthorne (No. 13) Smoke Control Zone Order 1974
Notice dated 17 June 1977, The London Gazette

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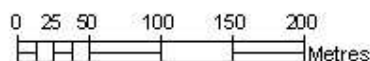
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This plan is for indicative purposes only



Ref No: SCC Ref 2013/0178

Date printed: 21/08/2014



Scale
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Aerial 1 : Charlton Lane Waste Management Facility



Aerial 2 : Charlton Lane Waste Management Facility



All boundaries are approximate

Fig 1 : View from Iydyene's access lane looking north west



Fig 2 : View of CRC and WTS looking north within the site



Fig 3 : View of field to east of site looking north



Fig 4 : View of Scout Hut access and Site Entrance looking northwest



Fig 5 : Rear garden of Ivydene Cottage looking south



Fig 6 : View from footpath to the east of the site

Proposed Stack



Fig 7 : View of proposed Eco Park from properties to the north west



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Consideration of Whether New Factors Have Emerged Between the Committee's Resolution in March 2014 and the Issue of the Decision Notice in September 2014

**Charlton Lane Waste Management Facility, Charlton Lane, Shepperton,
Application No: SP13/01553/SCC**

Changes to the planning conditions attached to the Charlton Lane Eco Park planning permission (Ref: SP10/0947, dated 15 March 2012) in order to incorporate minor material amendments to the approved scheme comprising a revised gasification technology, 3 new sub stations, other minor material amendments to the layout, buildings, structures and ancillary elements of the scheme, and a minor reduction in the tonnage of waste that would be managed at the site.

The application went before the Planning & Regulatory Committee on 17 March 2014 when Members resolved to permit the application subject to the planning conditions set out in the Officer report and referral to the National Planning Casework Unit as a Departure from the development plan. The National Planning Casework Unit has now confirmed that they do not wish to 'call in' the application and we can therefore proceed to issue a planning permission.

As a result of the need to refer the application to the National Planning Casework Unit, a period of over five months has elapsed between the committee resolution and the issue of the decision notice. As such, consideration is given below as to whether any new factors have emerged in the intervening period.

Background Papers Referred to Within the Committee Report & Update Sheets	Unchanged	Revised / Changed	Comments
<i>Government Guidance</i>			
National Planning Policy Framework 2012	✓		
National Planning Policy Framework Practice Guide 2012	✓		
National Planning Practice Guidance 2014		✓	On 12 June 2014, guidance on the Community Infrastructure Levy was added to the planning practice guidance web-based resource on 12 June 2014. This replaced the stand-alone guidance that was published in PDF format when amendments to the Community Infrastructure Levy Regulations came into effect in February 2014. It is not considered that this update to the National Planning Practice Guidance introduces any change in circumstances that would be material to the decision taken by Members.

The Waste Strategy for England 2007	✓		
Planning Policy Statement 10	✓		
Government Review of Waste Policy in England 2011	✓		
Government Review of Waste Policy in England Action Plan 2011	✓		
<i>The Development Plan</i>			
Surrey Waste Plan 2008	✓		
Surrey Minerals Plan Core Strategy DPD 2011	✓		
Spelthorne Borough Core Strategy and Policies DPD 2009	✓		
Spelthorne Borough Local Plan 2001 (saved policies)	✓		
Spelthorne Borough Council Flooding SPD 2012	✓		
<i>Other Documents</i>			
Planning and Regulatory Committee meeting and Committee Report to the 30 June 2011 Planning and Regulatory Committee meeting.	✓		
Environmental Impact Assessment Regulations 2011	✓		
Inspector's Decision on Public Footpath 70 (Sunbury) Diversion Order, 22 May 2013	✓		
Environmental Permitting Regulations 2010	✓		
Environmental Permitting Guidance The Waste Incineration Directive 2010, DEFRA	✓		
Revised Waste Framework Directive 2008	✓		
Response with Responsibility - Policy	✓		

Making for Public Risk in the 21st Century May 2009 (The Risk and Regulation Advisory Council)			
The UK Health Protection Agency's Position Paper on Municipal Waste Incineration (2009)	✓		
DEFRA Waste Management Plan for England – Consultation Plan (July 2013)	✓		
National Policy Statement for Renewable Energy Infrastructure (EN-3) 2011	✓		
Overarching National Policy Statement for Energy (EN1) 2011	✓		
DCLG Planning Practice Guidance for Renewable and Low Carbon Energy	✓		
DEFRA Energy from Waste – A Guide to the Debate (Feb 2013 & revised edition Feb 2014)	✓		
Environment Agency Guidance on Stage 1 and 2 Assessment of New Process Industry	✓		
Regulations (PIR) Permissions (Ref. 12) under the Habitats Regulations	✓		
The Environment Agency H1 Guidance	✓		
The Environmental Protection UK guidance	✓		
Human Health Risk Assessment Protocol “Human Health Toxicological Assessment of Contaminants in Soil”, United States Environment Protection Agency 2005	✓		
European Union ATEX Workplace Directive 99/92/EC & ATEX Equipment Directive 94/9/EC	✓		
GLVIA3, IEMA April 2013.	✓		
2009 Birds Directive	✓		
Town and County Planning Act 1990	✓		

Planning and Compulsory Purchase Act 2004	✓		
A Plan for Waste Management (Joint Municipal Waste Strategy) September 2010 (Surrey Waste Partnership)	✓		
The World Class Waste Solutions (WCWS - Action Plan for the JMWMS Officer Report to Cabinet dated 2 February 2010)	✓		
Health & Safety at Work Act 1974	✓		
Government Review of Waste Policy in England 2011	✓		
Guidelines for Noise Control Minerals and Waste Disposal, SCC 1994	✓		
Guidance Notes for the Reduction of Obtrusive Light 2005 (The Institution of Lighting Engineers)	✓		
Letter plus enclosures from James Waterhouse (Iceni Projects) dated 21/02/14 relating to planning application ref EL13/1251	✓		Application ref EL13/1251 was refused on 23/04/14, to date no appeal has been made to the Planning Inspectorate.

Key Considerations Identified within the Report and Highlighted at the Committee Meeting

Issue	Unchanged	Revised / Changed	Comments
Role of the Surrey Waste Contract	✓		
Publicity Issues	✓		
Committee Issues	✓		
Environmental Impact Assessment	✓		
Waste Process Description	✓		

Waste Management Issues	✓		
Renewable Energy	✓		On 18 August 2014, the County Waste Management and Energy Recovery Consultant stated: <i>"We can confirm that in the normal course of our professional practice in these disciplines, this practice is not aware of any new factors that could be described as material considerations in the Eco Park Application."</i>
Highways, Traffic & Access		✓	<p>County Highway Authority confirmed on 7 August 2014 that: <i>"Surrey Police has requested that Surrey County Council increase the speed limit of Charlton Lane to 40mph in the immediate vicinity of the Eco Park site. A decision on this has not yet been made and it would need to be subject to public consultation prior to any Traffic Regulation Order being made to amend the speed limit. At this stage, it is a possibility not a certainty. I'm not sure whether this would be considered a material consideration but as I have become aware of this since the Planning and Regulatory Committee meeting on 17 March, I thought I had better bring it to your attention. As Surrey Police have requested the change in the speed limit, they must consider that the road is suitable for a 40mph limit as it is with the current levels of traffic generation of the Eco Park site and the current levels of queuing on the public highway. The Eco Park will result in a reduction in HGV generation and increased queuing capacity within the site, which is a net benefit of the proposal. Any future increase in the speed limit would therefore have no impact on the Eco Park."</i></p> <p>The Highways Agency confirmed on 7 August 2014 that: <i>"On behalf of the Highways Agency I can confirm that there are no new material considerations and the position is unchanged."</i></p>
Environment Impact Assessment	✓		On 20 August 2014, the County Environmental Assessment Officer stated that she is: <i>"...not aware of anything that has changed in respect of EIA that would raise any new issues to be considered in respect of the Eco Park application. The current technical consultation on planning (Section 5, pp. 74-80, July 2014) proposes changes to the thresholds given in Schedule 2 of the EIA Regulations 2011 for urban development and industrial estate projects, but those changes have no relevance to or bearing on the Eco Park application."</i>
Air Quality		✓	On 7 August 2014, the County Air Quality Consultant (CAQC) responded to each of the factors that may potentially affect the conclusions of the original assessment as follows:

		<p><i>“i. Sources of emissions - assuming that there have been no changes to the design of the scheme since the resolution, the sources of emissions remain unchanged;</i></p> <p><i>ii. Legislation and policy - there have been no changes to the relevant air quality legislation and policy since the resolution;</i></p> <p><i>iii. Best practice/technical guidance – the only new air quality technical guidance introduced in the intervening period relevant to this application is the Institute of Air Quality Management (IAQM) ‘Guidance on the assessment of odour for planning’ published in May 2014.</i></p> <p><i>The application was supported by a risk-based odour impact assessment using a source-pathway-receptor conceptual model. This approach forms the basis of the new IAQM guidance and, in our view, this guidance does not significantly affect the interpretation of the odour impacts; and</i></p> <p><i>iv. Characteristics of the site (including baseline conditions, prevailing meteorological conditions and the introduction/removal of potentially sensitive receptors) – there have been no significant changes to the characteristics of the site since the resolution.”</i></p> <p>In summary, on 7 August 2014, the CAQC had not identified any new factors.</p> <p>On 20 August 2014, Spelthorne Borough Council stated that following matters should be considered by the County Planning Authority:</p> <p><i>“1. In April 2014 Public Health England published a document ‘Estimating Local Mortality Burdens associated with particulate Air Pollution’ It shows that, apart from London, Spelthorne ranks 11th from bottom across the whole country for concentrations of PM2.5. This is worse than any other Surrey District. The applicant’s consultants need to re-evaluate the proposal in the light of this serious position. A copy of the document is attached.</i></p> <p><i>2. Spelthorne Council has published updated air quality information on its web</i></p>
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			<p>site for 2013 - http://www.spelthorne.gov.uk/article/2106/Air-quality---Monitoring-data . I also attach a summary report and two excel spreadsheets with relevant data. These show a significant worsening of air quality in 2013 compared to 2012. The number of sites where there is an exceedance over air quality limits has doubled. This shows a materially worse air quality position than was the case when the applicant's consultants produced their reports and the County Council made its decision in March 2014.</p> <p>3. The application site is in a smoke control zone (order no13). It is our understanding that where there is a smoke control order in force, any such order would need to be varied to allow for an incineration activity. This raises two questions you will need to consider:</p> <p>a. Has the County Council considered the implications of this proposal being located within a smoke control zone – in particular is such a proposal appropriate within such a zone?</p> <p>b. Whether the need to amend the order is of itself of sufficient significance to add further weight to the inappropriateness?</p> <p>4. The Surrey Future Congestion Programme 2014 was approved in July 2014. It is signed by our Chief Executive Roberto Tambini and County Councillor John Furey Cabinet Member for Transport and Environment. At page 60 (para 2) it recognises the poor air quality in Sunbury and Shepperton and measures are proposed to assist in addressing this. These are the two communities closest to the Eco Park. The County Council's recognition in this document of the air quality problem and need to expend substantial sums of money to address the existing situation is a further consideration to be weighed in deciding the desirability of progressing this proposal.”</p> <p>The CAQC responded on 20 August 2014 to each of Spelthorne Borough Council's points stating that:</p> <p>“1. The PHE report presents a study of the local impacts of long-term exposure to particulate matter on mortality. The conclusion of the report are that current levels of particulate air pollution have a considerable impact on public health and</p>
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		<p><i>measures to reduce particulate air pollution, or reduce exposure of the population to particulate air pollution, are important public health initiatives.</i></p> <p><i>The report did not make any recommendations for changing the EU Limit Values of UK Air Quality objectives for particulate matter. Neither did the report make any recommendations for changing the way that impacts are assessed. As such, the findings of this report produced in the intervening period do not affect the conclusions of the original assessment.</i></p> <p><i>In our November 2013 response, we comprehensively reviewed the assessment of air quality impacts and noted that a separate Human-health Risk Assessment had been submitted in support of the planning application. We stated that we had not reviewed this but as you aware we have specialists who are able to do this if required.</i></p> <p><i>2. We have been unable to find the 2013 data at the link provided; our original review was based on published data readily available at that time. Based on the information provided in the attachment provided, it may be the case that the monitored concentrations are higher in 2013 than in 2012 but inter-annual variation is to be expected. It is not appropriate to base decisions on the results of monitoring in a single year and a more holistic approach is required.</i></p> <p><i>Also, we note that eight monitoring sites have been introduced for 2013, of which four measured concentrations in excess of the limit value. Clearly, the concentrations at these locations cannot be compared with earlier years.</i></p> <p><i>3. Our understanding is that the Smoke Control Zone order no. 13 has been in place since 1974. Consequently, the fact that the application site is a Smoke Control zone is not a new development that has happened since the decision was made in March 2014 and therefore it was not referred to in our recent response.</i></p> <p><i>The proposes development will be regulated by an Environment Agency Permit. Defra’s “Environmental Permitting Guidance Statutory Nuisance s79(10) Environmental Protection Act 1990 For the Environmental Permitting (England and Wales) Regulations 2010, Updated February 2011” states that “The</i></p>
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		<p><i>Regulations were made under section 2 of the Pollution Prevention and Control Act 1999 (the PPC Act 1999) and are therefore relevant to section 79(10). Section 79(10) sets out the circumstances in which the Secretary of State or Welsh Ministers' consent is required before a local authority can institute summary proceedings for the specified types of statutory nuisance. Its purpose is to avoid the operator of a regulated facility or exempt waste operation being exposed to regulatory action by both the Environment Agency and the local authority for the same incident, i.e. to avoid 'double jeopardy'."</i></p> <p><i>This is designed to avoid the operators of regulated facilities being exposed to action by both the EA and the local authority for the same incident (i.e. to avoid 'double jeopardy'). As far as we understand, the Eco Park would only be regulated by the EA under the EPR and would not also be regulated under the Clean Air Act so there would be no need to amend the Smoke Control Zone.</i></p> <p><i>4. As discussed, the number of HGV movements is expected to reduce when compared with the existing use and traffic-related pollutant concentrations are predicted to decrease. On that basis, the development is likely to make a positive contribution to reducing congestion."</i></p> <p><i>Additionally, on 26 August 2014, the CAQC advised that:</i></p> <p><i>"There is no specific guidance for describing baseline air quality in the Environmental Impact Assessment Regulations, the National Planning Policy Framework or the national Planning Practice Guidance. Defra's Local Air Quality Management Technical Guidance (LAQM.TG(09)) and the Environment Agency's Horizontal Guidance Note 1 (H1) both advocate the use of either representative monitoring data or Defra maps. Neither document refers to the use of most recent monitored data for describing data. Moreover, it has historically been the case that forecast background concentrations have been derived by applying a reduction to current concentrations; however, it is generally accepted that such a reduction is no longer appropriate. Both monitored concentrations and the Defra mapped data were considered in the ES, which is consistent with LAQM.TG(09) and H1.</i></p> <p><i>Appendix 13.1, Table 8.3 of the October 2013 ES provides the predicted annual-</i></p>
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			<p>mean NO₂ Process Contribution (PC) and the ambient concentration (labelled Bg in the table) at each of the monitoring locations. The PC and the Bg have been totalled to give a Predicted Environmental Concentration (PEC) at each location.</p> <p>If the ambient concentration used in Table 8.3 is compared with the most recent measured concentration provided by Spelthorne Borough Council, the measured concentration is higher than the value for Bg used in the ES at the following locations: SP8, SP10, SP21, SP22, SP23, SP34, SP35 and SP36. The highest PC at any of these locations is 0.4% of the Air Quality Strategy objective, i.e. All PCs are <u>well below</u> the 1% threshold above which the impacts cannot be screened out as insignificant. In summary, consideration of the most recently monitored concentrations does not alter the conclusions of the assessment.</p> <p>Taking the new Spelthorne monitoring locations (where the applicant has not specifically tabulated Bg), we have examined these in the context of the contour map provided in Appendix 13.1, Figure A.5 of the October 2013 ES. The only monitoring locations within the extents of Figure A.5 are SP55 (1.2 km to the south-east of the Application Site) and SP50 (1 km to the north of the Application Site). It should be clear from Figure A.5 that SP50 is located between the 0.1 µg.m⁻³ and 0.2 µg.m⁻³ contour and SP55 is outside the 0.1 µg.m⁻³, i.e. Both PCs are <u>well below</u> the 1% (or 0.4 µg.m⁻³) threshold above which the impacts cannot be screened out as insignificant. Attached is an illustration showing the approximate locations of the monitors super-imposed onto Figure A.5.</p> <p>In summary, consideration of the most recently monitored concentrations does not alter the conclusions of the assessment.”</p>
Landscape and visual amenity	✓		County Landscape Officer confirmed on 12 August 2014 that: “I would consider that there are no new factors or changes that would have any bearing on the Eco Park decision from a landscape perspective.”
Noise and Vibration	✓		On 6 August 2014, the County Noise Consultant confirmed that: “I do not know of anything that would affect noise and vibration and cause me to change my advice.”
Surface Water and Flood Risk	✓		On 18 August 2014, the County Geotechnical Consultants stated: “We can confirm that in the normal course of our professional practice in these disciplines, this practice is not aware of any new factors that could be described as material

			<i>considerations in the Eco Park Application.</i>
Geology and Groundwater	✓		On 18 August 2014, the County Geotechnical Consultants stated: <i>"We can confirm that in the normal course of our professional practice in these disciplines, this practice is not aware of any new factors that could be described as material considerations in the Eco Park Application."</i>
Ecology and Nature Conservation	✓		On 18 August 2014, the County Ecology Officer stated that: <i>"I can confirm that I am not aware of any such new factors since 17 March."</i> Natural England confirmed on 8 August 2014 that: <i>"I can confirm that no new factors have come to light since Natural England's previous responses to this application."</i>
Lighting	✓		On 18 August 2014, the County Lighting Consultant stated that: <i>"I am unaware of any alterations in terms of the lighting."</i>
Archaeology & Cultural Heritage	✓		County Archaeological Officer confirmed on 7 August 2014 that: <i>"I am not aware of any factors/changes/updates arising in the last four months relating to archaeology which would have a bearing on the Eco Park decision."</i>
Cumulative Impacts	✓		
Human Health Impacts; Perception of Health Risk; Technology Concerns; Other Environmental Issues; Socio-Economic issues.	✓		On 18 August 2014, BAA Safeguarding stated that: <i>"No new factors have arisen from Heathrow Airport point of view. Therefore as long as all current Aerodrome Safeguarding criteria are adhered too we have no further comments to make."</i>
Green Belt	✓		(But see Case Law below)

Case Law

	Consulted Legal Dept./EIA Officer	Changes	No changes	Details/Comments
Have any relevant new legal issues arisen since the resolution by Committee?	✓	✓		The County Environmental Assessment Officer is not aware of any new issues. The County Planning Authority's Counsel has drawn our attention to <i>Redhill Aerodrome Ltd v. Secretary of State for Communities & Local</i>

			<p><i>Government</i> [2014] EWHC 2476 (Admin). NPPF paragraph 88 provides that: <i>'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' ('VSC') will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and <u>any other harm</u>, is clearly outweighed by other considerations'</i> (emphasis added). <i>Redhill</i> determined that non Green Belt harm is not <i>'any other harm'</i> within NPPF paragraph 88 and that this position is changed from PPG2.</p> <p>The County Council has attached substantial weight to the harm recognised to result to the Green Belt through the course of its decision-making process including at 17 March 2014. It has also addressed compliance with Green Belt policy by reference to whether VSC <i>'clearly outweigh'</i> harm to the Green Belt. Officers consider that the VSC referred to at 17 March 17 2014 are unchanged. The County Council weighed, on the other hand, non Green Belt harm against VSC in the course of its decision at 17 March 2014 (see the discussion at paragraphs 324-333). Officers consider that the removal of non Green Belt harm from the Green Belt planning policy balance, in accordance with NPPF paragraph 88 and <i>Redhill</i>, does not amount to a circumstance that suggests that the County Council would have or should now consider that VSC do not clearly outweigh harm to the Green Belt. It is important to note that the matters concerned have been assessed on their individual merits through the County Council's decision-making process and considered not to justify the refusal of planning permission.</p>
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Other Matters

The Planning Portal, DCLG, DEFRA, Natural England and WRAP websites have been checked for any new legislation, policy documents, circulars and official letters, speeches, statements and articles, good practice and guidance and consultation documents relevant to this application which may have been issued between March 2014 and September 2014.

Annual update of data on concentrations of major air pollutants in the UK:

On 23 April 2014, the Department for Environment, Food & Rural Affairs (DEFRA) published 'ENV02 – Air quality statistics' (Air quality statistics in the UK 1987 to 2013). This publication summarised the concentrations of major air pollutants as measured by the Automatic Urban and Rural Network (AURN). This release covers annual average concentrations in the UK of: particulates (PM10) and ozone (O3). The release also covers the number of days when air pollution was 'moderate or higher' for any one of five pollutants listed below: particulates (PM2.5); nitrogen dioxide (NO2); ozone (O3); particulates (PM10); sulphur dioxide (SO2). The CAQC advised on 20 August 2014 that this DEFRA report is a summary of air quality statistics over the period between 1987 and 2013 and is based on the results of monitoring across the UK. The relevant headline points are as follows: 1) Urban background and roadside particulate pollution has shown long-term improvement but remained stable since 2008; 2) There were on average fewer days of moderate or higher pollution at urban pollution monitoring sites in 2013 compared with 2012. There is a long-term decline in days of moderate or higher pollution at urban sites; and 3) There were on average more days of moderate or higher pollution at rural pollution monitoring sites in 2013 compared with 2012, reversing the decrease in the previous year. However, there is a great deal of year-on-year variability and there is no clear long-term trend.

The CAQC notes that that the assessment undertaken by the applicant for Charlton Lane considers the results of local monitoring (not UK-wide); however, the findings of the DEFRA report are generally beneficial. On the basis of the CAQC's comments, it is not considered that this update introduces any change in circumstances that would be material to the decision taken by Members.

Waste and recycling statistics and ENV19 - Local authority collected waste: quarterly tables

On 22 May 2014, DEFRA published Provisional Statistics on waste managed by local authorities in England including October to December 2013. This showed that: the annual rate of recycling of 'waste from households' was 44.2 per cent in 2013 and continues to be stable with just a slight increase from 44.1 per cent in 2012; the quarterly rate of recycling of 'waste from households' reached 42.7 per cent in October to December 2013, increasing from 41.5 per cent in the same quarter in 2012; total 'waste from households' dropped 1.8 per cent to 21.6 million tonnes in 2013 (which amounts to 403 kg per person); and that local authority managed waste to landfill and incineration fell by 5.2 per cent in 2013. The statistics are not considered to introduce any change in circumstances that would be material to the decision taken by Members.

National Audit Office (NAO) report

17 June 2014 Report on oversight of three local authority Private Finance Initiative waste contracts by the Department for Environment, Food and Rural Affairs. The report notes that three contracts were entered into by Surrey County Council (i.e. with SITA for the Charlton Lane Eco Park), by Norfolk County Council and, jointly, by Herefordshire Council and Worcestershire County Council. All three projects were noted to have experienced significant delays stemming from a range of problems, including difficulties obtaining planning permission, complex commercial considerations, and opposition from local groups and uncertainty over technology. It was clear from correspondence received by the NAO that there was a lack of clarity over both the facts and figures relating to these three projects, and the roles and responsibilities of the parties involved. The report finds that the Department had given good support and guidance to the local authorities involved, but that the nature of the Department's funding agreements with Surrey and Herefordshire and Worcestershire, which the Department inherited from predecessor departments, made it difficult for it to withdraw or amend its financial support to these contracts, even when significant infrastructure had not

been delivered as planned. The NAO had not sought to conclude on the value for money of the three contracts as these matters are for local authorities' auditors to examine. Nor does it examine the value for money of the overall Waste Infrastructure Delivery Programme managed by the Department. The report sets out the roles and responsibilities of the parties involved in the three contracts and examines those issues over which the Department for Environment, Food and Rural Affairs has direct influence or involvement.

This NAO report is not considered to introduce any change in circumstances that would be material to the decision taken by Members. As noted in paragraph 113 of the 17 March 2014 Planning & Regulatory Committee Report, whilst the existence of the Surrey Waste Contract is background information, the significance that this Eco Park proposal in terms of the performance of that contract – whether, for example, it results in gains pursuant to the contract (in the event that planning permission is granted), or penalties (if it is not), or other contractual issues arise (whatever the decision on this planning application may be) - is not a material consideration in the determination of this planning application.

Technical consultation on planning:

On 31 July 2014, Department for Communities & Local Government (DCLG) consulted on a range of proposals to further improve the planning system, seeking views on proposals to: make it even easier for residents and business to come together to produce a neighbourhood plan; expand permitted development rights; improve engagement with statutory consultees so they are consulted in a proportionate way; raising the environmental impact assessment screening thresholds for industrial estate and urban development projects; and expand the number of non-planning consents which can be included within a development consent order. As noted above, *the County Environmental Assessment Officer advises that the technical consultation on planning* (Section 5, pp.74-80, July 2014) proposes changes to the thresholds given in Schedule 2 of the EIA Regulations 2011 for urban development and industrial estate projects, but those changes have no relevance to or bearing on the Eco Park application. This document relates to a consultation, and is not considered to introduce any change in circumstances that would be material to the decision taken by Members.

Guidance on the pre-application process for major infrastructure projects

On 29 August 2014, DCLG published guidance setting out the requirements and procedures for the pre-application process and consultation for major infrastructure projects. However, as the Eco Park is under the threshold of infrastructure development considered to be nationally significant in The 2008 Planning Act, this guidance is not relevant to this application.

To my knowledge no additional material to this application has been published since 17 March 2014.

11 September 2014

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 17 March 2014
BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER
DISTRICT(S) SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**
Lower Sunbury & Halliford
Mr Evans

PURPOSE: FOR DECISION **GRID REF:** 508582 168573

TITLE: MINERALS AND WASTE APPLICATION SP13/01553/SCC

SUMMARY REPORT

Charlton Lane Waste Management Facility, Shepperton, Surrey TW17 8QA

Changes to the planning conditions attached to the Charlton Lane Eco Park planning permission (Ref: SP10/0947, dated 15 March 2012) in order to incorporate minor material amendments to the approved scheme comprising a revised gasification technology, 3 new sub stations, other minor material amendments to the layout, buildings, structures and ancillary elements of the scheme, and a minor reduction in the tonnage of waste that would be managed at the site.

The applicant proposes, via Section 73 of the Town and Country Planning Act 1990, to make 43 changes to the Eco Park development. The 43 changes would amount overall to a 'minor material amendment' to planning permission ref SP10/0947. Some of the drawings referred to in the original conditions attached to ref SP10/0947 would need to be superseded. The most substantial of the 43 changes are:

- Revised gasification technology from a Batch Oxidation System to a fluidised bed with pre-treatment, with different plant items and a physical layout. The main gasification building would be largely unaltered, though with the addition of smoke vents on the roof;
- Increased height of the Anaerobic Digestion biogas holder from 10.5 metres (m) to 14m;
- Increased diameter of the Gasification stack from 2.5m to 3.8m, though 49m height unchanged;
- Reduced site capacity from 143,750 tonnes of waste per annum (tpa) to 141,870 tpa. The applicant predicts that the amendments would result in an extra 8 two-way vehicle movements on weekdays and a reduction in 12 vehicles on Saturdays and 14 vehicles on Sundays;
- Loss of 10 trees on northwest boundary from a realigned internal access road and weighbridge;
- 3 new electricity substations, with gross electrical output increased from 5.16MW to 5.586MW.

The application is supported by an Addendum to the original Environmental Statement (the Addendum ES), containing an evaluation of the predicted environmental impacts and details of the proposed mitigation measures. Since planning permission ref SP10/0947 was granted on 15 March 2012, there have been several changes to the national and regional planning policy context. For example, the South East Plan 2009 was formally revoked in 2013 and the National Planning Policy Framework 2012 (NPPF) was introduced to replace voluminous national planning guidance. Planning Policy Statement 10 (Planning and Waste) is set to be replaced by a new National Waste Management Planning Policy.

The site lies in the Metropolitan Green Belt where there is a general presumption against inappropriate development. The proposed waste development (including changes) is inappropriate development and therefore the application falls to be considered as a Departure from the provisions of the Development Plan. Issues to be considered in determining this application are whether there are factors which amount to very special circumstances, which clearly outweigh the harm to the Green Belt that would be caused by reason of inappropriateness and any other harm. The application for planning permission for the proposal as changed must be determined in accordance with the Development Plan Policy unless material planning considerations indicate otherwise, and the development should be capable of being operated without unacceptable harm to local environmental and amenity interests.

Objection has been raised by Spelthorne Borough Council, residents groups and neighbours on various grounds, including: Green Belt, visual impact, air quality and health effects, technology and health & safety, noise, waste need, traffic and access, alternative sites, and does not accord with the Development Plan.

The continuing suitability of the application site for amended Eco Park development proposed and potential impact of the amended proposal in terms of a range of matters including highways (traffic and access); air quality (including dust and odour), landscape and visual impact; noise and vibration; drainage (surface water and groundwater); ecology; archaeology & cultural heritage have been considered in the report. These are matters that have the potential to justify the refusal of planning permission outright or amount or contribute to 'any other harm' in relation to assessment of the application against Green Belt policy.

The assessment of the Eco Park as amended against relevant Green Belt policy concludes that the development: would not significantly impact on the openness of the Green Belt; would have no material adverse effect on the purposes of including land within the Green Belt; would contribute to several of the opportunities for the use of land in the Green Belt; and would not materially injure the visual amenity of the Green Belt. In addition, it has been demonstrated that there are a number of circumstances / important considerations which, in combination, continue to constitute very special circumstances to justify the grant of planning permission from a Green Belt policy perspective. The Charlton Lane Eco Park facility as amended would not conflict with the requirements of NPPF 2012, Policies WD1, WD2, WD5 and CW6 of the Surrey Waste Plan 2008, or Saved Policy GB1 of the Spelthorne Borough Local Plan 2001.

The recommendation is to PERMIT subject to conditions and referral to the National Planning Casework Unit as a Departure.

APPLICATION DETAILS

Applicant

SITA Surrey Ltd

Date application valid

25 September 2013

Period for Determination

15 January 2014

Amending Documents

- Additional Photomontages from Studio E LLP: 'Consented Scheme Showing Viewpoints VP1 & VP2' dated 13 December 2013; Drawing No. 1353-01-SK007 dated 20 November

- 2013; Drawing No. 1224 SK215 Revision A dated 13 December 2013; Drawing No. 1224 SK219 dated 13 December 2013; 'S73 Scheme Showing Viewpoints VP1 & VP2' dated 13 December 2013; Drawing No. 1224 SK216 Revision A dated 13 December 2013; and Drawing No. 1224 SK217 Revision A dated 13 December 2013, received 27 January 2014;
- Letter and enclosures from SITA Ltd, dated 13 February 2014;
 - Letter and enclosures from Axis Consultants, dated 13 February 2014; and
 - Memorandum from Fichtner Consulting Engineers Ltd, dated 20 February 2014.

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Procedural	N/A	102-134
Waste Management Issues: <ul style="list-style-type: none"> • Need • Alternative Site Assessment • Location (Overall conclusions)	Yes Yes Yes	144-160 161-163 164-165 166-169
Renewable Energy	Yes	170-192
Highways, Traffic and Access	Yes	193-207
Environmental Impact Assessment	Yes	208
Air Quality, Dust & Odour, Health Effects	Yes	209-226
Landscape and visual amenity, incl. rights of way	Yes	227-249
Noise and Vibration	Yes	250-259
Surface Water and Flooding	Yes	260-269
Geology, Soils, Groundwater	Yes	270-274
Ecology and Nature Conservation	Yes	275-287
Lighting	Yes	288-290
Archaeology & Cultural Heritage	Yes	291-296
Cumulative Impacts	Yes	297-298
Other Issues: <ul style="list-style-type: none"> • Human Health Impact • Perception of health risks • Technology concerns • Other environmental issues • Socio-Economic 	Yes Yes Yes Yes Yes	299-306 307-310 311-314 315 316
Green Belt	No	318-343

ILLUSTRATIVE MATERIAL

Site Plan

Plan 1 – Site and location plan

Plan 2 – Boundary Map

Plan 3 – Dwg No.1224 PL-B004 General Arrangement Plan Rev C

Aerial Photographs

Aerial 1 - Charlton Lane facility (wide view)

Aerial 2 - Charlton Lane facility (close view)

Site Photographs

Figure 1 – View from Ivydene Cottage’s access lane looking north west

Figure 2 – View of CRC and WTS looking north within the site

Figure 3 – View of field to east of site looking north

Figure 4 – View of Scout Hut access and Site Entrance looking northwest

Figure 5 – Rear garden of Ivydene Cottage looking south

Figure 6 – View of proposed Eco Park from footpath to the east of the site

Figure 7 – View of proposed Eco Park from properties to the north west

Appendices

App A – List of 43 amendments and whether considered ‘*minor material*’ or ‘*non material*’

BACKGROUND

Site Description

- 1 The proposed built site is centred on the existing Charlton Lane Waste Management Facility (4.5 hectares (ha) but includes a greater amount of land to the east, with some to the north, which are former mineral workings (currently grassland and scrub), increasing the site area up to approximately 12.29 ha. The site lies within the Metropolitan Green Belt.
- 2 The site lies between Charlton Village to the northwest and Upper Halliford to the southeast, and is bounded by the M3 motorway to the northwest, Charlton Lane to the south and the Shepperton to London railway line to the east. Sunbury Golf Course (former mineral workings) is located south of Charlton Lane. The local Scout Hut is located on the north side of Charlton Lane between the site and the M3. Public Footpath 70 runs along the western boundary of the waste management site following the line of the M3, and then follows an easterly direction around the northern end of the existing site, crossing the railway line at Bugle Nurseries.
- 3 The nearest residential property is Ivydene Cottage, which is located adjacent to the southern boundary, some 45m east of the site access off Charlton Lane. The next nearest properties are those on Hawthorn Way, Upper Halliford, whose rear gardens back on to the eastern side of the railway line and are approximately 20 metres (m) from the site boundary (landscaped area) and 255m from the proposed gasification building.

Planning History

- 4 Waste activities have been taking place at the site since the late 1940’s, with waste transfer and Civic Amenity facilities commencing in 1967. In 1992, planning permission ref: SP92/0118 was granted to demolish former incinerator buildings and construct 3,575m² covered transfer hall. Demolition was carried out, plus improvements to site entrance, though the transfer hall was never built.
- 5 In 1996, planning permission ref: SP96/0242 was granted for erection of 2,895m² building to house waste transfer plus some civic amenity operations that were previously done uncovered over whole site (opened in September 1997). Condition 6 of 1996 planning permission ref: SP96/0242 required that by 25 July 2016 the use of the site for waste transfer and civic amenity activities be discontinued, with buildings removed and the land reinstated to its former condition. In 1997, details were approved (planning

- permission ref: SP97/0260) of northern and western boundary bunds. In 1998, planning permission ref: SP98/0056 was granted for a materials recovery facility (MRF) adjacent to existing transfer hall.
- 6 In 2003, amended details were approved for MRF, namely: building's layout and elevation (planning permission ref: SP03/0432); site's parking, storage, loading, unloading, turning and lighting (planning permission ref: SP03/0434 & ref: SP03/0582). In 2004, planning permission ref: SP03/1089 was granted for construction of four storage bays for recyclable materials and associated hardstanding / turning area at north of site.
- 7 In 2006, planning permission ref: SP06/0667 was granted for re-design of community-recycling centre, providing split-level facility with 16 new storage containers to north and replaced storage containers to west of waste transfer station. In 2007, planning permission ref: SP06/1035 was granted for two storage containers for ticket receipts on hardstanding to east of weighbridge. Planning permission ref: SP07/0090 was then granted for design and appearance of drop-off parking area. Planning permission ref: SP07/1043 was granted for 2.2m high palisade boundary fence. In 2008, planning permission ref: SP08/0040 was granted for amended Community Recycling Centre (CRC) layout. Planning permission ref: SP08/0457 was then granted for installation of two mess room portacabin units.
- 8 In 2009, hydrogeological risk details and contamination assessment in respect of the CRC were approved (ref. SP09/0161) pursuant to Condition 3 of planning permission ref: SP06/0667. Planning permission ref: SP09/0246 ref: was then granted for construction of underground soakage / drainage scheme. A flood risk assessment and drainage details were then approved (SP09/0247) pursuant to Condition 9 of planning permission ref: SP06/0667. However, a planning application (ref SP09/0619) was withdrawn for the installation of two recycling bays and five portacabins, storage area for up to five containers and new fuel tank and retrospective permission for use of land to park waste and recycling vehicles and for installation of two smoking shelters associated with Transfer Station and Materials Recycling Facility (MRF).
- 9 In 2010, planning permission ref: SP09/0894 was granted for a weighbridge comprising new haul road, foundation of a weighbridge and 2.3 m high pole for traffic light system. Planning permission ref: SP10/0089 was granted for 3x4m metal poles for CCTV camera system and LED signs. Planning permission ref: SP10/0375 was granted for use of access route for CRC plus extended hours. Planning permission ref: SP10/0378 was also granted for CRC use without compliance with Condition 7 of permission ref: SP06/0667.
- 10 Planning permission ref: SP10/0883 was granted on 4 March 2011 for the permanent retention of the existing waste management facility, comprising a community recycling centre, materials recycling facility with bulking bays, a waste transfer station with associated infrastructure, an improved access onto Charlton Lane and an acoustic fence adjacent to Ivydene Cottage.
- 11 On 15 March 2012, planning permission ref: SP10/0947 was granted for the development of a Waste Management 'Eco Park', comprising: a Gasification Facility; Anaerobic Digestion Facility; Community Recycling Facility; Recyclables Bulking Facility; Education / Visitor Centre and Offices; Other Associated Infrastructure including Infiltration Basin and Landscaping; and the diversion of Public Footpath 70 was granted by the Planning and Regulatory Committee. This followed confirmation by the Secretary of State that he did not wish to call in the application on 2 December 2011.
- 12 On 3 April 2012, details (ref: SP11/1147) were approved for a scheme for the construction of an acoustic fence (and for the protection of the existing vegetation along the western and northern boundary of Ivydene Cottage), a Bird Hazard Management Plan, and a Landscape and Ecology Management Plan, submitted pursuant to

Conditions 3, 18 and 22 of planning permission ref: SP10/0883 dated 4 March 2011. On 10 September 2012, details (ref: SP11/1062) were approved for a scheme to implement the existing bulk HGV routeing strategy, and a dust and odour management plan, submitted pursuant to Conditions 8 and 10 of planning permission ref: SP10/0883 dated 4 March 2011.

- 13 On 8 November 2012, details (ref SP12/00298) were approved of a lighting scheme and a written scheme of archaeological investigation, pursuant to Conditions 17 and 19 of planning permission ref: SP10/0883 dated 4 March 2011. On 12 November 2012, details (ref: SP11/1149) were approved of a Method of Construction Statement, a Parking Management Plan, and a Travel Plan, submitted pursuant to Conditions 5, 7 and 9 of planning permission ref: SP10/0883 dated 4 March 2011. On 17 April 2013, details (ref SP10/0883/SCD1) were approved of a full CCTV survey of the existing drainage infrastructure and a full surface water scheme, pursuant to conditions 11 and 12 of planning permission SP10/0883 dated 4 March 2011.
- 14 On 30 April 2013, details (SP10/00947/SCD5) were approved of a Written Scheme of Investigation to secure the implementation of a programme of archaeological work, pursuant to Condition 43 of planning permission ref: SP10/0947 dated 15 March 2012. On 1 May 2013, the following details were approved: (SP10/00947/SCD7), Condition 30: details of the provision of bird nest boxes (including the timing of their installation); (SP10/00947/SCD4), Condition 31: a Bird Hazard Management Plan (to include details of the management of any flat or shallow pitched roofs of buildings on site that may be attractive to nesting, roosting and loafing birds); (SP10/00947/SCD8), Condition 32: details of soft and water landscaping works; and (SP10/00947/SCD9), Condition 40: a report detailing the results of a survey of the soils on the Environmental Enhancement Area to consider whether there are sufficient soils on that area to establish and sustain planting, submitted pursuant to planning permission ref: SP10/0947 dated 15 March 2012.
- 15 On 16 May 2013, the following details were approved: (SP10/00947/SCD1), Condition 23: scheme for the construction of an acoustic fence along the western and northern boundary of Ivydene Cottage (and protection of the existing vegetation); and (SP10/00947/SCD3), Condition 42: a Landscape & Ecology Management Plan, submitted pursuant to planning permission ref: SP10/0947 dated 15 March 2012. On 5 June 2013, details were approved at the Planning & Regulatory Committee of a Bulk HGV Routeing Strategy (ref: SP10/0947/SCD11), pursuant to Condition 15 of planning permission ref: SP10/0947 dated 15 March 2012.
- 16 On 20 June 2013, amended details were approved (SCC ref 2013/0013) of a scheme to implement the existing Bulk HGV Routeing Strategy, submitted pursuant to Condition 8 of planning permission ref: SP10/0883 dated 4 March 2011. On 20 June 2013, amended details (SCC Ref 2013/0047) were approved of a scheme for the construction of an acoustic fence and for the protection of the existing vegetation along the western and northern boundary of Ivydene Cottage, pursuant to Condition 3 of planning permission ref: SP10/0883 dated 4 March 2011. On 20 August 2013, a detailed lighting scheme was approved (ref SP10/00947/SCD13), pursuant to Condition 8 of planning permission ref: SP10/0947 dated 15 March 2012. On 4 September 2013, details were approved (ref SP10/00947/SCD12) of the external materials (including their colours) of each of the Eco Park's buildings and the stack, pursuant to Condition 35 of planning permission ref: SP10/0947 dated 15 March 2012
- 17 On 26 September 2013, details were approved (ref: SP10/00947/SCD2) of a scheme for the implementation, maintenance and management of a sustainable water drainage system, submitted pursuant to Condition 21 of planning permission SP10/0947 dated 15 March 2012. On 2 October 2013, details (ref SP10/00947/SCD15) were approved of a modified access construction, pursuant to Condition 11 of planning permission ref: SP10/0947 dated 15 March 2012. On 5 December 2013, details were approved (ref

SP10/00947/SCD6) of a remediation scheme to deal with the risks associated with contamination of the site, submitted pursuant to Condition 17 of planning permission SP10/0947 dated 15 March 2012. On 7 February 2014, details were approved (ref: SP10/0947/SCD14) of a Construction Environmental Management Plan (CEMP), pursuant to Condition 9 of planning permission ref SP10/0947 dated 15 March 2012.

- 18 In January 2014, SITA confirmed in a letter to the County Planning Authority (CPA) that works to implement planning permission SP10/0883 had been completed, namely: the erection of an acoustic fence along the western and northern boundary of Ivydene Cottage and a widened access off Charlton Lane with internal roads connected to this improved access. As such, the Charlton Lane site is now a permanent waste management facility in the Green Belt (whereas it was previously time-limited to 25 July 2016). Because they have identical details, the acoustic fence and widened access required to implement planning permission ref SP10/0947 have been completed (though the internal access roads connected to the improved access pursuant to these permissions are slightly different). In summary, all 15 'pre-commencement' details required by planning permission ref SP10/0947 have been submitted to and approved in writing by the CPA, though development pursuant to the Eco Park planning permission (which expires on 15 March 2015) has not yet commenced.

Public Right of Way Diversion Order and Public Inquiry

- 19 Two separate Public Inquiries have taken place into the Diversion Order necessary to change the alignment of the footpath to the north of the Charlton Lane waste management facility, in order to build the proposed Eco Park. The first Public Inquiry took place on 3-5 April 2013 owing to third party objections to the Diversion Order, which had been advertised by Surrey County Council. The Inspector issued her decision on 22 May 2013 and agreed to the Diversion Order subject to modifications (principally to ensure that the diverted route coincided with that shown on the approved drawings for the Eco Park). Those modifications were re-advertised. Third party objections were again raised, resulting in a second Public Inquiry held from 28-29 January 2014. The Inspector's decision has yet to be issued following this second Public Inquiry.

THE PROPOSAL

- 20 The applicant proposes, via Section 73 of the Town and Country Planning Act 1990, to make 43 changes to the Eco Park development, which would amount to a 'minor material amendment' to planning permission ref SP10/0947. The application is supported by an Addendum ES, containing an evaluation of the predicted environmental impacts and details of the proposed mitigation measures. A list of the 43 changes is included as Appendix A to this report and Officer's have indicated on that list that 27 items are considered to be non-material and 16 items are considered to be minor-material.
- 21 Representations to this planning application have raised objections on the basis that the 43 changes would not amount to a 'minor material amendment' and that full planning application should instead be submitted. However, the CPA has accepted the Section 73 approach in this case, noting that although some of the 43 changes would more properly be described as 'non material amendments' (and thus determined under a separate, simpler determination procedure), the applicant has applied for all 43 changes at the same time such that the CPA considers that these more minor amendments form part of a package of 'minor material amendments'. In respect of concerns raised by representations that a different planning procedure should be followed in this case, the CPA note that this Section 73 application is supported by the original 2010 Environmental Statement (ES) and a 2013 Addendum ES, which together enable the CPA to carry out an Environmental Impact Assessment (EIA) under the EIA Regulations 2011 of the changes now proposed. It is also relevant that the applicants have twin-tracked (i.e. submitted at the same time) an application to the Environment Agency to vary the Environmental Permit previously issued

for the Eco Park and its technology (see further under paragraphs 33 to 45 below). The Environmental Permit previously issued by the EA also related to the proposed Eco Park layout with AD/Gasification/CRC/RBF operations combined on the same site.

Proposed Changes and Site Layout

- 22 Compared to the previous planning permission (ref SP10/0947), this Section 73 planning application proposes the same type of waste management facilities with the same arrangement of buildings. The requirement for changes now sought by the applicant have arisen principally from post permission detailed design and a change in the gasifier technology to be installed within the gasification building. The Eco Park would still manage non-hazardous waste principally arising from the Municipal Waste stream, although, as presently occurs at the site, there would be a small proportion of Commercial and Industrial waste. The material would comprise: recyclable waste, organic food waste, green waste and residual waste (i.e. waste which is left after recycling and composting). Municipal Waste is that collected and managed by, or on behalf, of local authorities within the County. To be clear, the proposed Eco Park development would still comprise:
- A 40,000tpa Anaerobic Digestion (AD) facility;
 - A Gasification facility;
 - A Community Recycling Centre (CRC);
 - A Recyclables Bulking Facility (RBF);
 - Vehicle weighbridges and offices;
 - An education / visitor centre;
 - Associated ancillary infrastructure, including visitor centre, offices, car parking, surface water management, modified site access, internal access roads, fencing, gates and a fire break water tank;
 - Earthworks and landscaping;
 - Electrical connection to the national grid (which would be subject to a separate consenting process);
 - The ability to use heat in on-site and off-site applications; and
 - Temporary areas for construction phase activities (compound and set down area etc.).
- 23 In terms of the gasification facility, the applicant proposes to change the particular type of gasification technology to be installed and operated from Batch Oxidation System (BOS) gasification to fluidised bed gasification. In terms of changes to the Eco Park development's layout, the following amendments are proposed:

Changes associated with the Gasification Building

- Changes to the internal layout of gasification and pre-treatment plant and equipment within the gasification building as a result of a change in gasification process;
- Diameter of main site emissions stack is now 3.8m wide to accommodate 2 new flues from odour control process;
- Change in site odour control system with removal of biofilter and 15m high stack from AD area and provision of 4 activated carbon silos located under roof overhang of gasification building adjacent to air-cooled condensers;
- Change in number and size of air cooled condensers from 9 small condensers to 2 large condensers (change no: 10 on Appendix A), no change in location of air cooled condensers;
- Eastern face of the gasification building and AD building now vertical rather than slight angle to produce an overhang;
- Addition of workshop under overhang on gasification building eastern elevation;
- Changes to the internal layout of the admin / welfare / visitors centre/ education facility within the gasification building;
- Addition of air coolers adjacent to fire water tank;

- Change in footprint (extension) of ancillary building to gasification building to provide enclosed vehicle loading / offloading area;
- Ash handling / silo storage area swaps locations with the turbine hall;
- Bunded area provided for off-loading of materials, bunded area is located under the gasification building roof overhang;

Changes associated with the AD facility

- New AD substation located to east of AD bunded area;
- Change in bunded area with bund wall route now excluding the CHP engines and transformer;
- Change in location of pasteurisation tanks within AD bunded area;
- Change in arrangement of sequencing batch reactor (SBR) feed tank, hydrogen sulphide (H₂S) scrubbers and sodium hydroxide (NaOH) tank;
- Biogas holder and SBR tank swap locations;
- AD water tank removed and replaced with underground water storage tank;
- AD wheel wash relocated to under the AD roof canopy;
- Addition of ammonia scrubber and polymer prep tank outside AD building;
- Repositioning of flare to allow for appropriate separation distances;
- Change in alignment of overhead pipe bridges in AD area and between AD and gasifier building;

Other changes

- Provision of 2 new substations near to the site entrance including vehicular access and the loss of a small area of vegetation;
- Realignment of access road and weighbridge for HGVs exiting the RBF to allow appropriate ATEX separation distances (*The ATEX Directive consists of two EU directives regulating what equipment and work environment is allowed in an environment with an explosive atmosphere*);
- Change in the headwall within the infiltration lagoon to match that consented in approved drainage plan;

Changes to landscape proposals

- 24 There are no proposed changes to the consented landscape scheme in so far as proposed new planting is concerned, although there would be a minor loss of vegetation that was originally proposed to be retained. This would occur in two locations: firstly, where the 2 new substations are proposed adjacent to the site entrance and, secondly, associated with AD bunded area adjacent to staff parking.

Footpath Diversion

- 25 None of the proposed changes which are the subject of this Section 73 planning application have any effect on either the need to divert footpath 70 (Sunbury), or the proposed diversion route.

Employment and Opening Hours

- 26 There are no proposed changes to the consented hours of operation of the Eco Park, nor the number of employees.

Access

- 27 There are no proposed changes to the method or point of access to the Eco Park from the public highway.

Surface Water Drainage

- 28 Planning permission reference SP10/0947 contained a pre-commencement condition relating to surface water drainage (Condition 21) and a Drainage Strategy was submitted in order to discharge this condition. As a result of the minor material changes to the Eco Park, the applicants would need to provide a modified Drainage Strategy. The applicant suggests a similar pre-commencement condition relating to surface water would be appropriate should the CPA be minded to vary conditions attached to permission reference: SP10/0947.

Utilities

- 29 There is no change proposed to utilities connections as a result of this Section 73 planning application.

Lighting

- 30 Planning permission reference: SP10/0947 contained a pre-commencement condition (Condition 8) relating to lighting. A detailed lighting scheme was submitted and discharged under discharge of condition notice reference: SP10/0947/SCD13. However, as a result of the minor material changes to the Eco Park a revised lighting strategy would need to be prepared and submitted. The applicant therefore suggests that a similar pre-commencement condition relating to lighting would be appropriate should the CPA be minded to vary conditions attached to permission reference: SP10/0947.

Security Fencing, Gates and Signs

- 31 There are no proposed changes to the consented arrangements for security fencing, gates and signs.

Car Parking Provision

- 32 There are no proposed changes to the consented arrangements for car parking provision.

Changes to the Gasification Facility

- 33 The change in gasification technology which it is sought to accommodate by this Section 73 planning application is from Batch Oxidation System gasification to a fluidised bed gasification system with associated on-site waste pre-treatment. For clarification, the proposal is only to change the particular type of gasifier to be installed, not to change from one type of advanced thermal treatment (gasification) to a different type of advanced thermal treatment (e.g. pyrolysis or plasma arc). Despite the proposed change in gasification process, there are only minor material changes to the gasification building's design (see Appendix A for the full list). The applicant submits that these would have been required irrespective of whether there was a change in gasification technology. With the proposed fluidised bed gasification system, the gasification facility would comprise the following main elements:

- Waste reception and storage area;
- Pre-treatment area comprising feed-hopper, conveyors, trommel, primary and secondary shredders, air sifters, overband magnet and ferrous magnet;
- Refuse derived fuel storage bunker;
- Gasification chamber containing fluidised bed;
- Boiler;
- Flue gas treatment system;
- Steam turbine generator;
- Air cooled condensers;
- 49m stack (which would also serve the AD gas engines and odour control system);

- Ancillary offices, staff welfare facilities and an education visitor centre.

Table 1: Summary of Gasification Changes

	Approved: Batch Oxidation Gasification system (BOS)	Proposed: Fluidised Bed Gasifier
Waste types	Dry non-hazardous household, commercial and industrial wastes (inc municipal wastes)	Dry non-hazardous household, commercial and industrial wastes (inc municipal wastes)
Capacity	60,000 tpa	44,710 tpa
Pre-treatment	No	Pre-treatment of an input of 55,460tpa of residual waste into the pre-treatment system would yield around 44,710tpa of Refuse Derived Fuel (the balance comprising non-combustible & recyclable materials)
Chambers	Separate primary and secondary chamber (12 primary chamber and 3 secondary chambers)	One single chamber
Ash production	12,000tpa (200kg per tonne of waste)	6,350tpa (142kg per tonne of waste)
Flue gas treatment	Sodium bicarbonate & Activated carbon; Bag filters; Continuous emissions monitoring	Sodium bicarbonate & Activated carbon; Multicyclone; Bag filters; Continuous emissions monitoring
Roof vents	3 emergency by pass vents to vent unburnt syngas to protect secondary chamber	Single chamber therefore no venting of un-burnt syngas, vents used for steam venting on start-up (x2) and roof access (x1) for maintenance.

- 34 As can be seen from the summary above, the proposed gasifier would process around 44,710 tonnes per annum (tpa) of residual Municipal Waste from the northern Boroughs of Surrey and also, as previously, a small quantity of local Commercial and Industrial waste. However, due to the reduction in the capacity of the gasification facility it would handle less Commercial and Industrial waste than the consented BOS gasifier, though would still process the same amount of Municipal Wastes arising from the same catchment area.
- 35 The thermal process proposed would be based on an Outotec Energy Products (OEP) fluidised bed staged gasifier and the plant would be a single line comprising a refuse derived fuel (RDF) feed system, gasifier vessel, heat recovery steam generator and flue gas treatment system. The two critical processes that would ensure the efficient operation of the gasifier would be the fluidisation of the bed and the control of the gasification reactions within the bed. Fluidisation of the bed is the process whereby a granular material, such as sand, is converted into a dynamic fluid-like state by passing air through the material. The air introduced through the bottom of the bed creates bubbles that move upwards through the bed via the empty spaces between the particles. As the velocity is gradually increased, the bed expands, until at the critical air velocity, the particles become suspended within the fluid (air) creating the fluidised bed. The fluidised bed would then be heated to the operating temperature of around 680°C to 810°C and the fuel fed into the bed. Since the gasification process is mainly exothermic (i.e. a process or reaction that releases energy), once started, the reaction would be self-sustaining, or autothermal, using the energy of the organic material itself. The fuel feed into the bed would be maintained at a rate such that the bed is operating in substoichiometric conditions (*see next paragraph for explanation of this term*) mode resulting in the gasification of the fuel.
- 36 A reagent is a substance or compound that is introduced to a system to bring about a chemical reaction or to see if a reaction occurs. A stoichiometric amount or ratio of a

reagent is the amount or ratio of it at which (assuming that the reaction proceeds to completion): (1) all reagent is consumed, (2) there is no shortfall of reagent, and (3) no residues remain. Conditions are stoichiometric when the amounts of reagents are stoichiometric (as described above); and they are sub-stoichiometric when less than the stoichiometric amounts of a reagent are employed.

Syngas Sampling

- 37 The carbon-based or organic material in the fuel would be gasified in a reduced oxygen atmosphere resulting in the generation of synthetic gas (syngas) comprising hydrogen, carbon monoxide, methane and a range of other hydrocarbon gases. The syngas would flow from the fluidised bed into the freeboard section of the gasifier where a probe would sample the syngas enabling the gross calorific value to be determined. The thermal process would be completed in the upper section of the gasifier, where over fire air would be injected resulting in the complete oxidation of the syngas. As the syngas burns in the gasifier, the hot combustion gases generated would flow into the boiler generating high pressure superheated steam. A syngas sampling point would be provided to extract samples of syngas prior to oxidation. The syngas would be tested periodically from the free board area above the fluidised bed by a probe. The syngas sample would be sampled and analysed as agreed with Ofgem.
- 38 Several representations have argued that the above-mentioned process could not properly be termed 'gasification' since no exact details of the syngas sampling have been provided at this stage. However, Officers do not consider that such a level of detailed technical design information is necessary in order for the CPA to determine that the process described is gasification. The CPA has accepted the description of the revised technology as 'gasification' and does not agree with representations that the revised technology now proposed requires a completely new planning permission as noted above.

Gasifier Feed System

- 39 RDF from the supply conveyor would discharge into the gasifier metering bin via a bin inlet slide gate mounted between the discharge of the fuel distribution conveyor and the metering bin inlet. The bin level sensor would monitor the level in the metering bin and control the operation of the RDF conveyor. The mass of RDF in the gasifier feed bin would be determined by load sensors on the feed bin. The change in mass of the RDF in the feed bin over a set period of time would enable the feed rate into the gasifier to be determined. In order to comply with the Waste Incineration Directive, the gasifier would be designed to ensure that the combustion temperature would be $> 850^{\circ}\text{C}$ with a minimum residence time of two seconds. Inert material introduced with the fuel, such as stones or metals, not removed in the pre-treatment process, can lead to occasional agglomeration and clinking of a portion of the bed media. In order to ensure the continuous operation of the fluidised bed process, the bed recycle system would remove inert material from the bed.
- 40 A feed system would be provided to introduce a calcium-based additive into the fluidised bed. This would help to reduce the effects of ash softening by coating the ash particles, and also to reduce acid gases formed from sulphur and chlorine compounds in the fuel. Additives would be metered from the storage silo into a high pressure blowline through an eductor. The blowline would discharge at the fuel feed port into the fluidised bed cell. A single high pressure blower would supply conveyance air to the blowline. The silo would be filled pneumatically from suitably equipped delivery trucks. The limestone silo would have a storage capacity of 7 days, and a volume of approximately 17 m^3 .

Waste Reception and Handling

- 41 Incoming refuse collection and bulk transport vehicles would continue to enter the site via Charlton Lane and no changes are proposed to the method of checking and weighing waste delivery vehicles. Due to the change in gasification technology and resultant change

in internal layout of the gasification building, after having weighed in, waste delivery vehicles would now be able to drive forwards into the gasification building, manoeuvre and reverse within the building to the waste reception bay. Due to the change in technology and the process having a single waste feed hopper into the pre-treatment process, (rather than 12 separate primary chambers under the BOS system), the amount of site plant movements within the gasification building is significantly reduced, which also reduces the risk of vehicle/plant collision within the waste reception area of the gasification building.

Pre-treatment Process

- 42 One item of change resulting from the change in gasification technology is the inclusion of on-site waste pre-treatment and the removal from site of recyclable materials, non-combustible materials and finds produced by the pre-treatment process. The inclusion of waste pre-treatment would provide the further environmental benefit of removing recyclable materials from the waste stream, as well as the removal of non-combustible items prior to thermal treatment. The recyclable and non-combustible materials are separately discharged to a storage bay from where they can be removed from site for recycling or other waste management activities (recycling, recovery or disposal) as appropriate. Whilst the Eco Park would operate 24/7, the pre-treatment process is only intended to operate during normal site hours, i.e. receipt of waste hours for the gasification facility.
- 43 The provision of the RDF storage bunker with its walking floor and continuous feed arrangement, would enable pre-treatment activities to be undertaken during waste receipt hours and to build up a suitable quantity of RDF stored in the RDF storage bunker to enable continuous 24/7 feed and operation of the gasification facility. The provision of the RDF storage bunker therefore reduces the level of noise generation by eliminating the need for the night-time operation of the pre-treatment process.

Process Residues

- 44 As a result of the proposed change in gasification technology and the requirement/ability to undertake waste pre-treatment to produce recyclates and Refuse Derived Fuel (RDF), there would be a change in the amount of process residues produced. The amount of Bottom Ash produced would be reduced from 12,000tpa under the BOS system to 6,300tpa for the fluidised bed system. There is no change proposed however to the intention (pending appropriate commissioning and authorisation from the Environment Agency) that Bottom Ash would be recycled elsewhere into a secondary aggregate for reuse.

Raw Materials Handling and Storage

- 45 Apart from treating non-hazardous waste, the plant would use various raw materials during processing. Primarily, these would include sodium bicarbonate, urea, activated carbon and gas oil. Flue Gas Treatment (FGT) reagents would be stored in silos in the ancillary building east of the main gasification Building, the FGT reagents would be transferred via sealed pumps into the silos from the delivery HGVs which would be reversed into the proposed extended off-loading area.

Size of the Gasification facility in Relation to Technical Requirements

- 46 A key issue addressed in the original Eco Park planning application was the justification for the size of the gasification building having regard to the nature and scale of the BOS gasification technology that it housed. This was an important planning consideration in the context of justifying a building of the size proposed within the Green Belt.
- 47 The applicant explains that the proposed fluidised bed gasification system has been configured to occupy less floorspace than the BOS gasification process itself, although it

now requires the residual waste feedstock to be pre-treated. This is necessary to ensure that non-combustible and recyclable materials (i.e. metals, aggregates and inert fines) are removed and that the resultant feedstock is reduced to a homogenous size. It has also been necessary, as part of the detailed design process for the fluidised bed system, to incorporate essential operating infrastructure (i.e. electrical, power and ancillary plant rooms) into the internal arrangement of the gasification building. Finally, the revised technology similarly requires a waste material reception, storage and handling facility. Given these space requirements, the applicant submits that whilst the new gasification technology can be accommodated within the existing gasification building exclusively from a floorspace perspective, there is (in the event) no opportunity for the building floor area to be reduced.

- 48 With regard to height, the previous BOS gasification system could not be sunk into the ground due to the requirement for ash extraction from the base of the boilers and was accordingly set at ground level. The BOS system extended to a height of 13m, whilst a further 2m clearance was required above each boiler for inspection and maintenance purposes. Bearing in mind the 2m roof depth (1.5m structural roof truss and 0.5m purlins), this determined the minimum finished roof level at 17m above the highest point of the boilers. The applicant submits that the proposed fluidised bed gasification system also needs to be set at ground level due to the requirement for maintenance access (by personnel and machinery) to the fluidised bed recirculation system (which forms the base of the unit). The gasification system now proposed itself extends to a height of 15.5m and this necessitates the plant extending slightly into the space between the structural roof trusses. Therefore, the applicant submits that there is no opportunity to reduce the height of the building. In the event of a mechanical failure to the walking floor within the RDF storage bunker, an overhead gantry crane has been proposed (the beam from which the gantry crane operates from is located at a height of 13m). Therefore allowing for the operation, maintenance and roof depth there is no opportunity to reduce the height of this part of the building.
- 49 The applicant notes that the waste material reception, storage and handling area on the BOS gasification design could theoretically have been lower in height, although this would have necessitated introducing a step in the building roof (and required configuration of the admin, visitor, and education block). This was previously considered to be an adverse option in the context of an integrated architectural solution and in visual impact terms. However, the building height did slope down over this area in order to minimise the overall height without introducing the step. The same architectural considerations have been applied in respect of the fluidised bed scheme and the height of the building in this area has been retained to match the consented scheme. The applicant therefore submits that the change in gasification technology does not offer any new opportunity to reduce either the floor area or height of the gasification building.

Anaerobic Digestion Facility changes

- 50 The AD process, waste inputs, capacity, technology provider (Monsal Ltd) and main AD building (i.e. 1,451m² in area and 13.5m in height) remain the same as the previous planning application. As noted above, there are a number of changes to layout (e.g. repositioning of tanks as described above), which have resulted from post permission detailed design. One such amendment is the proposal to increase the slab level of the AD tank area by 300mm in the eastern tank area containing the digesters and buffer tank (which are the largest tanks on site), and the slab height is also proposed to increase by 500mm in the western tank area containing the SBR tank and biogas holder.
- 51 The applicant has explained that upon review of the existing site and existing site levels, consideration was given to construction of the AD facility at existing ground levels, thereby minimising the amount of groundworks required on site. This would reduce site construction activities and noise associated with those activities as well as minimising the excavation and off-site removal of soils and contaminated soils, thus reducing the

environmental impact of construction and the HGV traffic impact of construction. The net effect of constructing the AD at existing ground levels rather than artificially reducing levels through excavation and off-site removal of material (clean and / or contaminated) would be that the RBF building would be 500mm higher (Above Ordnance Datum, AOD), and tanks in the AD area 300-500mm higher (AOD) compared to the approved plans. As the increase in height would result in structures which remained lower in height and therefore lower in terms of visual impact than the consented gasification building, the applicant therefore considered this element of the proposal to be a beneficial proposal given the positive environmental impacts of reduced soils removal and reduced HGV movements.

52 Activities within the waste reception area of the AD building would remain the same. The only proposed changes relating to the AD processing hall would be: the repositioning of the fast acting roller shutter access door; increasing from 1 to 2 turbo dissolvers; increasing from 1 to 2 drum screws; and internal access stairs. The only proposed changes relating to the AD maturation hall would be the repositioning of the fast acting roller shutter access door and a change in the internal location of dewatering platform and change in the dewatering equipment from presses to centrifuge. Other associated changes relating to the AD process (post reception processing) are as follows:

- Increase in height of concrete bund wall to 3.2 metres, but no increase in visual height of bund due to timber fencing on eastern elevation up to 3.7m (i.e. it would overlap the concrete wall). Also the route of bund wall is proposed to change to now exclude the CHP engines and transformers;
- Addition of transformers linked to CHP engines within a fenced-off compound;
- New separate AD substation now located to the east of the bunded AD area;
- Relocation of pasteurisation tanks;
- Slab height of AD tank area 1 (eastern tank area) increased by 300mm;
- Slab height of AD tank area 2 (western tank area) increased in height by 500mm;
- Change in location and arrangement of tanks in tank area 2 (western tank area), namely the SBR buffer tank, H₂S scrubbers, and NaOH tank; and
- Following detailed design and confirmation of specifications by suppliers, the applicant also proposes changes to the diameters and heights of various tanks in the AD facility.

Biogas Handling

53 Whilst the capacity of the biogas holder would remain the same (2,000m³), the biogas holder would change shape and size from that shown on the previously approved plans. The proposed biogas holder would have a smaller anchor footprint (rather than the half 'golf ball' shape previously approved) and this would therefore result in a higher structure with a smaller diameter (14m high and 15.7m wide, compared with the approved dimensions of 10.5m high and 19m wide). It is also proposed that the biogas holder would change position with the Sequencing Batch Reactor (SBR) tank, so that the SBR tank would now be located adjacent to the RBF building with the biogas holder located further away from the RBF building. This is to ensure an appropriate separation distance between the RBF building, which contains a source of combustible fuel in the form of baled cardboard and paper, and the biogas holder. This positional change also allows appropriate ATEX separation distances to be maintained (ATEX Workplace Directive and ATEX Equipment Directive). Linked to the biogas holder would be the combined heat and power (CHP) units, which are generators converting biogas into heat and power. Electricity is generated from the combustion of biogas with air whilst heat is recovered from the cooling jacket, oil lubrication system and flue gas. The emissions from the CHP units would still be piped to the stack located to the north of the main gasification building. Nitrogen oxide (NO_x) emissions from the CHP engines would still be limited to <300mg/m³ to comply with the required emission levels. The CHP engines would remain in the same position, but would change in size and dimensions to be two engines of the same capacity (rather than one large and one small engine as previously approved).

- 54 The flare stack (located to the north of the gas holder) is designed to operate in the event that more biogas is generated than is used on-site, which could otherwise lead to the over pressurisation of the gas system. In that event the flare stack would be used to 'burn off' biogas. The flare stack would normally only be required to operate when CHP engines are not in use i.e. during routine maintenance. As such, it is likely that the flare stack would be used up to around 25 days per year. In order to maintain appropriate separation distances, the flare stack has been repositioned (5m east and 1.825m north) from the position shown on approved plans. Additionally, it is proposed that the flare would be 8.5m in height rather than 8m as specified on the approved plans.

Odour Control System / change is 25 metre stack width

- 55 The applicant explains that the odour control from the AD facility has changed from that consented through the replacement of the bio-filter and associated 15m high discharge stack shown on the approved plans, with an activated carbon filter system. The activated carbon filters would be located at the northern end of the gasification building adjacent to the air cooled condensers and would treat air extracted from both the gasification building and AD buildings. The treated air would be discharged from the top of the main site stack (at a height of 49m) via two additional flues. This system would obviate the need for the former 15m high discharge stack, but require the main stack to be increased in width (to accommodate the new flues) from 2.5m to 3.8m diameter.

Other Eco Park operations

Recyclable Bulking Facility

- 56 The raising of the slab height of the RBF building would be increased over that permitted by 500mm, a new internal electrical room within the building would be provided, and louvers provided for ventilation. Additionally, the applicant proposes to realign the RBF exit road and weighbridge, to maintain appropriate ATEX exclusion distances from the biogas holder.

Community Recycling Centre

- 57 There are no changes proposed to the location, size or method of operation of the CRC, apart from a proposal to reduce the area of CRC roof covered by photovoltaic (PV) cells, though with no reduction in PV cell power output.

Ancillary Buildings and Infrastructure

- 58 The only additional ancillary buildings/structures would be the 2 new substations near to the site entrance and a new AD substation to the east of the AD bunded area.

Energy Recovery

- 59 The proposed changes under this Section 73 application would have a gross design generation capacity of 5.586MW (3.65MW from the fluidised bed gasifier, 1.778MW from the AD plant and 0.158MW for the PV cells), increased from the previous 5.16MW. There would, in particular, be an increase in gross generation capacity from the AD following the proposed change to the CHP engines.

Electricity Grid Connection

- 60 The applicant now proposes two grid connections rather than one, which would enable the AD facility and gasification facility to independently export electricity to the national grid. The purpose of two grid connections is that any failure in electricity export from the AD should not interrupt electricity export from the gasification facility (and vice versa). This necessitates two new substations near the site entrance.

Proposed Waste Types, Sources and Quantities

- 61 Due to the reduction of gasification capacity from 60,000tpa to a thermal treatment capacity of 44,710tpa, albeit with a pre-treatment capacity of 55,460ta, there is an overall reduction in site capacity of 4,540tpa. It is now proposed that 2,200tpa of street sweepings would be received at the site, which currently happens at the permanent Charlton Lane waste management facility, though this was not proposed through the previous Eco Park application. Given this continuation of street sweepings being received at the site, the total site acceptance capacity would thus fall from the consented Eco Park level of 143,750tpa to 141,870tpa. The nature of the waste input would therefore remain the same but with a reduction in Commercial and Industrial wastes (from the reduction in thermal waste treatment) and the retention of street sweepings transfer.

CONSULTATIONS AND PUBLICITY

District Council

- 62 Spelthorne Borough Council (Planning Committee): Resolved:

“1. That Surrey County Council is reminded of this Council’s very strong objection in principle to the Eco Park proposal and that its response to the current application for minor material amendments should not be regarded in any way as a lessening of that strongly held objection.

2. Very strong objection is raised to six of the proposed ‘minor material’ amendments, as follows, because they involve increasing the dimensions of certain elements of the complex so they are more conspicuous and visually harmful over a wide area, adversely affect the Green Belt and are therefore unacceptable:

- a. Amendment 17 – raising the height of the Buffer Tank from 15.3m to 16.7m above slab height.*
- b. Amendments 35,36, and 37 – in the Anaerobic Digestion and Recyclable Bulking areas raising the slab height by between 300mm to 500mm and therefore all the buildings and associated external plant.*
- c. Amendment 34 – relating to increasing the height of the bio-gas holder from 10.5m to 14m.*
- d. Amendment 42 – relating to increasing the diameter of the stack from 2.4m to 3.8m.”*

Consultees (Statutory and Non-Statutory)

- 63 **County Waste Management and Energy Recovery Consultant (CWMERC):**

The CWMERC (Peter Brett Associates) advises the CPA that:

“The Chartered Institute of Wastes Management defines gasification as: ‘An Advanced Thermal Treatment technology that is characterised by the partial oxidation of the feed stock. Oxygen is added, but not in sufficient quantities to allow the substance to be completely oxidised and full combustion to occur.’

The above process leads to production of a Syngas which can be used as a fuel and the current proposal for Charlton Lane will meet the above definition. The Renewables Obligation definition of gasification is a thermal process that produces a syngas having at least 2MJ/m³. The current proposal for Charlton Lane is likely in our opinion to technically meet this definition. Two types of processing stages can follow gasification:

1. Combustion of the 'dirty' syngas in a conventional boiler or thermal oxidizer and used to produce steam usually utilised to generate electrical power through driving a turbine.
2. Cleaning of the syngas to produce a clean fuel gas which can generate power via a gas engine or gas turbine. It may also be possible subject to clean up, to inject the gas into the grid.

The Charlton Lane proposal is to use the syngas to produce steam in a boiler to drive a turbine to generate electricity.

In order to gain certification from the Office of Gas and Electricity Markets (Ofgem) , a regime would need be agreed with them for Fuel Measurement and Sampling (FMS). The agreement of such a regime is outside the scope of planning control and our understanding is that the final certification could only be awarded once planning has been granted. There are plants in the UK which have gained Planning Permission and certification.”

64 **The Environment Agency**

“The proposed modifications will affect the surface water management system. Reducing secondary containment bund footprint while maintaining the 110% capacity may have an impact on the volume of water discharged to the surface water management pond to the east. However, extending the buildings and increasing the roof area will increase the volume of clean roof water discharging to the clean water soakaways and equally reduce the volume discharging to the surface water management pond. If all these aspects of the proposed modification have been considered in the revised surface water management plan and found to have no impact, then the changes would be acceptable from a surface water management point of view and we would have no objections.”

65 **County Highway Authority (CHA)**

The original application assessed the traffic generation in respect of waste carrying traffic for recycling rates of 70%, 60% and 50%. The worst case traffic generation occurred with the highest recycling rate of 70% and therefore it is this level that has been assessed in respect of this amendment application. Although the quantity of waste to be imported to the site is to be reduced, so is the quantity to be treated with more recyclable material to be removed through the pre-treatment of the gasifier waste. Thus there is more to be exported from the site than under the current permission. This will result in an additional 8 movements (4 return trips) per day during the week, or an additional vehicle movement every 1.5 hours over and above the consented level. This is still below the 320 waste vehicle movements per weekday that the current authorised use generates. The number of movements will reduce by 12 on a Saturday and 14 on a Sunday when compared to the current permission.

Although the proposal shows a small increase in waste carrying traffic generation over and above the existing Eco Park planning permission, this is still significantly below the level of waste movements that the current use of the site generates. The net impact of the application therefore remains positive in that it removes waste carrying vehicles from the network. No objection subject to conditions.

66 **County Geotechnical Consultants (CGC)**

Ground Conditions

The CGC advises that the end use on which the risk assessments are based remains unchanged, and the minor changes to the layout are not material to the ground and groundwater conditions. The applicant states that: *“A remediation scheme has been*

submitted pursuant to discharging this condition attached to the existing Eco Park planning permission. If approved this will be unchanged by the amendments to the Eco Park scheme. Accordingly, the wording of the condition should be amended to the effect that the provision of a remediation scheme is no longer a pre-commencement condition and that the Eco Park as amended should be constructed in accordance with the approved remediation scheme.” The CGC advises that this application is acceptable subject to appropriately worded conditions.

Hydrology and Drainage.

CGC’s review suggests that there may be minor increases in the paved area of the site. Therefore the drainage design will need to be revisited. Note that the applicant submits: *“A Drainage Strategy has been submitted pursuant to discharging this condition attached to the existing Eco Park planning permission. The Drainage Strategy is based upon the existing Eco Park design. Therefore a revised Drainage Strategy based upon the Eco Park as amended would need to be prepared and submitted. Accordingly the wording of this condition would remain unchanged from that attached to the original decision notice.* The applicant means the detailed Drainage Scheme required by Condition 21, that includes the layout and full calculations. This condition has been discharged by the CPA. A revised drainage scheme would now need to be submitted and Condition 21 would need to apply to any new consent.

67 **County Air Quality Consultants (CAQC)**

The Air Quality results have been correctly interpreted by the applicant and the Dust and Odour Management Plan can be expected to be robust and useable practical working tools and would meet Surrey County Council’s requirements subject to minor clarifications

68 **County Lighting Consultant (CLC)**

The lighting submission is satisfactory and demonstrates the discharge of Condition 8 of the planning permission (i.e. a detailed lighting scheme)

69 **County Noise Consultant (CNC)**

No objection as confirms that there are some changes that might affect noise slightly but not to any great extent. The reduction of six condensers to two slightly noisier ones would give about the same noise. At night they would rarely have to work very hard so not a significant source.

Previously the turbine was enclosed in a separate enclosure within the main building.

This has been changed and an internal reverberant level of 95 dBA is quoted which is appropriate. The location has also changed. The walls of the turbine hall would be in block work but the roof is given an acoustic specification of $R_w=41$, which is calculated to give a noise contribution at Ivydene Cottage of 22 LAeq. For the AD processing hall at night, similarly calculated a contribution of 23 LAeq.

The acoustic performance of the cladding on the gasification facility has been reduced from 45 R_w to 41 R_w for the roof and 35 R_w for the walls, assume on the basis that the walls do not need such a high performance as the roof because there would be feed stock in piles inside and there is also the acoustic fence round the loading bay outside.

Noise calculated from this building would contribute about 32 LAeq at Ivydene Cottage.

As the other main contributions are well below this, agreement with applicant’s predicted 31 LAeq in their table 12.9. As this is within the night limit of 33 LAeq, in practice there would be no significant impact on Ivydene Cottage at night and the proposed changes would make no significant difference during the day.

70 **County Ecologist**

Satisfied that the data collection has followed the appropriate guidance and considers that there should not be any significant harm to ecological receptors.

71 **County Landscape Officer**

The revisions most likely to result in any change in scale of landscape impacts are addressed as follows:

1. Increased height of the Anaerobic Digestion biogas from 10.5 metres (m) to 14m - The increased in height and mass of this element will be seen in the context of the much larger mass of the group of Digester tanks, Buffer tank and Gasification building. The proposed changes still result in a building that remains subservient to the main grouping, and the scale of the change is minor in this context. I would not consider this amendment to increase the landscape impact of the proposed development to any significant degree.

2. Increased diameter of the gasification stack from 2.5 to 3.8 (height remains unchanged) - The increase in width of this feature is of a minor scale in the context of the overall scale of the main development. I would not consider this amendment to increase the landscape impact to any significant degree.

3. Loss of 10 trees on the northwest boundary from a realigned internal access road and weighbridge - I note the loss of these trees are as a result of a permanent feature and therefore will be a net loss to the tree belt along the western side of the development. The loss of trees compared to the extent of the main tree belt is not in itself significant, but this feature is an important part of the landscape mitigation. Replanting or appropriate management of the tree belt around the new access road should therefore be considered within the management plan, to retain its integrity. A method statement for the construction process of the access road, and tree protection to minimise any further loss, should be sought by condition.

4. Position of 3 new electricity substations - The position of the 3 new electricity substations is close to boundary vegetation at the front of the site, which needs to be protected as part of the landscape mitigation. Construction of the hardstanding required for access should be designed so that it does not adversely affect the root area of retained trees. A method statement for the construction process and tree protection should be sought by condition.

Methodology of the LVIA

In response to the concern regarding the methodology for undertaking a LVIA being recently updated, I would confirm that this does not require a re-assessment in accordance with the new LVIA guidance (third edition). An extract from the Landscape Institute's technical committee is set out below, and I would not consider that the changes proposed are significant enough in terms of landscape impact to require a re-assessment according to GLVIA3.

"In response to queries from members, the LI's Technical Committee has produced the following guidance on the transition from the second to the third edition:

GLVIA3 replaces the second edition GLVIA2. In general terms the approach and methodologies in the new edition are the same. The main difference is that GLVIA3 places greater emphasis on professional judgement and less emphasis on a formulaic approach. Members have asked for clarification on the status of projects developed under GLVIA2, but reviewed or implemented after publication of the third edition.

An assessment started using GLVIA2 should be completed using that edition. However, if in the view of the professional a comparison should be undertaken with GLVIA3, and subsequently if necessary a re-assessment undertaken according to GLVIA3, then this should be discussed and agreed with the client in the first instance. Obviously, assessments started after the publication of GLVIA3 should use it, rather than GLVIA2.”

72 County Rights of Way

“Where it affects the definitive route of Public FP 70, the route should be diverted under the TCPA (we are waiting for the inspector's decision) and that during construction works on the site, a safe route should be available at all times - either the definitive or a suitable alternative. If the definitive route of the Public Footpath 70 is to remain during the development, a safe and clearly marked route should be kept clear and available for the public user or an alternative temporary route provided pending agreement with the Countryside Access Officer, in advance.”

73 County Archaeologist

Given that the changes will be relatively minor, no change to make to earlier comments contained in memo of 21 March 2013.

Officers note that following the March 2013 comments, on 30 April 2013 details (SP10/00947/SCD5) were approved of a Written Scheme of Investigation to secure the implementation of a programme of archaeological work, pursuant to Condition 43 of planning permission ref: SP10/0947 dated 15 March 2012.

74 County Environmental Assessment

The conclusion of the review of the ES submitted in support of the Charlton Lane S73 application is that the ES satisfies the requirements of Part II of Schedule 4 of the EIA Regulations (2011), and provides as much of the information listed under Part I of the EIA Regulations 2011 as may be reasonably required. Overall the ES is of sufficient quality to inform the determination of the planning application.

75 Natural England

No objection.

76 Highways Agency

Offers no objection.

77 Thames Water

No comments to make.

78 BAA Aerodrome Safeguarding

No safeguarding objections.

79 Surrey Wildlife Trust (SWT)

The ES provides sufficient information.

80 NHS Surrey

No comments received. At the draft Eco park application stage NHS commented that *'The planned activities at Charlton Lane Waste Management Facility should not present a risk to public health provided they are well managed and regulated'*.

81 Health & Safety Executive

Do not advise, on safety grounds, against the granting of planning permission in this case.

- 82 **Southern Electric**
No comments received.
- 83 **Network Rail**
No comments received.
- 84 **Design Council (formerly Commission for Architecture and the Built Environment)**
No comments received.
- 85 **CPRE**
No comments received.
- 86 **Ramblers Association**
No comments received.
- 87 **Runnymede Borough Council**
No objection.
- 88 **Elmbridge Borough Council**
No objection.
- 89 **London Borough of Hounslow**
No response received.

Parish/Town Council and Amenity Groups

- 90 Shepperton Residents' Association: Objected as the following changes are not judged to be minor:
- Stack width increasing
 - Gasifier roof changes
 - Increase in AD roof height and dimensions
 - Sulphuric acid storage and acid scrubber to remove ammonia
 - New Municipal Solid Waste to Refuse-Derived Fuel processing plant
 - New ancillary buildings
 - New gasification technology, not operating in the UK and located alongside AD producing/storing large volume of methane; a major public safety risk that needs to be properly assessed
 - As such, a full planning application should be submitted
- 91 Charlton Village Residents' Association: Object for the following reasons:
- It is unnecessary as recycling rates are increasing, EfW plants in Europe can take more waste and Colnbrook is better located to take waste
 - It is potentially dangerous as the proposed technology is untried and untested with no operational plants in the world. The previous Scottish prototype had problems and caught fire taking 7 days to extinguish. The plant produces methane and syngas and such explosive gas would be near to the CRC, Charlton Village and the M3
 - It will give off life threatening emissions in this AQMA, including particulate matter harmful to health
 - The buildings would be 50% higher than those currently on site; the removal of mature trees will make the Eco park an eyesore visible from the North Downs
- 92 Lower Sunbury Residents' Association: No response received.
- 93 Laleham Village Residents' Association: No response received.

94 Staines Town Council: No response received.

Summary of publicity undertaken and key issues raised by public

95 A 'pro-forma' was received with 377 signatures objecting because the following changes were not judged to be minor amendments:

- Stack width increasing
- Gasifier roof changes
- AD roof height and dimensions
- Sulphuric acid storage and acid scrubber to remove ammonia
- New Municipal Solid Waste to Refuse-Derived Fuel processing plant
- New ancillary buildings
- New gasification technology, not operating in the UK and located alongside AD producing/storing large volume of methane; a major public safety risk that needs to be properly assessed
- Very poor communication and consultation with residents and Fire Services
- As such, a full planning application should be submitted

96 A 'pro-forma' was received with 52 signatures objecting because the following changes were judged to be major:

- Redesign of the gasification technology not operating in the UK and in a residential area next to the M3 Motorway, located alongside explosive methane with potential for a major disaster
- Sulphuric acid storage
- New buildings
- Stack width increasing
- Additional waste processing plant
- Gasifier roof changes
- AD roof height and dimensions
- Poor public consultation with residents and Fire Services
- As such, a full planning application should be submitted

97 A 'pro-forma' was received with 49 signatures objecting because the following changes were not judged to be minor:

- Stack width increasing
- New buildings
- Sulphuric acid storage, which is a health and safety concern
- New gasification technology, not operating in the UK and located alongside AD; a major public safety risk
- Additional waste processing plant, also a fire hazard
- Gasifier roof changes and AD roof height
- Fire Brigade not consulted
- Residents not properly consulted

98 A 'pro-forma' was received with 46 signatures objecting because the following changes were not judged to be minor:

- New buildings
- Sulphuric acid storage and acid scrubber to remove ammonia
- New Municipal Solid Waste to Refuse-Derived Fuel processing plant
- Stack width increasing, meaning more damage to Green Belt

- New gasification technology, not operating in the UK and located alongside AD producing/storing large volume of methane and sulphuric acid/ammonia; a major public safety risk
- AD roof height and Gasifier roof changes affecting the Green Belt
- No images of revised design made available to the public
- Lack of proper consultation with residents that will be affected by industrial plant in the Green Belt amongst homes and schools
- As such, a full planning application should be submitted

99 A 'pro-forma' was received with 33 signatures objecting because the following changes were not judged to be minor:

- Experimental new gasification technology, not operating in the UK and located alongside AD producing/storing large volume of methane; a major public safety risk that needs to be properly assessed
- Densely populated residential area that is an AQMA
- Increase risk of explosion with greater instability
- New chemical processing buildings
- New Municipal Solid Waste to Refuse-Derived Fuel processing plant
- Very poor communication and consultation with residents and Fire Services
- Everything is getting bigger, such as stack width increasing; roof changing and more ancillary buildings
- As such, a full planning application should be submitted

100 A 'pro-forma' was received with 14 signatures objecting because the following changes were not judged to be minor:

- Everything is getting bigger
- New buildings
- More dangerous with greater risk of explosion

101 The application was publicised by the posting of site notices, issuing of press notices and 1840 letters sent to owner / occupiers in the area. The CPA has received some 170 representations in response to this application; the main points of objection raised are set out below:

Changes are not minor amendments because:

- Stack width increasing
- Gasifier roof changes
- AD roof height and dimensions
- Sulphuric acid storage and acid scrubber to remove ammonia
- New Municipal Solid Waste to Refuse-Derived Fuel processing plant
- New ancillary buildings
- New gasification technology, not operating in the UK and located alongside AD producing/storing large volume of methane; a major public safety risk that needs to be properly assessed
- Very poor communication and consultation with residents and Fire Services
- As such, a full planning application should be submitted

Air Quality & Human Health issues

- HPA's current position on incinerators is incorrect and studies show that incinerators are a risk to health
- The HPA are due to publish a report in spring 2014 and any determination should be delayed

- Latest studies point to cancer mortality increasing near incinerators and installations for the recovery or disposal of hazardous waste – the impact of disease has not been considered in terms of the Eco Park’s financial costs]
- Study in Spain points to adverse impacts on human health
- Concerns about health effects
- Health effects on surrounding communities (i.e. schools)
- Poor air quality in the area already
- Several studies point to adverse impacts on human health in towns near incinerators
- Perez et al study on adverse impacts on human health
- Northern Italy study on adverse impacts on human health
- The proposed Outotec system does not reduce production of Dioxins and Furans & relies on downstream clean up processes to prevent/reduce atmospheric pollution
- Increased exhaust emissions from HGVs causing air pollution – contradicts Government and EU guidelines
- Toxic emissions from chimney compromise air quality as incineration releases toxins into the atmosphere;
- Close proximity to schools – children inhaling polluted air; Emissions jeopardise the health of future generations
- Dust and particulates in the atmosphere detrimental to health – asthma sufferers in close proximity to site
- Local levels of pollution have already reached and exceeded their limits due to the M3 and Heathrow – Eco Park will exacerbate the problem
- Contradicts the aims of the Air Quality Management Area to reduce levels of traffic emissions; nitrogen dioxide levels area exceeded in this area and no further levels can be tolerated
- Stack width increase affects ability to disperse pollutants
- The proposed gas flare will create a danger to the M3 and residential areas, with no modelling of emissions or odours
- Poor quality of emissions monitoring from the incinerator, this cannot be relied upon to prevent damage to health; Public lack of faith in the EA’s claims to monitor air quality/emissions; The proposal to check emissions of heavy metals and dioxins every three months is inadequate.
- Site is upwind for prevailing South West winds
- Surrey CC has a duty of care to protect residents from excess health problems generated by burning materials; Dust and pollutants in the atmosphere will potentially create long-term health problems
- Research indicates an increase in birth defects and infant mortality rates, as well as a reduced life expectancy downwind of similar incinerators
- Recent research on PM₁₀ particulates state that such emissions adversely affect health of the young and old
- Public Health England confirm that levels of NO₂ in Spelthorne Borough exceed the annual mean therefore any increase in pollution levels can only increase risk to human health
- Defra have stated there is not safe limit for PM10s
- The WHO consider PM2.5s a significant risk to health

Health & Safety Concerns

- Risk of fire (e.g. Scotgen Dumfries- Scotland); Loss of fire stations; no consultation with Sire Fires & Rescue;
- There is no evacuation plan for the investable explosion at the Eco Park
- As the plant is untried and untested the precautionary approach dictates that it should not be allowed to proceed
- HSE study on occupational hygiene implications

- NPPF 2012 paragraph 172 states that planning policies should be based on up-to-date information on the location of major hazards and on the mitigation of the consequences of major accidents & this means safety must be considered by SCC
- There are no safeguards in place to stop the operator falsifying records to the EA (as part of the Permit) on emission levels
- The gasholder is incorrectly sited, inadequately protected and an extreme danger to the local community – the council has a duty of care and a legal requirement to ensure that human health is not endangered
- One recycling and waste site catches fire each day in the UK

Technology Concerns

- Supplier of technology
- Qualification of present contractor
- Examples of similar plants operating elsewhere plagued with problems
Plant in Dumfries never worked, breached emission limits and ultimately caught fire, which couldn't be extinguished for 7 days and the plant was ultimately shut down
- There is no working reference plant in the world for the type of technology proposed burning Refuse Derived Fuel
- The new technology is even more temperamental than the previous choice
- There is no waste processing site in the world with the configuration as proposed at this site with a CRC and dangerous chemicals and processes in close proximity
- OFGEM guidance makes clear that what is proposed is not a 'gasifier' as claimed
- AD plant banded area will not comply with HSE requirements for secondary containment
- The AD flare will be close to the public footpath and no dispersion modelling has been carried out, contrary to EA guidance
- The AD hazardous zoning does not comply with regulations with an access road within a the hazard zone
- The EA has concluded in the case of the Hatfield Incinerator that Incinerator Combusters using fluidised bed gasification technology is not Best Available Technique for Municipal Solid Waste disposal
- DECC stated in October 2011 that gasification and pyrolysis are emerging and unproven technologies
- EA's draft Hatfield incinerator plant stated that there is concern over the commercial reliability of fluidised bed and that it has elevated global warming potential

Waste Issues:

- The proposal is too small and too inefficient on too small a site and focuses on operations way down the waste hierarchy
- Unproven technology
- Toxins and emissions produced
- Impact of waste flare
- Impact of gas flare on drivers on M3
- Application does not comply with SCC's waste policy
- Definition between Energy from Waste plant and Gasifer
- The carbon balance report submitted is incorrect, the proposal is disposal not recovery and landfilling would be better in Green House Gas terms
- Reduction in bays for garden waste will increase queuing of vehicles using the CRC
- The reduction in tonnage to the site will still mean traffic problems and congestion locally, in an area that already suffers from such effects
- Commercial scale AD for food waste is unproven since such waste produces too much ammonia which brings acidification and ultimate failure of the digester
- The area for garden waste is reduced meaning more CRC queuing

- The proposal does not meet R1 and therefore waste should go somewhere more efficient

Green Belt

- Use of greenbelt land
- Openness of greenbelt
- The submitted LVIA uses out of date guidance and it should have used GLVIA13 & should have included views from Charlton Lane bridge over the M3 and from the footpath
- The landscape section does not consider the footpath including from flames and fumes from the on-site operation
- The application should be judged in light of NPPF 2012 and the applicant has incorrectly referred to out of date guidance and circulars in their visual amenity and green belt submissions.
- Landscape and visual assessment

Traffic issues

- Traffic increase due to increased number of HGV's
- Number of bays for lorries on site
- Impact on footpath 70
- Lack of pedestrian crossings
- Road width for HGV's and cyclists (narrow)
- Charlton Lane is not suitable for HGVs, including for those transporting chemicals to the site which creates a danger for public

Value for money / financial

- The proposal is not value for money
- The proposal is all for SITAs profit – it would be better to continue to send waste to Colnbrook or by train to South Gloucestershire as other local authorities do.
- The National Audit Office is investigating that the Eco Park is not value for money
- Paying back PFI money to DEFRA is not a planning consideration
- Impact on house prices
- Battlefield Incinerator Inquiry decision shows that landfill tax avoidance is not considered to be a public benefit
- Poor value for money
- Home insurances do not cover industrial damage
- The Eco Park proposal has been designed so SCC does not have responsibility for insurance risk to residents

Other issues

- Newsletter rejected by the Advertising Standards Authority included in submitted SCI
- Failure to inform residents of emission breaches is contrary to human rights
- The ES ecology info is out of date
- The proposed configuration of operations breaches workplace safety regulations
- SCC have decided to half the number of fire stations in the Borough meaning only one appliance to serve all of Spelthorne
- Lack of public consultation
- Two additional substations prejudices the potential rationalisation of the CRC access and the road layout in general
- Spelthorne's objections should carry substantial weight
- The ES is out of date

- The EA has suffered staff cuts and the previous Permit was withdrawn meaning no reliance can be placed on the EA
- Reports to SCC cabinet have been misleading and only one public meeting has been held
- Planning application amendments not 'minor'
- Superseded old planning guidance
- Size of site
- Location of the site
- Distance between gasification plant and Anaerobic Digestion (AD) plant
- In need of an updated environmental survey
- Night time lighting
- Wildlife
- The submitted Statement of Community Involvement is incorrect as it states that meetings in June 2013 were public consultation meetings when they were not and contradictory statements were made by SCC – the Local Government Ombudsman is investigating SCC on this point
- The ES section on lighting is incomplete
- The local water authority have not been consulted and are concerned that PM2.5 will be emitted into their water supply

PLANNING CONSIDERATIONS

Introduction

- 102 The current application, pursuant to section 73(1) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act), is for planning permission for development of the Eco Park without complying with conditions subject to which permission SP10/0947 was granted. Section 70(2) of the 1990 Act requires local planning authorities when determining planning applications to: "have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations". Following the coming into force, on 25 March 2013, of the order for the South East Plan's partial revocation, the Development Plan now consists of: the Surrey Waste Plan 2008 and Spelthorne Core Strategy and Policies Development Plan Document 2009. In light of the requirement to have regard to the development plan, the County Council is required – in accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004 - to determine the current application in accordance with the development plan unless material considerations indicate otherwise (for further discussion of the basis upon which this application is reported to members, see under 'Committee Issues' below).
- 103 In determining the application the CPA should have regard to any relevant European and National policy, the National Planning Policy Framework 2012 (NPPF), Government Circulars and any other material considerations, which could include emerging development plan policy documents. One such material consideration is the Joint Municipal Waste Management Strategy (JMWMS, 2010 Review), produced by Surrey County Council in conjunction with the 11 boroughs and districts, which sets out a 20 year plan for the future of waste management in the County covering the period until the year 2026.
- 104 On the 27 March 2012 Government published the NPPF, which took immediate effect. The NPPF replaces 30 Planning Policy Statements, Planning Policy Guidance Notes, some Circulars and letters to Chief Planning Officers and constitutes guidance for local planning authorities and decision-takers in relation to decision-taking (determining planning applications) and in preparing plans. Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management remains in place. In time Government

proposes to replace PPS10 with a national waste planning policy published as part of the National Waste Management Plan (expected later in 2014).

- 105 At the heart of the NPPF is a presumption in favour of sustainable development which the document states "*should be seen as a golden thread running through both plan-making and decision-taking.*" The NPPF makes clear the purpose of the planning system is to contribute to the achievement of sustainable development which has three dimensions: economic, social and environmental. These give rise to the need for the planning system to perform a number of mutually dependent roles: an economic role, a social role and an environmental role. The NPPF sets out 12 core land-use planning principles that should underpin both decision-taking and plan making.
- 106 The NPPF does not affect the statutory requirement that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. The NPPF includes transitional provisions for implementation of the NPPF. For 12 months from the date of publication planning authorities can continue to give full weight to relevant policies in adopted development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 since 2004, even if there is a limited degree of conflict with policy in the NPPF. In other cases and following the 12 month period the weight to be given to policies in the adopted development plan documents should be determined according to their degree of consistency with the NPPF. Officers consider that the Surrey Waste Plan and Spelthorne Core Strategy and Policies Development Plan Document 2009 are both, so far as relevant, up-to-date and consistent with the NPPF.
- 107 Following the grant of planning permission for the original Eco Park development in March 2012, it has been necessary to change the proposed gasification technology as the gasification technology supplier for the previously proposed Batch Oxidation System (BOS) gasifier and principal build contractor (Ascot Environmental Limited) went into receivership in May 2012. The financial difficulties of the gasification technology provider and principal build contractor prompted a re-procurement by SITA for the construction of the Eco Park. The re-procurement exercise was undertaken during the latter half of 2012. This process resulted in the selection of M&W Group as the principal build contractor for the Eco Park and they are proposing to supply and install a fluidised bed gasifier. This particular gasification process requires the pre-treatment of residual waste feedstock to ensure that non-combustible and recyclable materials (i.e. metals, aggregates and inert fines) are removed and that the resultant feedstock is reduced to a homogenous size.
- 108 The type of gasifier now proposed has a unit size capacity for thermal treatment of circa 45,000tpa (depending on waste source and calorific value). It is expected that 55,460tpa waste feedstock would produce (following pre-treatment) around 44,710tpa of refuse derived fuel for thermal treatment in the gasifier. The fluidised bed gasifier by its nature has different plant items with a different physical layout and configuration to the BOS gasifier. Therefore, the plans listed within the conditions attached to planning permission reference: SP10/0947 would need to be amended to accommodate changes to internal layout within the consented gasification building. However, it should be noted that other aspects of the gasification plant such as flue gas treatment and emissions control would remain largely the same as previously shown, e.g. there is no change to the height of the consented 49m high stack (although it would need to be greater in diameter due to a change in site odour control).
- 109 It should be noted that no change is proposed to the type of AD technology previously consented. This remains a 40,000tpa wet AD process, producing biogas and digestate. The biogas is used to generate electricity through CHP engines and the generated electricity exported to the district supply network. Following the competitive tendering part of re-procurement process in January 2013, and the selection of M&W as the

principal build contractor, SITA, M&W Group and SITA's parent company (Suez Environment) have undertaken post permission detailed design work to enable site construction contracts to be completed.

- 110 These post permission detailed design works, undertaken over the last 6 months, have led to a number of amendments to the consented Eco Park scheme which necessitate the detailed plans listed in conditions in planning permission no. SP10/0947 to be amended. The proposed amendments to the scheme, including the change in type of gasification technology, would result in a slightly reduced site capacity of 141,870tpa, from that consented (143,750tpa), but would result in an increase in gross design electricity generation from 5.16 megawatts (MW) to 5.586MW.

Role of the Surrey Waste Contract

- 111 Objectors are concerned that the Surrey CC has an interest in the development proposal; and that because of the waste contract there is pressure on the CPA to grant planning permission. They refer to the prospect that there will be bias, or the appearance of bias, in the mind of the decision maker and pre-determination of the planning application. This planning application is to be determined, however, by the Planning and Regulatory Committee; and its decision must be based upon the planning merits of the proposal (i.e. compliance or otherwise with the development plan, and the existence and weight to be attached to any other material planning considerations). These matters are set out in the Officers' report. The Committee will have to consider and balance those factors that are relevant to its decision in reaching their decision. In line with the County Council's Code of Practice on Planning Procedures and Members' Code of Conduct, Members should keep an open and independent mind on planning applications which have not yet been determined.
- 112 The Code of Practice on Planning Procedures also applies to Officers in their handling of planning applications. The Codes set out how Members should handle contact with applicants, members of the public and organisations including the need not to declare a view or declaration of intent to vote a particular way. Where this has occurred the Member is required to declare an interest at the meeting when the Planning and Regulatory Committee consider the application.
- 113 Objectors have referred to the influence of the Surrey Waste Contract on the planning application and any decision. Whilst the existence of the Surrey Waste Contract is background information, the significance that this proposal in terms of the performance of that contract – whether, for example, it results in gains pursuant to the contract (in the event that planning permission is granted), or penalties (if it is not), or other contractual issues arise (whatever the decision on this planning application may be) - is not a material consideration in the determination of this planning application; and Members should disregard those matters.

Publicity Issues

- 114 The CPA publicised the planning application in accordance with the Town and Country Planning Act (General Permitted Development Order) and Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (EIA Regs), which consisted of: an advertisement in the Sunbury Herald, site notices put up around the site and along the public footpath, and letters sent to local residents. Paper copies of the application were also made available for viewing at Spelthorne Borough Council's offices and at Surrey County Council (County Hall). Lastly, the application was made available on Spelthorne Borough Council's website, with links to that internet source from Surrey County Council's own website. Some 1800 residents received consultation letters, which included those living within 600 metres of the application site and those residents that had commented on the previous (i.e. original Eco Park) application ref SP10/0947.

Committee Issues

- 115 The site contains a permanent waste management facility, as planning permission ref SP10/0883 for the permanent retention of the facilities (with amendments) was implemented by works completed at the end of January 2014. Previous planning application ref SP10/0947 for the development of a waste management Eco Park was approved on 15 March 2012 and all 'pre-commencement' conditions pursuant to permission SP10/0947 have now been discharged by the CPA.
- 116 Since the approval of the Eco Park planning application, the applicant has been working with technology suppliers on the detailed design and procurement processes in advance of the construction of the Eco Park. These processes have resulted in a number of amendments to both the Gasification facility and the Anaerobic Digestion elements of the Eco Park, together with some of the supporting infrastructure.
- 117 Approval of the amendments would necessitate changes to the wording of a number of planning conditions attached to the Eco Park planning permission. A key aspect of this Section 73 application is that it would create a new planning permission though leave planning permission ref SP10/0947 current and intact. That said, the CPA may not, as a result of considering an application under Section 73, authorise a later expiry date and that date must therefore match that imposed on the earlier consent. Were the CPA to grant this Section 73 application, therefore, development must commence by 15 March 2015 (reflecting that permission is being sought for 'modifications' to an existing development scheme).
- 118 The CPA has considered the proposed changes and they are judged to be either minor material or non-material in nature i.e. they are not deemed so significant (in planning terms) as to warrant a full, new, detailed planning application. Officers do not consider that the changes – whether themselves considered individually or cumulatively - take the proposed development outside the scope of SP10/0947 or seek to re-write that permission. Several representations have raised objections on the basis that the 43 changes proposed to the Eco Park development have been applied for via Section 73 of the Town and County Planning Act 1990 and objectors claim that the changes are not minor and necessitate a 'full planning permission.' Officers do not agree.
- 119 Officers emphasise that this application must still be assessed and considered as a waste proposal within the Metropolitan Green Belt where there is a presumption against inappropriate development. Such an assessment is not avoided by use of the Section 73 procedure. Key issues in determining the changes proposed also include: compliance with the Development Plan; the protection of the Metropolitan Green Belt; the suitability of the site for waste development; traffic; and potential impact on local residential, environmental and amenity interests. Whilst Officers have focussed on appraisal of the changes proposed, they have also considered the proposal more widely, i.e. they have also considered aspects not proposed to be changed. They have therefore informed members about any changes that they consider material arising since the grant of SP10/0947 in 15 March 2012 generally and the continuing compliance of the proposal as a whole (including but not restricted to the changes) with the development plan and national waste planning policy.

Environmental Impact Assessment

- 120 The planning application is accompanied by an Environmental Statement in accordance with the EIA Regs, with an Addendum ES (dated 2013) dealing with the proposed 43 changes, which assess the planning application against the following factors:
- the need for the scheme and alternatives considered;
 - traffic and transportation;

- landscape and visual amenity;
- ecology and nature conservation;
- geology, soils and groundwater;
- surface water and flooding;
- noise and vibration;
- air quality, dust and odour;
- human health;
- archaeology and cultural heritage; and
- cumulative effects.

Waste Process Description

Gasification

- 121 The Waste Strategy for England 2007 (WS2007) lists technologies that may have an increasing role in diverting Municipal Solid Waste (MSW) from landfill; and those that are designed to recover energy, are referred to as Energy from Waste (EfW) technologies. The technologies that are listed as EfWs are as follows: anaerobic digestion, direct combustion – incineration, secondary recovered fuel (an output from mechanical and biological treatment – MBT processes), pyrolysis, gasification and plasma arc heating (Box 5.1). Department for Environment Food and Rural Affairs (DEFRA) view pyrolysis and gasification as advanced thermal treatment (ATT), which expression excludes incineration. However, both incineration and ATT have to comply with the European Waste Incineration Directive 2000/76/EC (WID), which regulates any thermal treatment process in the EU.
- 122 Members of the public have questioned whether the technology now proposed (fluidised bed with pre-treatment) can still be called ‘gasification’ and argue that the proposal should instead be called ‘incineration.’
- 123 Additionally, a significant level of concern has been raised through representations regarding the technical aspects of the proposed technology and whether it would incorporate ‘Best Available Technique’ (BAT) for the purposes of the Environmental Permitting Regulations. Concerns have also been raised about whether adequate safety distances have been provided between the main waste treatment elements (gasification and AD) and areas of public use such as the retained CRC and the adjacent Public Right of Way. The NPPF states that local planning authorities should focus on whether a development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emission themselves where these are subject to approval under pollution control regimes. It advises that local planning authorities should assume that these regimes would operate effectively. Technical matters, such as BAT and safety distances, are rightly determined by the relevant authorities such as the Environment Agency as part of the Environmental Permitting process and the Health & Safety Executive through the permitting process (as consultees) and Health & Safety in the Workplace Legislation.
- 124 The CPA (including members of the P&RC) should properly assume that these separate control regimes would operate effectively. The CPA should also assume that the operator of the Eco Park facility would comply with relevant workplace legislation and must acknowledge that any failure to comply with safety legislation would be a matter beyond the scope of the CPA Enforcement team’s powers.
- 125 An Environmental Permit (EP) from the EA was previously granted in respect of the Eco Park, though SITA agreed to undertake, in response to a judicial review claim by Spelthorne Borough Council relating to the permit insofar as it related to operation of the gasification facility, that they will not rely upon it. The applicants have twin-tracked (i.e. submitted at the same time) their Permit variation application with this Section 73 application and, as such, the technical aspects of the technology and layout would again

by assessed by the EA and their technical consultees. Officers do not consider that there is any substantial basis for lack of trust or confidence in the permitting regime or that substantial weight should attach to objections arising from technology choice or founded on such lack of confidence or trust.

126 Officers note that planning policy itself does not favour one technology over another (the choice of technology to be justified on a case-by-case basis), and that the key issue for the planning authority, whatever the chosen technology may be, is whether this treatment facility is considered appropriate in accordance with the Development Plan. Incineration and gasification technologies are different in respect of how the waste is processed and the energy liberated for recovery: incineration (combustion) releases the energy in the waste directly, whereas pyrolysis and gasification thermally treat the waste to generate secondary products (Syngas, liquid and/or solid) from which energy is generated. Incineration involves the combustion of waste with a sufficient quantity of oxygen to fully oxidise the fuel, at temperatures in excess of 850 °C. Gasification is the thermal degradation of waste (without combustion) that involves only partial oxidation at lower temperatures than incineration with the main product being a Syngas (Synthesis gas - a gas mixture that comprises of carbon monoxide, carbon dioxide and hydrogen). Therefore, whilst gasification and incineration are both EfW technologies, they involve different thermal treatment processes. The proposed development involves gasification (an ATT) of residual MSW, with the combustion of a secondary product (Syngas) in order to recover energy.

127 DEFRA have produced guidance on the WID, with the '*Environmental Permitting Guidance The Waste Incineration Directive - For the Environmental Permitting (England and Wales) Regulations 2010*' (March 2010). This guidance provides definitions of incineration and thermal treatment plants as follows:

'Incineration plant'

'Incineration plant means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste with or without recovery of the combustion heat generated. This includes the incineration by oxidation of waste as well as other thermal treatment processes such as pyrolysis, gasification or plasma processes insofar as the substances resulting from the treatment are subsequently incinerated.'

'Thermal treatment'

'Includes both incineration / combustion and other treatments, such as gasification and pyrolysis. However, if the activity involves only thermal treatment in this broader sense (as distinct from incineration/combustion), then it will be subject to the WID only 'insofar as the substances resulting from the treatment are subsequently incinerated' [emphasis added]. This ensures that the WID covers processes such as pyrolysis and gasification, unless their purpose is the manufacture of products with no resulting release of combustion gases. Therefore, if a gasification / pyrolysis plant produces a number of products, one or more of which are subsequently burnt, then the WID applies to the whole plant. In cases where the products are burnt away from the gasification / pyrolysis plant (remote units), the WID will apply both to the plants initially producing, as well as subsequently using, these products'.

Anaerobic Digestion

128 Anaerobic Digestion (AD) is the process whereby plant and animal material (biomass) is converted into useful products by micro-organisms in the absence of air. Biomass is put inside sealed tanks and naturally occurring micro-organisms digest it, releasing gases that can be used to provide clean renewable energy. This means that AD can help reduce fossil fuel use and reduce greenhouse gas emissions. The products of AD are referred to as biogas and digestate. Biogas is a mixture of 60% methane, 40% carbon

dioxide and traces of other contaminant gases. Biogas can be combusted (to provide heat, electricity or both) or cleaned up (pure methane being injected into the mains gas grid or used as a road fuel). Digestate is made up of left-over indigestible material and dead micro-organisms. It contains valuable plant nutrients like nitrogen and potassium and can be used as a fertiliser and soil conditioner.

- 129 AD is not a new technology - it has actually been used in the UK since the 1800s - and there are a growing number of AD plants in the UK processing waste and producing energy. Almost any biomass can be processed in AD, including food waste, energy crops, crop residues, slurry and manure. AD can accept waste from homes, supermarkets, industry and farms, and reduces waste going to landfill. The Government is encouraging the uptake of AD as it has significant potential to contribute to the UK's climate change and wider environmental objectives. The diversion of biodegradable wastes to anaerobic digestion can reduce greenhouse gas emissions from landfill. For example, if digested (rather than sent to landfill) capturing the biogas from one tonne of food waste will save between 0.5 and 1 tonne of CO₂ equivalent.

Material Development Plan and national planning policy changes since June 2011

Revocation of Regional Plans

- 130 At the time the planning application for the original Eco Park was submitted (October 2010) the Regional Plan, in this case the South East Plan (May 2009), was not in existence. This was due to the fact that on 6th July 2010 the Department for the Communities and Local Government (DCLG) issued a letter to all Chief Planning Officers confirming that the Secretary of State had formally revoked Regional Strategies with immediate effect. As a consequence, the South East Plan no longer formed part of the statutory Development Plan for the Charlton Lane site and was not considered in the submitted Planning Statement and policy appraisal contained therein. However, in November 2010, the courts ruled (following a legal challenge) that the Government had acted unlawfully in unilaterally revoking the system of Regional Plans in England.
- 131 In light of the above, the CPA made a formal request for a full assessment of those proposals against the South East Plan under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (which have subsequently been superseded by the 2011 Regulations). These details were provided as part of a formal Regulation 19 submission in January 2011. Subsequent to the above, the South East Plan was revoked on the 25th March 2013 with the exception of policy NRM6, which relates to the Thames Basin Heaths Special Protection Area. This policy is not of relevance to the determination of the current planning application and indeed was not considered in the policy appraisal that accompanied the Regulation 19 submission in January 2011. Accordingly, it can be concluded that, in so far as the determination of this application is concerned, the South East Plan has been formally revoked.

National Planning Policy Framework (NPPF) March 2012

- 132 The NPPF was published and came into force on 27th March 2012 and replaces a number of the planning policy documents and guidance that were material to the determination of the planning application for the original Eco Park development. Paragraphs 2 and 11 of the NPPF confirm that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 12 expands this point by making a clear distinction in terms of the proposed development being in accordance with an "up-to-date Local Plan" and that local authorities should have an up-to-date plan in place. The key principle of the NPPF is that development that is sustainable should go ahead, without delay. A presumption in favour of sustainable development is set out at paragraph 14. Specifically in relation to decision-making, this is taken to mean: a)

“approving development proposals that accord with the development plan without delay; and b) Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: a. any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or b. specific policies in this Framework indicate development should be restricted.”

133 Paragraph 14 again confirms the need for up-to-date Local Plans noting that for decision-making this means granting planning permission where the development plan is absent, silent and relevant policies are out of date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Paragraph 17 of the NPPF sets out 12 core planning principles to underpin plan-making and decision taking. Importantly, in relation to this application, core planning principles 1, 3, 4, 5, 6, 7, 8, 9 10 and 11 state that planning should:

- *“...be genuinely plan-led...Plans should be kept up-to-date and based on joint working and cooperation to address larger than local issues.*
- *Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and response positively to wider opportunities for growth...;*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future opportunities of the land and buildings;*
- *Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- *Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);*
- *Contribute to conserving and enhancing the natural environment and reducing pollution;*
- *Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*
- *Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*
- *Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;*
- *Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are to can be made sustainable.”*

134 The NPPF does not contain any specific waste policies as national waste planning policy will be published alongside the National Waste Management Plan for England in 2013 (until which time the Waste Strategy 2007 and PPS 10 remain extant). However, paragraph 5 of the Introduction confirms that local authorities currently preparing waste plans should have regard to the policies contained within the NPPF so far as relevant.

PLANNING AND WASTE MANAGEMENT ISSUES

Surrey Waste Plan 2008

Policy CW4 Waste Management Capacity

Policy CW5 Location of Waste Facilities

Policy CW6 Development in the Green Belt
 Policy WD1 Civic Amenity Sites
 Policy WD2 Recycling, Storage, Transfer, Materials Recovery and Processing Facilities
 (Excluding Thermal Treatment)
 Policy WD5 Thermal Treatment Facilities
 Policy DC3 General Considerations

Development Plan and national planning policy changes since June 2011

National Planning Policy Framework 2012

- 135 The NPPF, whilst not addressing waste management, continues to provide very strong support for expediting the delivery of renewable and / or low carbon energy supply infrastructure (see further under Renewable Energy below). The NPPF goes on to state at Paragraph 93 that: *“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.”* Paragraph 97 also states: *“When determining planning applications, local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even smallscale projects provide a valuable contribution to cutting greenhouse gas emissions; and to approve the application if its impacts are (or can be made) acceptable.”*

DEFRA Waste Management Plan for England – Consultation Plan (July 2013)

- 136 In July 2013 DEFRA published a new Waste Management Plan for England for consultation. The purpose of the Plan and associated documents is to fulfil the requirements of Article 28 of the revised Waste Framework Directive (rWFD) which requires that member states ensure that their competent authorities establish one or more waste plans covering all of their territory. The plan (and associated documents) will in combination with equivalent plans being produced by the devolved administrations in Scotland, Wales, Northern Ireland and Gibraltar and local authority waste management plans fulfil this requirement. Importantly in the context of this assessment, it is recognised on page 4 of the Plan that:

“There are comprehensive waste management policies in England which taken together deliver the objectives of the revised Waste Framework Directive: to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use. It is not, therefore, the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current policies under the umbrella of the one national plan.”

DCLG Updated: Planning for Sustainable Waste Management Consultation Document

- 137 The DCLG published a draft of the updated National Waste Planning Policy for England – Planning for Sustainable Waste Management for consultation in July 2013. The intention is that once adopted it will replace the existing national waste planning policy contained within Planning Policy Statement 10 (PPS10). The currently published version of the updated National Waste Planning Policy for England, as a consultation draft on national policy, cannot carry any significant weight, and the applicant contends that the weight that can be attached to would be extremely limited. This is recognised in paragraph 11 of the introductory text to the emerging policy document, which states that: *“Both Planning Policy Statement 10 and the supporting guidance remain in effect until they are replaced by the updated policy and practice guidance respectively.”* Nevertheless, the document proposes a number of changes to the policies contained

within PPS10 and provides an indication of the Government's thinking in terms of the future national waste management planning policy. The primary intention of the new national waste policy document is that it presents a more streamlined approach. However, it also proposes some changes to the existing policy context provided within PPS10.

- 138 The document takes aspirations from the rWFD "*emphasising the need to increase the use of waste as a resource, placing greater emphasis on the prevention and recycling of waste, while protecting human health and the environment, as well as reflecting the principles of proximity and self-sufficiency.*" The policy document also reflects the abolition of Regional Plans and the importance of County / Unitary Authority plans for waste, with new emphasis, in particular, on close co-operation between waste planning authorities particularly when identifying the need for waste management facilities.
- 139 In terms of the proximity principle, the CPA previously determined that the facility is located on an allocated site, would properly accord with recovery of mixed Municipal Waste in one of the nearest appropriate installations and would be appropriately scaled in terms of the catchment area it is intended to serve. The facility is intended to ensure that Surrey County Council is more self-sufficient in the management of its Municipal Waste.
- 140 With reference to the emphasis on the need to increase the use of waste as a resource, the Eco Park development (as amended) is proposed as part of an integrated network of waste management facilities within the County of Surrey. It would provide an essential facility to move the management of the County's waste up the waste management hierarchy and away from landfill. In doing so, it would ensure the diversion of waste from landfill which is recognised as a critical issue within national, regional and local waste policy and guidance. In addition, the increased recovery of energy from this waste would contribute to the achievement of the Government's targets for the recovery of value from Municipal Waste. In respect of the use of heat as an energy source for energy from waste development, the Eco Park facility would be designed with the potential to generate heat for export and use by local heat users and that the applicant would be prepared to accept a planning condition requiring that they submit an annual report setting out the measures that have been undertaken to secure a heat off-take from the facility.
- 141 With reference to co-operation between waste planning authorities when identifying the need for waste management facilities, the need / requirement for the Eco Park is specifically identified in Surrey County Council's JMWMS Review and the various components of the development would result in the achievement of several targets and objectives / actions set out within that document. The JMWMS Review is prepared / agreed by the 11 Borough and District Councils within Surrey and Surrey County Council. Accordingly, it can be demonstrated that there has been co-operation between authorities when identifying the need for waste management facilities. It has not been necessary for Surrey to co-operate more widely because its JMWMS Review aims for self-sufficiency in terms of the management of the County's Municipal Waste
- 142 The updated policy introduces additional text encouraging the use of heat as an energy source where energy from waste development is being considered. This reflects in planning policy the wider approach promoted through the Government's Waste Review 2011 and 'Energy from Waste - A guide to the debate' published in February 2013 and revised edition February 2014 (discussed in the next section of this report on Renewable Energy and Climate Change). The change in policy encourages local authorities to consider siting, through their local plans, energy from waste facilities in areas which allow them to use heat as an alternative energy source to electricity. In addition, policy wording has also been added which gives a steer towards considering locating new energy from waste facilities alongside existing sewage treatment works, given the potential benefits of co-locating such facilities.

- 143 One of the more significant changes to policy as it appears in the consultation document concerns the development of waste management facilities in the Green Belt. The consultation document shows removal of the former reference to waste planning authorities giving significant weight towards locational needs and wider environmental and economic benefits when considering waste planning applications in the Green Belt.

Applicant's submitted need case

- 144 The applicant submits that given this Section 73 application is only for minor material amendments to a scheme which already has planning permission and the fact that, in overall planning terms, the Eco Park development remains fundamentally unchanged in terms of its constituent elements, function and role, demonstrating the need for the scheme should not be a significant planning consideration. The applicant explains that in accordance with the requirements of Planning Policy Statement 10 (PPS10), where a waste management planning application accords with the Statutory Development Plan, there is no requirement to demonstrate a need for the scheme for permission is being sought. This is manifest in PPS10 paragraph 22 (extract) which reads: *"When proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal."*
- 145 This is also reflected in the updated national waste planning strategy consultation document 'Planning for sustainable waste management' (out to consultation until 23rd September 2013). The existing position of PPS10 is fully reflected within section 6 of the consultation document which reads: *"When determining planning applications, waste planning authorities should...only take into account the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan."* In the case of the Eco Park, not only is there an extant planning permission but the Statutory Development Plan relating to the proposed development is up to date and the site is allocated for a range of waste management development, including the types of facilities that are proposed as part of the Eco Park.
- 146 In respect of the NPPF's focus on *'Building a Strong, Competitive Economy'*, the applicant sets out that the economic benefits of the proposed Eco Park development were highlighted in the Socio Economic Assessment submitted with the original Eco Park scheme. The proposed minor amendments to the facility would not change the conclusions of the assessment in terms of the economic benefits of the scheme which are:
- The creation of circa 42 more jobs than the existing facilities on the site;
 - All of the facilities that are to be retained would contribute (in greater or lesser degree) towards reducing the quantity of Surrey's waste that is sent to landfill and thereby reduce the potential or actual economic burden of landfill tax.
 - The economies of scale and more importantly land take / cost of land associated with the use of shared infrastructure (including weighbridges, offices, site personnel, car parking, security etc). Particularly in an area with extensive competing land uses and few available / suitable vacant employment sites.
 - The reduction in vehicle miles through the retention of the facilities and in particular the RBF, the co-location / synergies between the existing / proposed waste management facilities and a reduced reliance on out-of-county infrastructure would:
 - Ensure that there are substantial cost savings in terms of vehicle miles travelled (both in terms of fuel and maintenance of vehicles);
 - Potentially reduce the number of vehicles would be required to transport waste and the resultant cost of increasing this provision; and Reduced wear and tear sustained on both waste vehicles and the County's roads.

- 147 The applicant also explains that the need for the facilities has not materially changed since the determination of planning permission ref SP10/0947 on 30 June 2011. The Gasification facility would provide capacity in County for the treatment of residual Municipal Waste and a small quantity of local C&I waste, noting that the quantity of C&I waste gasified in the amended scheme would drop by 5,540tpa due to the slightly reduced capacity of the facility. As part of the amended proposal, the Gasification facility pre-treatment phase would remove 10,750tpa from the input waste stream. Circa 50% of this would be recovered as recyclables with the balance being non-combustible material that would be sent for further processing to access recycling markets, or where recycling opportunities do not exist, and as a last resort, go to landfill. As such, it would divert at least 50,000tpa of waste presently being sent either to landfill or to out of County treatment facilities. The waste gasified in the facility would generate energy (electricity and heat), the former of which would be exported to the local distribution network. The majority of this energy is classed as renewable.
- 148 Similarly, the AD facility would provide in County treatment of organic food waste, initially from the Municipal Waste stream only (although this is likely to be expanded to include some commercial food wastes as further facilities are developed in the southern part of Surrey). It too would divert waste presently being sent either to landfill or to out of County treatment facilities. The waste treated in the facility would generate energy (electricity and heat - the former exported to the local distribution network). This energy is classed as renewable.
- 149 The CRC would continue to allow householders to separate a wide range of recyclables from residual waste and provide a facility from which such material can be transhipped for re-use, recycling / reprocessing, composting, recovery or disposal. The RBF would continue to allow collected recyclables to be bulked and packaged prior to transhipment for recycling / reprocessing. This is a fundamental part of the recycling process and the centralised collection and bulking / packing permits the material to be packed and transported in large payloads suited to the requirements of reprocessors and reduces the number of vehicle movements associated with delivery. This clearly has operational advantages and associated environmental benefits in terms of traffic congestion and vehicle emissions.
- 150 The education and visitor centre would be used by schools and other community groups and organisations in order to raise awareness of the waste hierarchy, sustainable waste management and renewable energy production. The facility would provide a focus for waste reduction, re-use and recycling initiatives and provide information that ties in with the Key Stage education curriculum.
- 151 In addition to the individual role each of the above facilities would play, the applicant explains that the overall Eco Park would fulfil a greater sustainable waste management role than the sum of its constituent parts. This arises from the environmental and economic co-locational benefits of a suite of complimentary facilities on a single site. These benefits remain unchanged from those described in the previous application and relate to the movement of waste and recyclables between the separate facilities, (avoiding the need for road transportation), co-delivery of waste (again reducing road transportation), shared infrastructure and economies of scale. The ability to co-locate waste facilities and complimentary activities is a key policy objective in the identification of suitable sites for the development of new or enhanced waste management sites within paragraph 20 of PPS10 and is also reflected in paragraph 4 (4th bullet point) of the updated national waste planning policy: Planning for sustainable waste management draft consultation document.

Changes in waste management circumstances since June 2011

- 152 The targets for MSW recycling, composting and landfill diversion set out in WS2007 were not changed in the Government Review of Waste Policy in England 2011 (GRWPE).

More recently DEFRA published a consultation version of its Waste Management Plan for England (WMPE - July 2013). This will ultimately replace WS2007 to ensure the national waste strategy reflects the broader requirements of the revised Waste Framework Directive (rWFD) 2008, which post-dates WS2007. The draft WMPE does not include any revised national targets for MSW recycling, composting or landfill diversion.

- 153 Both the GRWPE and the draft WMPE place greater emphasis on the need to deploy anaerobic digestion, with the latter stating (on page 11): *“The Government supports anaerobic digestion because of its value in dealing with organic waste and avoiding, by more efficient capture and treatment, the greenhouse gas emissions associated with its disposal to landfill. AD also recovers energy and produces valuable biofertilisers. The Government is committed to increasing the energy from waste produced through AD and has produced, working with industry, a Strategy and Action Plan to tackle the barriers to AD.”*
- 154 The draft WMPE also introduces the proximity principle (a feature of the rWFD). This requires (on pages 23 and 24) member states to: *“establish an integrated and adequate network of waste disposal installations and of installations for recovery of mixed municipal waste collected from private households...the network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.”* In addition, the draft WMPE references the Department for Food and Rural Affairs (DEFRA) publication ‘Energy from Waste: A guide to the Debate’ (February 2013). This guidance addresses many of the issues associated with energy from waste and recognises that energy recovery from waste can play an important and beneficial role in diverting residual waste from landfill. It also addresses the issue, relevant to the Eco Park Gasification facility, of whether all waste combustion facilities need to be classified as ‘recovery’ as opposed to ‘disposal’ operations. It explains that plants meeting the ‘R1 threshold’ will be deemed ‘recovery’ whilst those not meeting this efficiency threshold will be ‘disposal’.
- 155 In the case of the Eco Park, the original Gasification facility did not meet the R1 threshold, primarily due to a combination of scale and the proposed technology. The delivery of larger energy from waste plants using a conventional moving grate incineration technology, which would be more efficient, had historically not proved deliverable in Surrey. Paragraph 50 of the 2103 guide states that: *“with the right combination of overall efficiency and biogenic content in the waste, an energy from waste plant which does not qualify for R1 status may still be a better environmental option than landfill.”* With regard to the revised gasification technology proposed through this application, again due to its scale it does not achieve meet the R1 threshold. Notwithstanding that the facility is not, therefore, ‘recovery’ it would nonetheless divert residual waste from landfill. The new front-end treatment element would also recover recyclable material and ensure that the throughput material is of the appropriate biogenic content to maximise plant efficiency based upon the waste stream it processes.
- 156 The Eco Park in its revised format would continue to comply with the principles and objectives embodied in WS2007, together with those in the GRWPE and the draft WMPE. It would result in waste being managed in accordance with the revised waste hierarchy at the type of facilities that continue to be supported by government policy. In doing so it would contribute towards the achievement of national waste management targets. It would also enable an element of Surrey’s waste to be managed in the County proximate to where it arises. On the basis that more recent guidance on energy from waste acknowledges that non-R1 compliant plants can still offer material benefits over landfill, the energy efficiency of the proposed Eco Park remains compliant with national policy. Additionally, landfill tax has continued to rise since the original Eco Park application was approved, and will be £80 per tonne from April 2014 - although the Landfill Trading Allowance Scheme (LATS) has now been abolished. The Eco Park

proposal as modified would continue to reduce SCC's financial exposure to the principle fiscal penalty in this context.

- 157 SCC's JMWMS Review remains extant and the weight that should be attached to it also remains unchanged. The County still remains devoid of any MSW treatment facilities and is not presently self-sufficient. As such, the Eco Park as amended would still make a significant contribution towards achieving net self-sufficiency. With regard to the absence of MSW treatment facilities, the applicant submitted a review (see below) to identify whether any other waste management proposals have come forward within the Eco Park catchment area. The original Eco Park application identified that the overall Park would primarily serve the northern part of the County (i.e. the Boroughs of Spelthorne, Runnymede and Elbridge). In addition, it recognised that the AD facility could serve Surrey Heath and Woking Borough Councils in the medium term. The applicant's review has not identified any residual waste treatment facilities being provided or granted planning permission within these Boroughs, with the exception of an AD proposal in Runnymede.

Other waste management proposals brought forward

- 158 The applicant notes that an AD proposal has been brought forward by Agrivert, on land at Trumps Farm, Longcross near Chertsey after it received planning permission for their 48,500tpa AD facility in November 2011. It is not, however, proposed for MSW. The Agrivert AD plant would therefore not fulfil the same need as the Charlton Lane AD facility, noting that over 87% of the food waste that would go to the Eco Park would be MSW, with the balance coming from SITA's trade customers.
- 159 The applicant notes that a planning application (reference EL13/1215) was also submitted for a waste management development at Weylands Treatment Works in Elmbridge, which includes proposals for the development of a 195,000tpa AD facility. The applicant notes that whilst that facility could treat MSW, the application makes clear that it is not being brought forward for the management of that waste stream. Officers note that on 27 February 2014, the applicant's planning agent for the Weylands Treatment Works proposal submitted further information relating to Surrey's current waste management destinations, raising the point that Surrey is currently heavily reliant on exporting waste out of the County and making the argument that: "*Exportation figures would significantly reduce if the proposed development is delivered. It is considered that any responsible waste planning authority would and should seek to reduce the levels of exported waste (whilst at the same time recycling more residual waste and diverting waste from landfill) and that the primary way to achieve this is by delivering new waste treatment infrastructure at allocated waste sites such as Weylands Treatment Works.*" Officers note that planning application ref EL13/1251 is currently undetermined.
- 160 In light of the JMWMS Review remaining extant, together with the previously identified lack of other sustainable waste management infrastructure within the County, the applicant argues that the demonstrable need for the Eco Park remains.

Alternative Site Assessment (ASA)

- 161 An extensive ASA was submitted in support of the original Eco Park application, which is an important factor in the CPA satisfying itself that there is a genuine '*lack of suitable non-Green Belt sites*' in accordance with Policy CW6 SWP 2008. Notwithstanding the co-locational benefits set out above, for robustness the ASA examined the availability of sites capable of accommodating the individual elements in a disaggregated form. The study area comprised Surrey Heath, Woking, Runnymede, Spelthorne and Elmbridge for the Anaerobic Digestion and Gasification Plants, but only the latter three for the RBF. The ASA has been updated in support of this Section 73 application. This was carried out in two main stages, each of which had a number of sub-stages. The remaining sites following the separate stages are shown below, in order of suitability:

1. Land at Charlton Lane, Shepperton
2. Land adjacent to Trumps Farm, Kitsmead Lane, Longcross
3. Oakleaf Farm, Horton Road, Stanwell Moor
4. Martyrs Lane Community Recycling Centre and Landfill Site
5. Lyne Lane Former Composting Facility, Thorpe Green, Chertsey

162 The applicant's assessment identified that there are 5 potentially suitable sites, all of which lie in the Green Belt and all are allocated for a range of waste management development within the Surrey Waste Plan 2008. The applicant noted that Oakleaf Farm and Lyne Lane Former Composting Facility are not allocated for the Thermal Treatment of Waste. The submitted appraisal submits that Charlton Lane is demonstrably the most suitable due to the combination of the following factors:

- The site has been in continuous waste management for circa 60 years and benefits from a permanent planning permission for built waste facilities able to handle 175,000tpa of waste material;
- The site currently contains two of the waste management facilities proposed at the Eco Park (albeit the existing MRF would be re-located / developed in to a Recyclable Bulking Facility on the site);
- It is geographically well related to the pattern of waste arisings within the catchment it would serve.
- It is suitably allocated for all of the components of the Eco Park within the Surrey Waste Plan;
- It is sufficiently large to accommodate all of the proposed facilities, with the resulting co-locational, environmental and economic benefits; and
- It is capable of development without any unacceptable environmental or technical effects.

163 In light of the above, the applicant submits that in terms of the development of an Eco Park (to serve the Boroughs comprising the study area) there are no available and / or suitable sites that lie outside of the Green Belt. Of the sites that have been identified within the Green Belt, Charlton Lane is the most suitable. Officers consider that the applicant has produced a robust updated ASA, including insofar as the applicant has examined the availability of sites capable of accommodating each of the waste components and their processes individually (i.e. in a disaggregated form). As such, the updated ASA work supports the need for the proposed development at the Charlton Lane site and has confirmed '*the lack of suitable non-Green Belt sites*' for the purposes of SWP 2008 Policy CW6.

Need/justification for site area outside SWP 2008 allocation

164 Identical to SP10/0947 in this respect, the built development of the site (approximately 4.5 ha) falls within the area permanently retained by planning permission ref SP10/0883. However, a further 7.7ha of land outside this area, some of which falls under SWP 2008 allocated area to the north of the site, is proposed for landscaping (Environmental Enhancement Area - EEA) to assist in mitigating the landscape impacts of the proposed development. CW5 of the SWP 2008 is relevant to those parts of the application site outside the site area allocated in accordance with Policies WD1, WD2 and WD5. This area is the EEA (7.7ha) to the east of the site and includes a narrow strip for the HGV access and weighbridge (0.29ha). The latter area (0.29ha), whilst outside the allocated site area, falls within the area of the approved (and now implemented) permanent retention of the existing waste facility (albeit this area is occupied by the tree boundary in the retention proposal, in contrast with the development of that land as here proposed). This, coupled with the indicative nature of the site boundary in the Surrey Waste Plan allocation, indicates to Officers that the incorporation of this additional land does not bring the proposal or any part of it in breach of Policy CW5. The EEA of approx. 7.7 ha also includes an area to the north of the site (0.69ha), which does fall within the site

allocation in the SWP 2008. This area would remain undeveloped, landscaped and managed in the interests of improving the local landscape, biodiversity and public amenity.

- 165 Policy CW5 states that proposals for waste facilities on unallocated sites will be considered in accordance with certain principles (outlined in the policy section above), with priority given to sites easily accessible by the strategic road network and land in waste management use. Residents have raised particular concerns about the loss of Green Belt land, and the Enhancement Area, which is landfilled former mineral working and Green Belt land (as is the whole site). Subject to the 0.29ha considered above, the additional land needed for the proposed development is the open land to the east (partially landfilled former mineral working) used to create an Environmental Enhancement Area (EEA) to mitigate the effects of the development (primarily visual) and enhance the local environment (in terms of biodiversity); and its provision is an essential element of the proposed Eco Park as a whole. The current application does not propose changes to the EEA, which is not considered to be in breach of SWP 2008 Policy CW5.

Conclusions on planning and waste management issues

- 166 The proposed Eco Park at Charlton Lane as amended would still be a key element in implementing the WCWS (action plan for revised JMWMS), which includes a gasification plant and an AD plant. These and the other components of the proposed Eco Park would assist in achieving the ambitious 70% recycling rate target set for 2013/14. National targets for the recovery of Municipal Waste (i.e. recycling, composting and energy recovery, representing diversion from landfill) are 67% by 2015 and 75% by 2020. As recovery includes recycling, achievement of the 70% recycling target and the additional recovery through gasification would mean Surrey would exceed the National targets for recovery. There remains a definite need for the Eco Park as now proposed to serve the northern Boroughs, and also a need for further infrastructure and sites in order for Surrey to achieve 'net self-sufficiency, i.e. dealing with our own waste in County. The proposed Eco Park as amended would make a significant contribution to net self-sufficiency and enable waste to be managed in one of the nearest appropriate installations and, subject to the grant of an environmental permit by the EA, by means of the most appropriate methods and technologies over the life of the facility. The co-location of these facilities with the existing CRC and bulking facility at Charlton Lane would further assist Surrey in achieving its ambitious targets for waste management set out in the revised JMWMS.
- 167 Taking all these considerations into account, Officers remain of the view that there is, in particular, a need for the proposed Eco Park as amended to deal with the residual element of the household waste stream in Surrey, and to divert waste from landfill by increased recycling and recovery. The requirements of SWP 2008 Policy CW4 are met, in that the proposed facility would provide waste management capacity for handling Surrey's waste of a type that assists in moving waste up the hierarchy away from landfill. In terms of the first criterion of Policy WD5 of the SWP 2008, the applicant has demonstrated that even with sufficient recycling and composting to meet regional waste strategy targets, there is still a need to manage the remaining residual waste that cannot practically and reasonably be reused, recycled or processed to recover materials.
- 168 Work undertaken in association with the production of SWP 2008 demonstrates that suitable sites for waste facilities in Surrey are limited; and the applicant has updated their alternative site assessment work to demonstrate 'the lack of suitable non-Green Belt sites' within SWP 2008 Policy CW6. The proposed facility would divert waste from landfill, thereby contributing towards European and Government policy, although Officers note that a slight reduction in waste inputs are now proposed following the changes to Eco Park's capacity.

- 169 The application remains consistent with the objectives of the WS2007 and would enable the treatment of household wastes at a higher point in the waste hierarchy in one of the nearest appropriate installations. As with the previous planning application, Officers do not consider that it is reasonable or necessary to restrict the area from which waste might be imported for treatment because: of the volumes of waste arisings in north and central Surrey requiring treatment to which the Eco Park would be well-related in terms of both its capacity and location; and it is reasonable to anticipate that any additional wastes would be imported because the Eco Park is the nearest appropriate installation for their treatment. Taking into consideration the changes to the Eco Park proposed through this Section 73 application, Officers are satisfied that there is no policy justification or valid point raised in representations now, to justify refusing planning permission on waste management policy grounds.

RENEWABLE ENERGY AND CLIMATE CHANGE

Surrey Waste Plan 2008

Policy CW6 Development in the Green Belt

Policy WD5 Thermal Treatment Facilities

Policy DC3 General Considerations

Spelthorne Core Strategy and Policies Development Plan Document 2009 (SCS 2009)

Policy CC1 Renewable Energy, Energy Conservation and Sustainable Construction

SP7 Climate Change and Transport

Development Plan and national planning policy changes since June 2011

NPPF 2012

- 170 In respect of climate change, the NPPF states, at paragraph 97, that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources, and have a positive strategy to promote energy from renewable and low carbon sources. Paragraph 98 states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable. One of the 12 overarching principles of the NPPF is to: *“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).”*
- 171 Spelthorne Borough Council adopted its Core Strategy and Policies on 26 February 2009 (SCS 2009). Included in the vision of the core strategy is that by 2026 Spelthorne will have become a more sustainable place to live and work. In addition *'recycling and renewable energy generation will have significantly increased and contributed to a reduction in the generation of Co2 and account taken of the implications of climate change.'*
- 172 According to the supporting text to Policy CC1, renewable energy is a *'fast developing area of national policy'* and the requirements in Policy CC1 should therefore be regarded as a minimum. Policy CC1 (Renewable Energy, Energy Conservation and Sustainable Construction) gives general support to the provision of renewable energy, energy efficiency and promotes sustainable development generally. The policy has five criteria. Criterion (a) covers new residential development and other new built development exceeding 100 m². In such cases the design, layout and orientation should minimise energy use and the development should *'include measures to provide at least 10% of the energy demand from on-site renewable energy sources unless it can be shown that it*

would seriously threaten the viability of the development.' Criterion (b) encourages the installation of renewable energy equipment to supply existing buildings and criterion (c) encourages appropriate freestanding renewable energy schemes.

- 173 Policy EN1 states that the design of new development should incorporate measures to minimise energy consumption. Policy SP7 (Climate Change and Transport) of the Spelthorne Core Strategy seeks to minimise the impact of climate change by '*promoting the inclusion of provision for renewable energy, energy conservation and waste management facilities into both new and existing developments ...*'.

National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) 2011

- 174 EN-3 is to be read in conjunction with EN-1 (see below) and is also considered a material consideration in decision making on planning applications for renewable energy facilities under the 1990 Act. It is identified in the NPS that the: "*recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK's energy needs. Where the waste burned is deemed renewable, this can also contribute to meeting the UK's renewable energy targets. Further, the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales.*" (Paragraph 2.5.1). The NPS recognises that there are a number of factors which influence site selection for biomass facilities, which include grid connection and transport infrastructure.

- 175 In terms of visual impact, the NPS also states that good design will go some way to mitigate adverse landscape and visual impacts, and that the design and use of materials should reflect the local landscape context (paragraph 2.5.50). The applicant submits that the Eco-Park as amended accords with the relevant provisions of NPS EN-3, and that he following should be noted:

- Whilst the subject of a separate application, it is not anticipated that the route for the proposed grid connection would give rise to any significant environment effects.
- The Transport Statement highlights that the site is well served by appropriate transport infrastructure.
- The proposal would generate and export electricity and would be CHP ready.
- The ES for the amended Eco Park scheme concludes that the revised proposals would not give rise to any significant environmental effects in respect of air quality or indeed any effects that would be materially different to the original consented Eco Park scheme.
- The ES concludes that the Eco Park as amended would not give rise to any new significant environmental effects in terms of its visual impacts. As such, it also follows that the facility as amended would also not give rise to any effects upon the visual amenity of the Green Belt that are materially different to the original scheme.
- The amendments to the Eco Park facility will not affect the high quality design that was proposed and deemed acceptable for the original scheme.

Overarching National Policy Statement for Energy (EN1) 2011

- 176 EN-1 is considered a material planning consideration for applications made under the Town and County Planning Act 1990. The National Policy Statement recognises that biomass and energy from waste can be used to provide peak load and base load electricity on demand. It also identifies the ability of biomass and energy from waste to deliver predictable, controllable electricity is increasingly important in ensuring the security of UK energy supplies. The applicant submits that the proposed Eco Park as amended would provide a secure supply of renewable energy realised through the use of a fuel from a renewable energy source (i.e. the biodegradable fraction of waste).

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- 177 The DCLG published their planning practice guide for renewable and low carbon energy in July 2013. The guidance is intended to provide advice on the planning issues associated with development of renewable energy. Paragraph 2 notes that the content of the guidance can be a material consideration in the determination of planning applications and that following its publication the Companion Guide to PPS 22 (Planning for Renewable Energy) is cancelled. Paragraphs 8–21 of the guidance document explains how local planning authorities can identify suitable areas for renewable and low carbon energy whilst paragraphs 22 – 45 set out the planning considerations that relate to specific renewable energy technologies.
- 178 The emphasis, at paragraphs 22-45, is only on four renewable technologies (hydropower, active solar technology, solar farms and wind turbines) and these paragraphs do not provide any specific guidance in relation to other renewable energy technologies including those associated with biomass or waste. Paragraphs 8–21 of the guidance indicate that in identifying suitable areas for renewable and low carbon energy the following are important considerations for local authorities:
- They should ensure that they take account the requirement of the technology and the potential impacts on the local environment (paragraph 8);
 - Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted (paragraph 10);
 - The expectation should always be that an application should only be approved if the impact is (or can be made) acceptable (paragraph 11);
 - An important consideration for biomass facilities is transport links (paragraph 12);
 - The National Policy Statements give generic and technology specific advice relevant to siting particular technologies (paragraph 13);
- 179 Paragraph 15 indicates that in shaping local criteria for inclusion in Local Plan policies and in the consideration of planning applications, it is important to be clear that: The need for renewable or low carbon energy does not automatically override environmental protections; Cumulative impacts are an important consideration; Topography will be an important consideration of some technologies; Care should be taken to ensure heritage assets are conserved; Protecting local amenity is an important consideration which should be given proper weight in planning decisions. Local planning authorities should not rule out acceptable renewable energy developments purely through inflexible rules on buffer zones or separation distances *'distance itself does not necessarily determine whether the impact of the proposal is unacceptable'* (paragraph 16).
- 180 Paragraphs 19-21 highlight how planning can provide opportunities for and encourage energy development which produces waste heat is located close to potential users of heat or vice versa. In terms of paragraphs 8,11,15 and 16 of the guidance it should be noted that the ES associated with the amended scheme concludes (on all assessment topics) that the Eco Park scheme as amended would give rise to no new significant environmental effects or indeed any effects that are materially different to the original scheme. The site of the proposed Eco Park development is allocated within the Surrey Waste Plan for thermal treatment with energy recovery, which - given the biogenic content of waste - must mean that the allocation includes for renewable energy development.
- 181 A Transport Statement has been prepared for the Eco Park development as amended. This concludes that the proposed amendments to the approved Eco Park would not result in a material impact on operational or environmental conditions over the local highway network, and that there remains no requirement for off-site highway improvement / mitigation works. The Eco Park scheme as amended has already been considered to accord with the relevant provisions of the relevant NPSs (EN-1 and EN-3). Lastly, with regard to the use of heat and a CHP solution, the position is the same as that

which was found to be acceptable for the original Eco Park scheme. The facility would be designed with the potential to generate heat for export and use by local heat users and that a planning condition requiring an assessment report setting out the measures that have been undertaken to secure a heat off-take from the facility should be attached to the permission (as condition 45 of the extant Eco Park permission).

DEFRA Energy from Waste – A Guide to the Debate (2013) & Feb 2014 revised edition

- 182 In February 2013, DEFRA published their document 'Energy from Waste - A Guide to the Debate' to aid discussion and general understanding of the role EfW has to play in residual waste management. In February 2014, DEFRA published a revised edition to include an additional chapter (Chapter 5) which considers the future policy direction for energy from waste, though DEFRA noted that this additional chapter does not set out any new policy but identifies underlying principles that are likely to continue as key considerations for both government and the sector in the future. Chapter 2 of the guide is mostly concerned with energy recovery in the context of the waste hierarchy. It provides further clarification about the circumstances where energy from waste can be counted as recovery or disposal in the context of the waste hierarchy and the application of the R1 formula / calculation in this process. It does note, however, that even if the principles are followed and a technology is classified as a disposal operation, the environmental balance may still favour energy from waste over landfill.
- 183 In addition, Chapter 2 also confirms that a proportion of the energy generated by energy from waste facilities is renewable and that such facilities can play a role in network of facilities without affecting the movement of waste management up the waste hierarchy. Chapter 3 is concerned with energy from waste infrastructure. It recognises that incineration is the most common thermal treatment, but that each technology including Advanced Thermal Treatment (including gasification) has its own pros and cons and in particular that the site and size of the EfW plant will influence which type of technology is most appropriate.
- 184 Chapter 4 is concerned with the process of developing energy from waste facilities. It supports the plan led approach to the identification of waste management sites and the stages of taking a development of this type through the planning process. In addition, and importantly, it also provides detailed clarification on the application of the principles of self-sufficiency and proximity and the interpretation of waste being recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies. The overview on this point notes that Councils: *"need to have regard to the proximity principle which requires all waste for disposal and mixed municipal waste (i.e. waste from households) to be recovered in one of the nearest appropriate facilities, this should not be over-interpreted. It does not require using the absolute closest facility to the exclusion of all other considerations... The ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps to maintain local flexibility to increase recycling without resulting in local overcapacity."*
- 185 Chapter 5 (February 2014 revised edition) sets out the principles underpinning policy, namely: i) energy from waste must support the management of waste in line with the waste hierarchy; ii) energy from waste should seek to reduce or mitigate the environmental impacts of waste management and then seek to maximise the benefits of energy generation; iii) Government support for energy from waste should provide value for money and make a cost effective contribution to UK environmental objectives in the context of overall waste management and energy goals; and iv) Government will remain technology neutral except where there is a clear market failure preventing a technology competing on a level footing. In the context of this recent DEFRA guidance:
- The Eco Park as amended would form part of a network of facilities aimed at meeting Surrey County Councils current and future Municipal Waste management needs;

- It is considered that the combination of AD and Gasification technology is appropriate in this instance given the anticipated throughput of the facility and the role that it will serve in the management of Surrey's Municipal Waste.
- The site of the proposed development is specifically allocated in the Surrey Waste Plan and identified in Surrey County Council's JMWMS review and a preferred location of the proposed development.

186 In terms of waste being recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, the Gasification, CRC and RBF would principally serve the Boroughs of Spelthorne, Runnymede and Elmbridge. The AD facility would serve a wider part of the county in the short term reverting to a north Surrey facility in the longer term (serving the three Boroughs identified above together with Surrey Heath and Woking). In this context it must be noted that: the existing waste management facilities on the site currently accept waste from the majority of these areas; the Charlton Lane site is geographically well related to the Boroughs it is intended to serve; and it is connected by the primary road network to all of the Boroughs. In addition to the above, an updated Alternative Site Assessment has concluded that the application site is the most suitable, available site for the proposed development within the area which it is intended to serve. In light of this, the site can properly be described as remaining the nearest appropriate installation.

187 The position in respect of the biodegradable, or (more accurately) the 'biogenic', fraction of waste being a potential source of renewable energy (as now explained in the DEFRA publication: Energy from Waste: A Guide to the Debate February 2013, revised edition with Chapter 5 February 2014), remains as before. As such, the AD and Gasification facilities, together with the photovoltaic installations, within the modified Eco Park would all continue to deliver new renewable energy generating capacity in line with the objectives in the referenced strategy documents. The AD and Gasification facilities, together with the photovoltaic installations, within the Eco Park would all contribute towards meeting these targets. The UK renewable energy target of 15% by 2020 is a binding minimum target, with policy aspiration that it is exceeded. In terms of renewable electricity, data for 2012 (the most recent available on the DECC REStats web site), showed that, on the 'international definition basis' renewables provided 11.3% of the electricity generated in the UK in 2012. There is no cap on renewables provision, and it remains the case that new renewable generation schemes will need to come forward for the UK targets to be met. As stated previously, the AD and Gasification facilities together with the photovoltaic installations within the modified Eco Park would all continue to deliver new renewable energy generating capacity in line with the objectives in the referenced strategy documents. The applicant states that the proposed development would offer a significant number of benefits through:

- the diversion of waste from landfill;
- the production of energy without the use of fossil fuels
- having an installed electricity generating capacity of 5.586MW and export electricity to the local distribution network;
- providing the potential for the production of renewable heat;
- reducing Surrey's current reliance on out-of-county waste management infrastructure;
- the co-location of waste management facilities, many of which have clear synergies.

188 The applicant has submitted a new Carbon Balance Report. This specifically considers three scenarios: alternative waste management situation (residual waste going to an in county landfill (Landfill Baseline)); consented BOS gasification technology with anaerobic digestion (BOS Gasification); and new gasification technology with anaerobic digestion (New Gasification). The submitted report concludes that when compared to the other scenarios, using the worst case (in this instance the DECC 2030) electricity mix, the New Gasification scenario delivers a benefit of in excess of 17,500 tonnes CO₂ equivalent over the Landfill Baseline, and a benefit of over 9,200 tonnes CO₂ equivalent over the

BOS Gasification scenario. The applicant states that proposals would therefore make a positive contribution towards local and national renewable energy targets.

Representations on the Carbon Balance Report

- 189 With reference to representations concerning the submitted Carbon Balance Report, the applicant sets out that it is incorrect to take the view that landfilling of the waste to be received at the Eco Park would be better in Green House Gas terms. The applicant's specialist consultant replies as follows:

“The questions raised query whether landfill might be more advantageous as an option than gasification in greenhouse gas terms. This has already been assessed by the Carbon Report, which uses the WRATE software (as recommended by the Waste Infrastructure Delivery Programme) as a means of assessing the benefits or impacts of three waste management scenarios. These are: 1) a baseline involving landfilling of residual waste; 2) the original BOS gasification system; and 3) a proposed fluidised bed gasification system.

Where any changes have been made to default WRATE processes, details are provided in Annex A of the Carbon Report. The landfill process in WRATE cannot be altered beyond that data provided and approved by the Environment Agency. It is therefore common to all users and consequently no details are presented in Annex A.

The results for each individual scenario in isolation are presented in Table 4.1 of the Carbon Report and presented visually in Figure 4.1. In all cases, regardless of electricity mix assessed, the landfill based scenario performs less well than either gasification based scenario.

A question was also raised about the appropriateness of some of the electricity mix assumptions used, with a suggestion that the benefit of the gasification proposals will reduce with time. The effect of electricity mix was therefore a specific focus for the Carbon Report. Consequently, all scenarios were assessed against four different electricity mixes, including the DECC estimates as far forward as 2030, by which time the electricity grid is assumed to have significantly decarbonised. Once again, regardless of electricity mix assessed, the landfill based scenario performs less well than either gasification based scenario. The fluidised bed system performs best in all cases. The results of this part of the assessment are presented in all results tables and figures, such that the impact of electricity mix is made clear throughout.”

- 190 With reference to use of WRATE, the applicant's consultant replies that:

“In the Waste Strategy for England 2007, which is still current Government waste policy, alongside the 2011 Waste Policy Review, WRATE is the recommended LCA tool for informing decisions on the carbon footprint of waste infrastructure options and for estimating the global warming emissions associated with local waste strategies. It is recognised in government guidance as a decision support tool for the Strategic Environment Assessment/Sustainability Appraisal (SEA/SA) of waste strategies and plans. Defra and its Waste Infrastructure Delivery Programme (WIDP) also require the use of WRATE ([1]) in the Private Finance Initiative (PFI) procurement processes that have been undertaken by numerous local authorities. WRATE is required in the development of Municipal Waste Management Strategies, in the development of Outline Business Cases (OBC) and also in the assessment of outline solutions from bidders. This detail provided above is also provided, with greater detail of how the software functions, in Section 1.2 of the Carbon Report itself. Since the writing of the Carbon Report, ERM is also aware that the UK Green Investment Bank is using WRATE to assess the environmental benefits and impacts of schemes it is considering funding.”

Conclusion

- 191 Officers consider the applicant has provided information to demonstrate how the proposed Eco Park development as amended seeks to reduce and mitigate against the effects of climate change. The renewable energy and low carbon energy which would be produced as a result of the gasification and AD facilities and the photovoltaic panels would contribute towards national and development plan targets for electricity generation from renewables and accord with the general aims of the NPPF 2012 and emerging guidance. The power produced would be used to generate electricity and heat produced used in the AD process and in the proposed buildings, replacing power that would be generated by burning of fossil fuels and avoiding the landfilling of waste (which even with landfill gas utilisation schemes, generates more greenhouse gases).
- 192 Although the development does not presently incorporate specific proposals for the off site use of heat generated by the gasification process, measures are incorporated to enable this to occur in the future. Officers consider the Eco Park proposal would result in climate change benefits over the 'Do Nothing' option of landfilling of waste. As well as complying with national policy, Officers consider that the application proposal, with mitigation measures incorporated into the development and the imposition of planning conditions (supported by controls available through the building control regime) is in conformity with the NPPF 2012; SWP 2008 Policy WD5 and KDC for Charlton Lane; and Spelthorne Core Strategy 2009 Policies CC1 and SP7.

HIGHWAYS, TRAFFIC & ACCESS

Surrey Waste Plan 2008

Policy CW5 Location of Waste Facilities

Policy CW6 Development in the Green Belt

Policy WD1 Civic Amenity Sites

Policy WD2 Recycling, Storage, Transfer, Materials Recovery and Processing Facilities (Excluding Thermal Treatment)

Policy WD5 Thermal Treatment Facilities

Policy DC3 General Considerations

Spelthorne Core Strategy and Policies Development Plan Document 2009

Policy CC2 Sustainable Travel

Policy CC3 Parking Provision

- 193 The NPPF indicates (paragraph 32) that all developments which generate significant amounts of transport movement should be supported by a Transport Assessment and in making decisions development should take account of whether:
- opportunities for sustainable travel modes have been taken up, depending upon the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access can be achieved for all people;
 - improvements can be undertaken within the transport network that limit the significant impacts of the development.
- 194 The NPPF also highlights that a key tool for exploiting opportunities for sustainable transport modes would be through the use of a Travel Plan.
- 195 The application site at Charlton Lane is named as a suitable location in SWP 2008 Policies WD1, WD2 and WD5 as a site where planning permission will be granted provided the development proposed meets the key development criteria for the site and satisfies Policy CW6. Included in the 'Key Development Criteria' (KDC) for the Charlton Lane site is:

"Access to the site: any proposal should indicate how queues would be prevented from forming on the public highway and restrictions are likely to be required preventing access through Charlton Village."

- 196 In addition proposals will be considered against SWP 2008 Policy DC3, which sets out matters that the County Council considers when assessing proposals for waste related development and the information that is expected to accompany planning applications. In relation to traffic that would be generated by a proposal this information includes: an assessment of the level and type of traffic that would be generated; and an assessment of the impact of that traffic, the suitability of the access to the site and the highway network in the vicinity of the site (including access to and from the motorway and the primary route network). Policy DC3 also requires adverse effects on neighbouring amenity including transport impacts to be assessed.
- 197 Spelthorne Borough Council's (SBC) adopted Core Strategy (SCS 2009) Policy CC2 (Sustainable Travel) provides that the Borough Council will seek to secure more sustainable travel patterns through such measures as:
- requiring all major development to be accompanied by a site specific travel plan to promote and achieve sustainable travel choices, and
 - only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account:
 - i) number and nature of additional traffic movements, including servicing needs;
 - ii) capacity of the local transport network;
 - iii) cumulative impact including other proposed development;
 - iv) access and egress to the public highway; and
 - v) highway safety.
- 198 Parking provision Policy CC3 requires appropriate provision to be made for off street parking in development proposals in accordance with the Borough Council's maximum parking standards. To assist in promoting cycle use developments are required to provide sufficient, safe, weatherproof, convenient and secure cycle parking.

Submitted Transport Assessment

- 199 The application is accompanied by a Transport Assessment (TA) which contains detailed highways and transport operational analysis work (including the identification of development trip generation and assignment), review of highway network safety, link and junction operational capacity and general site accessibility. The environmental impact of the proposals in terms of highways and transport matters was assessed in the Environmental Statement. The impact of the traffic in noise terms and air quality is considered in the Air Quality – emissions, dust, odour and health effects and Noise and Vibration sections of this report. Of significance in this case and a matter dealt with in the submitted Transport Assessment, is the starting point or baseline, which is the (now implemented, January 2014) permanent retention of the existing waste management facilities granted by planning permission ref SP10/0833.
- 200 The proposed amendments to the Eco Park would result in an increase of 4 heavy goods vehicles (HGVs) movements across a typical weekday (1 additional HGV movement every 3 hours), and a reduction of 4 HGVs at weekends. Given that previous planning permission ref SP10/0947 predicted a reduction in weekday HGV demand of 164 HGVs movements, when compared to levels associated with the permanent Charlton Lane Waste Management facility, it was not considered that the proposed increase of 4 HGVs movements per weekday would result in a material impact across the local highway network. Indeed, this Section 73 application would represent a reduction in weekday HGV demand of 160 HGVs movements when compared to levels associated with the existing operation of the permanent Charlton Lane Waste Management facility.
- 201 With reference to weekend HGV demand, it was anticipated that a further 4 smaller HGV movements could be anticipated at the proposed modified Eco Park (this Section 73

application) when compared to the approved scheme (planning permission ref SP10/0947). This, however, should be balanced against the anticipated reduction in HGV movements to the site at weekends (16 on Saturdays, 18 on Sundays), and also the fact that the approved Eco Park scheme (planning permission ref SP10/0947) already represented a reduction in 16 HGV movements when compared to the continued operation of the permanent Charlton Lane Waste Management facility. The applicant concluded that HGV related environmental impact associated with the proposed amendments to the consented Eco Park scheme would likely be classified as 'slight'. Construction related HGV traffic on the local network is not anticipated to change as a result of the proposed amendments to the Eco Park. It was therefore concluded that the construction traffic demand associated with scheme amendments would not result a material worsening in local network traffic conditions. It was concluded that the proposed amendments to the approved Eco Park would not result in a material impact on operational or environmental conditions over the local highway network, and that there remains no requirement for off-site highway improvement / mitigation works.

Officers' assessment

- 202 The main changes to the proposal that will have an impact in transportation terms are:
- A reduction in total volume of waste to be treated from 143,750 tonnes per annum to 141,870 tonnes per annum;
 - A reduction in the total waste inputs to the gasification plant from 60,000 to 55,460 tonnes per annum;
 - Waste pre-treatment to recover all recyclable material thus reducing material for thermal treatment from 60,000 to 44,710 tonnes per annum but increasing additional export of 10,750 tonnes per annum of pre-treatment waste;
 - The amended gasification technology will lead to an increase in fly ash exports from 1,800 to 2,750 tonnes per annum and a reduction in Bottom Ash exports from 12,000 to 6,350 tonnes per annum;
 - The input to the AD plant will remain unchanged but the digestate export will reduce from 19,454 to 16,120 tonnes per annum as a result of more efficient moisture removal;
 - The introduction of 2,660 tonnes per annum of road sweepings to be bulked on site and exported.

Traffic Generation

- 203 The original application assessed the traffic generation in respect of waste carrying traffic for recycling rates of 70%, 60% and 50%. The worst case traffic generation occurred with the highest recycling rate of 70% and therefore it is this level that has been assessed in respect of this amendment application.
- 204 Although the quantity of waste to be imported to the site is to be reduced, so is the quantity to be treated with more recyclable material to be removed through the pre-treatment of the gasifier waste. Thus there is more to be exported from the site than under the current permission. This would result in an additional 8 movements (4 return trips) per day during the week, or an additional vehicle movement every 1.5 hours over and above the consented level. This is still below the waste vehicle movements per weekday that the current authorised use generates. The number of movements would reduce by 12 on a Saturday and 14 on a Sunday when compared to the current permission.
- 205 Although the proposal shows a small increase in waste carrying traffic generation over and above the existing Eco Park planning permission, this is still significantly below the level of waste movements that the current use of the site generates. The net impact of the application therefore remains positive in that it removes waste carrying vehicles from the network.

Conclusion

- 206 A comprehensive Transportation Assessment (TA) was carried out in support of the original planning application for the Eco Park development and an update by way of a Transport Statement (TS) has been submitted in support of this planning application. The TS demonstrates that the amendments to the original Eco Park scheme would have a very minor impact on daily vehicle movements to the site and would result in a total of 8 additional vehicle movements over a typical weekday (equivalent of just 1 additional vehicle movement every 1.5 hours); a reduction of 12 and 14 vehicle movements on Saturdays and Sundays respectively as a result of the proposed amendments.
- 207 Overall, the TS concludes that the negligible change in vehicle movements to the Eco Park site as a result of the amendments would not result in a material impact on the highway network, and would be within typical daily variations in flows at key route corridors. Furthermore, the Eco Park scheme would continue to represent a reduction in vehicle movements when compared to the continued operation of the existing permanent Charlton Lane Waste Management Facility. In addition to the above, with regard to compliance with policy, it must also be recognised that: A Travel Plan has been proposed for the Eco Park development and is required by a condition (no. 16) attached to the original planning permission; and (in terms of the potential for the use of alternative modes of transport to road vehicles) the site is currently not connected by either rail or a waterway. This said, the movement of waste within Surrey and the wider area is almost entirely dependent upon road vehicle transport and no alternative infrastructure currently exists for the movement of waste by other means. Consequently, whilst it is desirable to have facilities connected by rail or waterways, it is currently not feasible to do so without the comprehensive re-structuring / re-location of established waste management infrastructure. In conclusion, the proposals are considered to comply with the requirements of the NPPF in respect of sustainable transport.

ENVIRONMENTAL & AMENITY ISSUES

Surrey Waste Plan 2008 (SWP 2008)

Policy CW6 Development in the Green Belt

Policy WD1 Civic Amenity Sites

Policy WD2 Recycling, Storage, Transfer, Materials Recovery and Processing Facilities (Excluding Thermal Treatment)

Policy WD 5 Thermal Treatment Facilities

Policy DC2 Planning Designations

Policy DC3 General Considerations

Spelthorne Core Strategy and Policies Development Plan Document 2009 (SCS 2009)

Policy SP6 Maintaining and Improving the Environment

Policy LO1 Flooding

Policy EN1 Design of New Development

Policy EN3 Air Quality

Policy EN5 Buildings of Architectural and Historic Interest

Policy EN6 Conservation Areas, Historic Landscapes, Parks and Gardens

Policy EN8 Protecting and Improving the Landscape and Biodiversity

Policy EN11 Development and Noise

Policy EN13 Light Pollution

Policy EN15 Development on Land Affected by Contamination

Spelthorne Borough Local Plan 2001 (saved policy)

Policy BE26 Archaeology and Ancient Monuments

Surrey Minerals Plan Core Strategy DPD 2011

Policy MC18 – Restoration and Enhancement of the Core Strategy,

- 208 The planning application is accompanied by an Addendum ES, which the County Environmental Assessment Officer has considered. The County Environmental Assessment Officer confirms that the conclusion of the review of the ES submitted in support of the Charlton Lane S73 application is that the ES satisfies the requirements of Part II of Schedule 4 of the EIA Regulations (2011), and provides as much of the information listed under Part I of the EIA Regulations 2011 as may be reasonably required. Overall the ES is therefore of sufficient quality to inform the determination of the planning application.

AIR QUALITY

- 209 The NPPF, which was published subsequent to the previous Eco Park determination, states that: *“Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.”* (Para 124) *“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”* (Para 120).
- 210 In respect of the Air Quality Management Area (AQMA) designated for the Borough of Spelthorne, the Spelthorne Core Strategy and Policies DPD (Ref. 2) has a specific policy with regard to air pollution. Policy EN3: Air Quality states that the Council will seek to improve the air quality of the Borough and minimise harm from poor air quality by:
- Supporting measures to encourage non-car based means of travel;*
 - Supporting appropriate measure to reduce traffic congestion where it is a contributor to existing areas of poor air quality;*
 - Requiring an air quality assessment where development: Is in an Air Quality Management Area, and Generates significant levels of pollution, or Increases traffic volumes of congestion, or Is for non-residential uses of 1000 m2 or greater, or Is for 10 or more dwellings, or Involves development sensitive to poor air quality.*
 - Refusing development where the adverse effects of air quality are of a significant scale, either individually or in combination with other proposal, and which are no outweighed by other important considerations or effects and cannot be appropriately and effectively mitigated;*
 - Refusing development where the adverse effects of existing air quality on future occupiers are of a significant scale which cannot be appropriately or effectively mitigated and which are not outweighed by other material considerations.”*

Changes since previous determination in June 2011

- 211 The following revisions to the Eco Park proposals (i.e. differences from the scheme underlying the previous air quality assessment (AQA) modelling contained in the 2010 ES) have the potential to affect the release of emissions from the gasification and anaerobic digestion processes and odour releases from the site:
- Change the gasification technology from a batch gasifier to a fluidised bed gasifier, including removing two emission points to Air (A2 and A3) and removing the boiler protection vents;
 - Reduce the capacity of the gasification facility from 60,000 tonnes per annum to 55,460 tonnes per annum;
 - Increase the electrical output of the CHP engines to 1.778MW, and amend the emission limits for the gas engines and flare;

- Various modifications to the layout to the gasification and AD facilities and associated infrastructure; and
- A revised odour control system (the biofilter has been changed to activated carbon filters with release via the main stack).

Applicant's assessment

- 212 As noted above in the section on Traffic and Transportation, the conclusions of the previous assessment remain unchanged in that operational phase traffic emissions would have a negligible impact of local air quality. The impact of the proposed Eco Park upon the environment has been addressed in the Addendum ES with any remedial or preventative measures identified. In line with Spelthorne Council's Core Strategy, a detailed AQA has been undertaken. Consent was provided for the previous scheme as it could be demonstrated that the impacts on air quality were not significant. The updated AQA re-assessed the impact of the scheme and determined whether the proposed amendments to the consented scheme change this position.
- 213 The applicant submits that the impact of emissions of all pollutants can either be screened out as 'insignificant' or can be considered to be 'negligible' when the background concentration is taken into account. Spelthorne Borough Council have declared a Borough wide AQMA due to elevated nitrogen dioxide concentrations. The Air Quality Objectives (AQOs) apply at areas of public exposure and not necessarily at the point of maximum impact of emissions from the facility. Analysis of the impact at each identified receptor was undertaken to determine the impact of nitrogen dioxide emissions at areas of public exposure. This showed that even with the conservative modelling assumptions, nitrogen dioxide impacts can be screened out as 'insignificant' at all residential properties within the AQMA.
- 214 The applicant explains that the Environment Agency metals assessment methodology was used to determine if emissions are likely to cause significant pollution, and that this showed that, if it assumed that the plant operates no worse than a currently operating facility, emissions are not likely to cause significant pollution. In order to ensure that the assessment was based upon a very much worst case basis, the applicant assumed that the plant would operate at the Industrial Emissions Directive (IED) half-hourly limits and the standard operation of the gas engines. This showed that emissions from the facility would not cause a breach of any AQO / Environmental Assessment Levels (EAL).
- 215 However, the applicant notes that the impact of sulphur dioxide emissions over a 15 minute averaging period could not be screened out as 'insignificant'; when considering the background concentration the predicted environmental concentration (PEC) would be less than 20% of the AQO. Therefore, even when taking into account uncertainty in background and modelling, the applicant submits that it is not likely that the 15-minute AQO for sulphur dioxide emissions would be close to being breached. The applicant also emphasises that its assessment is based on the point of maximum impact and the impact at receptors' location would be significantly lower.

Predicted ecological air quality impacts

- 216 The impact of emissions on the local ecological sites was assessed by the applicant, who considered the effects of airborne emissions and nitrogen and acid deposition. For all statutory designated sites (European and UK): the long term impact of emissions are less than 1% of the Critical Level; the short term impact of emissions are less than 10% of the Critical Level; the long term impact of nitrogen deposition is less than 1% of the Critical Load; and the long term impact of acid deposition is less than 1% of the Critical Load. Using the screening criteria included in the Environment Agency Guidance on Stage 1 and 2 Assessment of New Process Industry Regulations (PIR) Permissions (Ref. 12) under the Habitats Regulations, the applicant submits that emissions are not likely to

have a significant effect alone or in combination at any identified statutory designated sites.

- 217 In addition to statutory designated sites, the applicant undertook an assessment of the impact of emissions on local non-statutory designated sites. This showed that emissions would not cause any additional exceedences of any Critical Level for the protection of ecosystems, except for oxides of nitrogen (see below), and that they would be below the associated Critical Levels for the protection of ecosystems. It was also considered that the impacts should not be considered significant due to the non-statutory nature of the designations.
- 218 The applicant submits that annual mean oxides of nitrogen concentrations at the following sites are greater than 1% of the Critical Level and when the existing contribution from background sources is considered the PEC is predicted to exceed the Critical Level: River Ash and Ashford Plant. The Environment Agency H1 Guidance states: *“If an EU Environmental Quality Standard is already exceeded, or may be exceeded as a result of an additional contribution from an IPPC activity, consideration of further control measures needs to be taken. This should take into account the practicality and reasonableness of going beyond indicative BAT...Where a new installation would only make a minor contribution to a breach, it would normally be more desirable for Regulators (and local authorities, where relevant) to consider controls on other major sources of pollution rather than imposing excessive costs or refusing a Permit.”* The applicant explains that the proposed abatement techniques proposed for NO_x are regarded as BAT and notes that they are also applying a more stringent emission limit than required by the IED. As the process contribution is predicted to be a maximum of 2.1% of the AQO at a non-statutory designated site, the applicant regards emissions as making a minor contribution to a breach of the objective and as such it considers this is not a significant impact.
- 219 The applicant notes that a Construction Environmental Management Plan was developed as part of the original planning application and that this included a number of measures to minimise dust arisings during the construction of the scheme. The applicant therefore considers that the implementation of the measures set out in that document would be sufficient to control dust emissions during the construction phase.

Predicted release of odours

- 220 The impact of odour from the odour extraction system exit point and the open sequencing batch reactor (SBR) tank was assessed as part of the AQA work. This work was initially used to determine a suitable height for the stack on the odour control equipment and whether any additional measures would be required to minimise the impact of the SBR tank. Detailed flue gas dispersion modelling was carried out using the computer model ADMS, as for the main dispersion modelling. For odour modelling, it was assumed that the odour is caused by a substance which disperses in the atmosphere, in the same way that any other pollutant (such as dust or sulphur dioxide) disperses.
- 221 When the odour emissions from the odour abatement equipment and SBR tank are considered, the applicant concluded that there should be no reasonable cause for annoyance due to odour releases from the odour control stack and SBR tank. It was also concluded that odour could be effectively controlled at the site and would have a negligible impact on the local area. This was based on the assumption that the Dust and Odour Management Plan would be implemented and the finding that dispersion from the odour control stack and SBR would be effective.

Operation of the Flare

- 222 The proposed scheme includes a flare which would operate during times of maintenance or excess generation of biogas and would be limited by not operating for more than 10% of the time in any year. Despite the minimal operation, the combined impacts from the operation of the flare and the gasification plant were considered by the applicant and this showed that the operation of the flare would not have a significant effect on local air quality.

Officers' Conclusion

- 223 The County Air Quality Consultant (CAQC) has reviewed the information submitted and requested clarifications of the data presented. The CAQC concludes that the air quality results have been correctly interpreted by the applicant and the Dust and Odour Management Plan suggested by the applicant can be expected to be robust and useable practical working tools and would meet Surrey County Council's requirements subject to minor clarifications (to be secured via a pre-commencement condition). The minor amendments to the scheme have slightly changed the predicted impact of process emissions and odour. However, the conclusions of this assessment are unchanged in that no significant residual effects on air quality are predicted.
- 224 The Environmental Protection UK guidance advocates that the '*conclusion as to the overall significance of the air quality impacts should be based on the professional judgement of the person preparing the report.*' The full data on the effects of all chemicals in the environment – natural or man-made – are not known; but the substances emitted by industrial processes have, by-and-large, been studied in considerable detail. This enables health and environmental regulators to set maximum limits on how much residual pollutant can be emitted so that no significant ill effects are experienced by people, flora or fauna. These limits are deliberately set at a cautious level to provide a wide margin of safety. For thermal waste treatment facilities, European Directives and UK Legislation require adherence to a wide range of extremely stringent emission limit values.
- 225 The applicant has applied to secure a modified Environmental Permit from the EA and preventing environmental harm from emissions (including emissions to air) is one of the main purposes of the permitting process. A permit variation will only be granted if the operator can show that they are using the Best Available Techniques (BAT) to control emissions; and the EA would police the facility to ensure effective control continues. Emissions from thermal waste treatment facilities would be checked, by a multilayered regime of monitoring, to ensure releases are in compliance with the limit values. This permitting process is separate from the determination of this planning application, though would involve a similar consultation with statutory consultees (such as the Health and Safety Executive as noted above). Officers have considered the issues in respect of air quality. Whilst emissions are matters for monitoring and control through the EA's Environmental Permitting (EP) regime, they remain a material consideration – assuming effective operation of the permitting regime – insofar as they have a bearing on land use issues. In respect of emissions from the plant, based on comments from the CAQC, Officers consider that there are unlikely to be significant effects on the air quality, with emission levels well within the legislative levels.
- 226 Officers consider that the proposed development complies with relevant UK legislation and development plan policies in relation to air quality (including dust and odour) subject to control measures to be approved and monitored through the Environmental Permitting Regime. Officers therefore consider, subject to necessary conditions, that the application would not have an unacceptable impact on air quality (including emissions, dust, odour and health effects) and accords, as such, with the SAQMA objectives, NPPF 2013, Policy DC3 SWP 2008, and Policy EN3 SCS 2009.

LANDSCAPE AND VISUAL AMENITY

Development Plan and national planning policy changes since June 2011

NPPF

- 227 NPPF paragraph 56 states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 63 explains that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Paragraph 64 makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Surrey Minerals Plan Core Strategy DPD 2011

- 228 Given that the Eco Park planning application boundary overlaps areas of former mineral works, it is relevant to consider relevant policies relating to such sites contained within the Surrey Minerals Plan. Policy MC18 – Restoration and Enhancement of the Core Strategy is relevant and states: *“The mineral planning authority will encourage and work with mineral operators and landowners to deliver benefits such as enhancement of biodiversity interests, improved public access and provision of climate change mitigation such as greater flood storage capacity. Where appropriate, a wider area enhancement approach should be developed, linking restoration proposals for mineral sites or linking site restoration to other green infrastructure initiatives.”* The supporting text to the policy specifically identifies that *“In some cases, wider area improvements may include former areas of mineral workings where opportunity exists to enhance the quality of previously worked land”*. The Eco Park scheme, as amended, includes an extensive landscape and environmental enhancement scheme on land to the east and north, which includes the former mineral workings. This would significantly enhance the environmental quality of the area which has previously been adversely affected by the mineral workings.
- 229 SWP 2008 Policy DC3 states that assessment of the visual and landscape impact of development on a site and the surrounding land must be submitted with any proposal and this should also identify appropriate mitigation so as to minimise or avoid any material adverse impact. Policy DC3 states that planning applications must demonstrate a high quality of design for new buildings. The SWP 2008 Key Development Criteria for Charlton Lane indicate that a high standard of design is expected for both built development and site layout (including landscaping) and that a visual impact assessment should be undertaken in support of any application at the site.
- 230 Relevant provisions are also contained in Policy EN1 of SCS 2009, which establishes that the Borough Council requires a high standard in design and layout and the demonstration that new development will:
- create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land;
 - achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook;

- be designed in an inclusive way to be accessible to all members of the community regardless of any disability and to encourage sustainable means of travel;
- incorporate landscaping to enhance the setting of the development, including the retention of any trees of amenity value and other significant landscape features that are of merit, and provide for suitable boundary treatment;
- create a safe and secure environment in which the opportunities for crime are minimised;
- incorporate measures to minimise energy consumption, conserve water resources and provide for renewable energy generation in accordance with Policy CC1; and
- incorporate provision for the storage of waste and recyclable materials and make provision for sustainable drainage systems (SUDS).

231 Policy EN8 of SCS 2009 states that the Borough Council will seek to protect and improve landscape and biodiversity by: a) safeguarding sites of international and national importance; b) working with partners in the public, private and voluntary sectors to develop and secure the implementation of projects to enhance the landscape and create or improve habitats of nature conservation value, and to secure the more effective management of land in the Borough; c) ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest; d) refusing permission where development would have a significant harmful impact on the landscape or features of nature conservation value; and e) safeguarding the Borough's Common Land and working with other interested parties to protect and where appropriate enhance its nature conservation and recreational value.

232 The Institute of Environmental Management & Assessment published a third edition of the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) in April 2013.

Applicant's Assessment

233 The applicant explains that there would be some temporary impacts upon landscape involving the loss of some areas of immature tree belt and earth mounding on the existing north and east site boundaries. However, due to the implementation of a comprehensive landscape scheme, over time these effects would lessen. Proposals for long term management of currently unmanaged grassland would result in permanent beneficial effects on landscape fabric. The applicant argues that the proposed modifications to the Eco Park would not alter previous conclusions on landscape as they would consist only of a small further incremental loss of trees of relatively low amenity value, many of the trees being either of undesirable species or being very young recently planted specimens. The Charlton Lane site is located in a diverse urban fringe landscape that has long been subject to dynamic change, meaning that the diversity of characteristic features and the lack of widespread openness creates a landscape that is relatively resilient to change.

234 However, the development as originally proposed would bring about a large magnitude of change to landscape character attributable to the increased height of the facility and the introduction of a stack and a particularly intensive change over a limited area. The changes brought about by the proposed modifications would not alter this. The applicant explains that of the twenty eight viewpoints previously identified in the 2010 ES, only three would experience significant residual impacts, and that this would be unchanged for the modified scheme.

Officers' assessment

- 235 Those aspects of the amended proposal that could affect the original Landscape and Visual assessment are considered below, each must be judged according to its visual impact on public vistas, such as the adjacent Public Right of Way, and from distant views.
- 236 With reference to the increase to the diameter of the main stack to 3.8m, the presence of the stack in views was one of the main factors in causing the visual impacts described in the original Landscape and Visual Impact (LVIA) assessment. The increase in the diameter of this component of the development would render the stack less slender. However, Officers consider that this increased diameter would not alter their previous conclusions on the stack's visual impact noting also that the stack would remain the same height and no additional visibility would therefore result.
- 237 In respect of the increase in the height of the biogas holder in the AD area (from 10.5m to 14.0m), whilst this change would or could be considered notable to a standalone structure, it is a change that would occur in the context of a large development with numerous elements of plant and equipment. As such, Officers consider that the biogas holder would still be seen as but one part of a much larger development and this change would not alter the nature of views, and the County Landscape Officer (CLO) considers that the findings of the original LVIA assessment for the representative viewpoints assessed would not be altered.
- 238 The addition of two substations to the east of the main site entrance would result in the loss of three additional small trees, which are all category C trees (none of the more mature trees identified for retention would be affected). The realignment by approximately 2.9m of part of an internal access road and weighbridge (west of the biogas holder) would result in the loss of a further ten additional trees from the edge of the existing tree belt. Seven of these trees are Grey Poplar and three are recently planted Wild Cherry. In the approved LEMP, this area forms part of management unit 1b, and one of the recommendations for this unit was the gradual removal of Grey Poplar in favour of other species.
- 239 With reference to the other alterations to building elevations and to the arrangement of external plant and equipment, none of these changes - alone or cumulatively - are judged to alter any of the findings of the original LVIA assessment.
- 240 The applicant has assessed the amended development proposals to adequately identify all of the proposed changes to see if any of the changes have the potential to alter the findings of the landscape and visual impact assessment carried out in support of the original Eco Park scheme. Revised photomontage illustrations were submitted to show the proposed amended scheme from the same viewpoints as presented in the original ES for the consented scheme.
- 241 Spelthorne Borough Council (SBC) (and others) have objected to this application because they consider the changes proposed not to be 'minor' and that, because they involve increasing the dimensions of certain elements of the complex, they would be more conspicuous and visually harmful over a wide area and adversely affect the Green Belt. SBC have specifically objected to the following changes: Increasing height of biogas holder by 3.5m; increasing the width of the gasification stack by 1.4m; increasing the AD Buffer Tank by 1.4 metres; and raising the AD Facility and RBF by 0.3 – 0.5 metres.
- 242 As noted by the CLO, the significant changes in terms of landscape impacts are: the increased height of the Anaerobic Digestion biogas holder (from 10.5 metres (m) to 14m); the increased diameter of the gasification stack (2.5m to 3.8m - height

unchanged); the loss of 10 trees on the northwest boundary (due to realigned internal access road and weighbridge); and the position of 3 new electricity substations.

- 243 With reference to the increased in height and mass of the AD biogas holder and the AD buffer tank, Officers judge that this element would be seen in the context of the much larger mass of the group of digester tanks, buffer tank and gasification building. The proposed changes would still result in a building that remains subservient to the main grouping, and the scale of the change is judged to be minimal in this context.
- 244 With reference to the increased width of the stack, Officers judge that this feature is of a minor scale in the context of the overall scale of the main development and do not consider this amendment to increase the landscape impact to any significant degree. Officers conclusion on this change is made in light of the previous determination which considered the landscape and visual impact of the (unchanged in height) 49 metre stack and any plume from 28 visual receptors.
- 245 In respect of the loss of trees proposed to the northwest corner of the site, the CLO notes that compared to the extent of the main tree belt this would not be significant, though replanting or appropriate management of the tree belt around the new access road should be considered within the context of the 25 year landscape and ecology management plan, to retain its integrity. The CLO advises that a method statement for the construction process of the access road, and tree protection to minimise any further loss, should be sought by condition. In respect of the position of the 3 new electricity substations, the CLO notes that this is close to boundary vegetation at the front of the site and this would need protecting as part of the landscape mitigation. Officers have added both these requirements to recommended Condition 9 for a 'pre-commencement' Construction Environmental Management Plan (CEMP).

Other changes

- 246 The eastern face of the gasification building and AD buildings would fall vertically to the ground, and not angle back into the site producing an overhang as previously proposed. This is to ensure waste materials do not get trapped in the area behind internal push walls and the external cladding (which would be created from the cladding being at an angle. Officers also note the changes proposed to the Gasification Building via the addition of smoke vents and mansafe access system on the gasification building roof. Although a discernible change in close-up views, Officers consider these changes would imperceptible from distant views within the wider landscape. Similarly, the addition of louvers to ventilate the building, electrical equipment in plant rooms and switch rooms would not, in Officers' opinion, be noticeable changes.
- 247 The AD flare would increase in height from 8m to 8.5m and be slightly repositioned to achieve appropriate separation distances from the biogas holder. Officers likewise consider this change to be acceptable in visual terms. There would be an increase in the height of the concrete part of the bund wall around the AD facility (from 1.5m to 3.2m). However, as fencing would overlap this and remain at 3.7 metres high this change would not create a visual impact. The applicant also proposes to provide a fenced-off transformer compound. Although this would be a new feature of the Eco Park's layout, it would be screened from the surrounding area and therefore have no visual impact.

Conclusion

- 248 The CLO has responded to the representations regarding the guidance used in preparing the Addendum ES's LVIA Chapter and confirms that the 2013 Landscape Institute Guidance does not require a re-assessment in accordance with the new LVIA guidance (GLVIA, third edition). In any case, the CLO does not consider that the changes proposed are significant enough, in terms of landscape impact, to require a re-assessment according to GLVIA3.

- 249 Whilst there is a relatively extensive schedule of proposed changes to the consented development, the majority of them would either not be visible at all (such as internal layout configurations) or be very difficult to discern (consisting simply of slightly different arrangements of similar components, or minor alterations to facades). Officers agree with the applicant's assessment that these changes would fail to register at all as changes in the context of a landscape and visual assessment. Two alterations to the development would bring a greater degree of change, however, i.e. the increased diameter of the proposed stack and the taller height of a biogas holder. Even these changes, when viewed as part of the overall development, would be subtle in nature and neither would be sufficient in scale to alter any of the judgements contained in the LVIA carried out in support of the original Eco Park scheme, which the CPA judged to be acceptable.

NOISE AND VIBRATION

NPPF 2012

- 250 Paragraph 123 states that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts²⁷ on health and quality of life arising from noise from new development, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
 - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 251 SWP 2008 Policy DC3 (General Considerations) states that waste related development shall only be permitted where it can be demonstrated that any impacts of the development with regard to noise, can be controlled to achieve levels that will not significantly affect people, land, infrastructure and resources.
- 252 Surrey CC (Surrey Noise Guidelines) has produced its own 'Guidelines for Noise Control Minerals and Waste Disposal 1994', based on the approach in Mineral Planning Guidance Note 11: Noise (MPG11). Mineral Planning Statement 2 : Controlling and Mitigating the Environmental Effects of Mineral Extraction in England (MPS2) has now superseded MPG11, but the advice in terms of noise remains consistent with MPG11 and the Surrey Noise Guidelines. This Guidance states that new noise produced from development must be no more than 5 decibels expressed as a LAeq value above existing working day background noise levels (LA90). Surrey County Council's own noise guidance is more stringent than National guidance for night time noise. Critically for consideration of the Eco Park proposals (including a gasification and AD facility operating on a 24 hour basis), Surrey CC's Noise Guidance states that in terms of fixed plant that may operate during the night-time period:

"The normal requirement is that any plant that is in operation at night should not be heard at the nearest sensitive location. Inaudibility is difficult to define but the requirements of this authority would be satisfied if the following three criteria were met.

- 1) *The new noise on its own would produce an LAeq value 5dB(A) below the existing night-time LA90.*
- 2) *The acoustic spectrum (normally 1/3 octave) is 3dB below the existing night time spectrum at any frequency.*

3) *The new noise does not exhibit any tonal or impact characteristics.*”

- 253 SWP 2008 Policy DC3 (General Considerations) states that planning applications should assess any adverse effects on neighbouring amenity including noise, vibration and transport impacts and identify any appropriate mitigation. Lastly, Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SCS 2009) Policy EN11 (Development and Noise) seeks to minimise the impacts of noise and sets out a series of criteria by which to achieve this including measures to reduce noise to acceptable levels and ensuring provision of appropriate noise attenuation measures. In their response to the Eco Park proposal, Spelthorne Borough Council claim that their own guidance is more stringent than Surrey CC's, though Officers note that SBC's Guidance is identical for night-time noise (i.e. that new noise on its own must be under 5dB below existing night-time levels).

Applicant's assessment

- 254 Noise and vibration levels have been considered and assessed during the construction and the operational phases of the Eco Park development, as amended. Relevant and appropriate noise and vibration guidance and standards have been used to determine the impact. The assessment has been undertaken to inform and guide the design of the development such that any likely noise and vibration impact on existing dwellings is minimised. This ES update has provided further assessment of noise where appropriate due to proposed modifications to the Eco Park. The results show that the original ES (including its regulation 19 updates) remains valid for the modified scheme and conclusions on the potential for likely significant effects remain unchanged and there are no additional new likely significant effects.
- 255 The provision of the CEMP as part of the discharge of pre-commencement conditions has enabled construction noise impacts to be re-assessed. The original ES conclusions on the potential for likely significant effects remain unchanged. The assessment of the Eco Park as amended has been carried out based upon the assumption that a series of noise amelioration measures have been proposed during the construction and operation phases of the facility, these are listed below (and secured, where appropriate, by condition).
- 256 For construction noise, in accordance with appropriate standards, best practical means would be employed to control the noise generation. Measures may include restriction on operating hours, selection of quieter plant, local screening techniques and routing of equipment to site. Such measures are defined within the Construction Environmental Management Plan. For operational noise, the introduction of appropriate mitigation measures relative to building design, and screening measures relative to the nearest residential receptor, would ensure that the resultant noise levels are within appropriate guidance and standards. The measures would be based on the employment of Best Available Techniques (BAT) to mitigate any potential peak noise sources.
- 257 During the construction phase there would be a variety of noise sources in use at different stages and their associated activities would vary from day to day. The highest noise levels relative to nearest receptors are likely to occur during site preparation, piling/concreting and building construction. The peak noise activities do not normally occur over long periods of time and best practical means would be employed to control the noise being generated. With mitigation measures, in general, there would be a minor adverse effect likely to occur, and for short periods at the closest receptor a moderate adverse effect in noise levels may occur but without any exceedance of statutory duties and/or guidance. During the operation of the site it was concluded in respect of the resultant residual impact, that with appropriate mitigation measures within the detailed design, there is likely to be a neutral effect.

- 258 The applicant judges that the impact on existing residential areas from road traffic noise on local roads during the daytime periods would also have a neutral effect. In terms of ground borne vibration from the site or from HGVs, this would be below the level of perceptibility and therefore a neutral effect. During the construction period, there would be a neutral to minor effect at the nearest residential receptor but would be within guidance limits for nuisance and cosmetic damage. It was predicted that the proposed development is unlikely to result in any significant noise impacts.

Officers' assessment

- 259 The CNC raises no objections to the Eco park proposal as amended. There are some changes that might affect noise slightly but not to any great extent. Officers therefore consider that the proposed development as amended would again comply with the Development Plan with regards to noise and vibration effects on neighbouring amenity and any impacts have been appropriately mitigated in accordance with the NPPF and Policy DC3 of the SWP 2008.

SURFACE WATER AND FLOOD RISK

NPPF

- 260 Paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 261 SWP 2008 Policy DC3 (General Considerations) states that planning permissions for waste related development will be granted provided it can be demonstrated by the provision of appropriate information to support a planning application that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. The information supporting the planning application must include, where relevant to a development proposal, assessment of: the contamination of ground and surface water; the drainage of the site and adjoining land and the risk of flooding; and the groundwater conditions and the hydrogeology of the locality. Where necessary, appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss. SCS 2009 Policy LO1 (Flooding) seeks to reduce flood risk and its adverse effects on people and property in Spelthorne through a range of measures including: maintaining flood storage capacity within Flood Zone 3; and maintaining the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain to both store water and allow the movement of fast flowing water.

Spelthorne Borough Council Flooding SPD 2012

- 262 This followed the NPPF 2012 and states that: *"In 2006 the Council commissioned consultants to prepare a Strategic Flood Risk Assessment (SFRA) for the Borough.... The modelling which was used in the SFRA has since been further refined by the EA and is reflected in flood maps now available on the EA website as well as the Council's own website. The Council's website shows maps depicting the 1 in 20, 1 in 100 and 1 in 1000 flood outlines and to which Policy LO1 relates. The EA website shows only the 1 in 100 and 1 in 1000 outlines. The EA publishes regular updates of their flood maps which are used to update the Council's maps. Updates of flood modelling arise for a number of reasons including further more detailed assessment work, any additional flood defences or changes in channel capacity or recent flood or high water events enabling a*

more detailed understanding of how flood water may behave. Such updating is important so the most accurate picture of flood risk is available. Users of either the EA records or those of the Council should therefore ensure they have the latest information.”

Applicant's assessment

- 263 The potential for the Eco Park as amended to give rise to or be at risk from flooding has been considered in detail in the submitted ES. The primary considerations in this regard are: (i) the site itself is not at risk from flooding; and (ii) the amendments to the scheme do not materially alter the area of hardstanding proposed in connection with the development or the principles of the surface water drainage scheme that were found acceptable for the original Eco Park application. In light of the above the conclusions of the ES in connection with the original Eco Park scheme remain directly relevant to the amended scheme:
- *“Construction Impacts - No significant construction impacts relating to flooding have been identified. Standard best practice construction methods would be implemented at site to protect water quality. These would be documented in the Construction Environmental Management Plan and would include measures such as storage of fuel, oils and chemicals in bunded areas and use of settlement lagoons.*
 - *Operational Impacts - The proposed drainage system has been demonstrated to have the capacity to accommodate a statistically infrequent storm event and there is no recorded history of on-site surface water inundation / flooding. Accordingly, the risk of those areas used for the storage of waste being inundated is very low. The development would not affect the water quality of the surrounding area as a result of the surface water drainage infrastructure installed to serve the site and the specific practices employed to manage runoff in line with the site's Environmental Permit.”*
- 264 The Addendum ES outlined how the proposed modifications to the Eco Park could potentially affect the outcome of the original surface water and flood risk assessment. It identified where the assessment work carried out for the original ES (including Regulation 19 updates) remains valid for the modified scheme and conclusions on the potential for likely significant effects remain unchanged. It explains where further studies have been undertaken, primarily pursuant to the discharge of pre-commencement conditions that enable the ES to be updated with additional relevant information.
- 265 The original Eco Park ES identified that the application site did not lie within an identified area of flood plain and that the residual risks posed to the development from all flooding sources were considered to be negligible. The surface water drainage infrastructure that would be installed to serve the site was designed to contemporary standards and would afford a high degree of protection against the risk of flooding (in excess of the 1 in 100 year design event plus an allowance for the effects of climate change). In addition, this drainage infrastructure should ensure that the development would not affect the water quality of the surrounding area. Accordingly, it was concluded that the proposals would not adversely affect the local hydrological regime.
- 266 The Eco Park as amended would occupy the same development footprint as the original scheme and the concept drainage design submitted with the Section 73 application is near identical to the original. The only change of any note is that the amended scheme includes two new small areas of impermeable surfacing on land which was shown as landscaping (actually retained areas of existing landscaping) on the original Eco Park design. These areas are located, firstly, where the 2 new substations are proposed adjacent to the site entrance and, secondly, where there is a minor realignment of the internal roadway and weighbridge for HGVs exiting the RBF. The new impermeable area associated with these amendments is 519m². However, as noted above, the surface water drainage infrastructure associated with the original Eco Park scheme was designed to provide a degree of protection against flooding in excess of the 1 in 100 year

design (plus climate change) i.e. there is a degree of 'over design' which can accommodate this small increase in impermeable area.

- 267 The original ES showed that a conservative estimate of the overall impermeable area of the original Eco Park scheme was made, giving a figure of 4.3 hectares. This area was utilised in the Micro Drainage calculations that informed the concept drainage design. A more accurate re-measure of the impermeable area associated with true Eco Park as amended shows it is actually 4.266 hectares (even with the two new small areas of impermeable surfacing). Thus, the proposed surface water drainage infrastructure would still provide a degree of protection against flooding in excess of the 1 in 100 year design (plus climate change). Accordingly, the effects of the amended scheme in respect of either surface waters or flood risk would be near identical to the original scheme and the conclusions in the original ES remain valid and unchanged.
- 268 Subsequent to the preparation of the original ES, the Government has published the National Planning Policy Framework (NPPF) and its associated Practice Guide (which covers flooding) which have replaced Planning Policy Statement 25 (PPS25): Development and Flood Risk. This change in policy does not alter the validity of the original surface waters and flood risk assessment i.e. there are no new planning tests / requirements relevant to the Eco Park scheme. As a result of the minor material changes to the Eco Park a very slightly modified Drainage Strategy would need to be prepared and submitted. It is therefore suggested that a similar pre-commencement condition relating to surface water would be appropriate should this Section 73 application be approved.

Officers' assessment

- 269 The CGC advises that there would be minor increases in the paved area of the site and that, therefore, the drainage design will need to be revisited. The applicant submits, in this context, that: "*A Drainage Strategy has been submitted pursuant to discharging this condition attached to the existing Eco Park planning permission. The Drainage Strategy is based upon the existing Eco Park design. Therefore a revised Drainage Strategy based upon the Eco Park as amended would need to be prepared and submitted. Accordingly the wording of this condition would remain unchanged from that attached to the original decision notice.*" The applicant refers here to the detailed Drainage Scheme required by Condition 21, that includes the layout and full calculations. This condition has been discharged by the CPA. A revised drainage scheme would now need to be submitted and Condition 21 would need to apply to any new consent. As such, Officers consider this development would accord with the relevant Development Plan policies concerning surface water and flooding including the requirement to undertake a flood risk assessment in response to SWP 2008 KDC.

GEOLOGY AND GROUNDWATER

NPPF

- 270 Paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Additionally, Paragraph 121 states that planning decisions should also ensure that:
- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining,

pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

271 SWP 2008 Policy DC3 (General Considerations) states that planning permissions for waste related development will be granted provided it can be demonstrated by the provision of appropriate information to support a planning application that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. The information supporting the planning application must include, where relevant to a development proposal, assessment of: the contamination of ground and surface water; the drainage of the site and adjoining land and the risk of flooding; and the groundwater conditions and the hydrogeology of the locality. Where necessary, appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss. Lastly, SCS 2009 Policy EN15 (Development on Land Affected by Contamination) provides that the Borough Council will ensure that where development is proposed on land that may be affected by contamination, action will be taken to ensure the site is safe or will be made safe for its intended use.

272 The submitted ES considered the potential environmental impacts of the Eco Park development as amended in relation to geology and hydrogeology. Investigations were carried out for the proposed Eco Park development between 2011 and 2013 and are supplemented by earlier investigations carried out in relation to the existing waste management facility between 1999 and 2010. The assessment of this data indicated that three potential pollution sources would require mitigation during construction. The potential pollution sources and proposed mitigation measures are listed below:

- The possibility of encountering higher concentrations of PCBs in the vicinity of the electrical substation in the southern area of the MDA – a watching brief is only required in case possible hotspots are encountered in this area;
- An area with elevated concentrations of TPH and PAHs in the groundwater in the north western part of the MDA would be the subject remediation; and
- The infiltration lagoon could theoretically pose a significant risk to controlled waters – the EA has agreed that proposed mitigation measures comprising the lining of part of the infiltration lagoon and installing a cut-off wall to form a groundwater barrier to the east of the lagoon would provide sufficient mitigation for the proposed lagoon.

273 In addition to the above, normal good construction practice would also be implemented through a Construction Environmental Management Plan (CEMP) and use of a Materials Management Plan which would be produced in accordance with the CL:AIRE Definition of Waste: Development Industry Code of Practice (Version 2, 2011). On the basis of the information provided in the site investigations, assessments and the proposed mitigation measures, it was not considered that the Eco Park development as amended would give rise to any significant residual environmental effects associated with geology, hydrogeology and ground waters

Officers’ assessment

274 The County Geotechnical Consultant (CGC) advises that the end use on which the risk assessments are based remains unchanged, and the minor changes to the layout are not material to the ground and groundwater conditions. The applicant states that: “A remediation scheme has been submitted pursuant to discharging this condition attached to the existing Eco Park planning permission. If approved this will be unchanged by the amendments to the Eco Park scheme. Accordingly, the wording of the condition should

be amended to the effect that the provision of a remediation scheme is no longer a pre-commencement condition and that the Eco Park as amended should be constructed in accordance with the approved remediation scheme.” The CGC has previously advised the CPA that this application is acceptable subject to appropriately worded conditions. As such, Officers consider this development would accord with the relevant Development Plan policies with regards to geology, soils and hydrology and the proposal accords with the NPPF and Policy DC3 of the SWP 2008 and its requirement to identify appropriate mitigation to deal with contamination of ground, in addition to groundwater conditions and the hydrology of the locality.

ECOLOGY AND NATURE CONSERVATION

- 275 NPPF paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
 - the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.
- 276 SWP 2008 Policy DC3 ‘General Considerations’ states that planning applications should assess the loss or damage to flora and fauna and their respective habitats at the site or on adjoining land and identify any appropriate mitigation.
- 277 SCS 2009 Policies SP6 (Maintaining and Improving the Environment) and EN8 (Protecting and Improving the Landscape and Biodiversity) seek to protect and improve the landscape and biodiversity of the Borough through: safeguarding sites of international and national importance; working with others to develop and secure the implementation of projects to enhance the landscape and create or improve habitats of nature conservation value; wherever possible ensuring that new development contributes to an improvement in landscape and biodiversity and also avoids harm to features of conservation interests; and states planning permission will be refused where development would have a significant harmful impact on the landscape or features of nature conservation value.

Submitted Assessment

- 278 Aspects of the amended proposal that could affect the original ecological assessment comprise changes to the external footprint of the development, in particular: any changes affecting land outside the current waste management site boundary; and changes in air quality impacts on sensitive ecological receptors. Ecological impacts also may have altered as a result of changes in habitats and species since the original ecological assessment. As a consequence, the ecological assessment incorporates an updated habitat survey, incorporating a protected species walkover survey. In addition, information to support a Habitats Regulations Assessment requires updating to reflect recent legislative changes, particularly insofar as they affect the assessment of Special Protection Areas (SPAs). The following additional survey works were undertaken to inform this assessment: Verification of extended Phase 1 Habitat Survey; and Protected species walkover survey.
- 279 In addition to these additional survey works, a new Site Check Report was made for a 10km radius around the site, using the MAGIC (multi-agency geographic information for the countryside) database, to determine whether there were any changes in statutory designated sites with particular reference to European designated sites in order to undertake a revised Habitats Regulations Assessment. The JNCC website was also consulted to check for recent changes in European designated sites.
- 280 Based on the results of the habitat survey update and protected species walkover survey, there are unlikely to have occurred any significant differences in protected and priority species occurring within the survey area. The remaining mature white willow tree to the east of the site has a higher potential to support a bat roost in comparison to the 2010 survey; but this is well outside the proposed development footprint. Habitat quality for birds, reptiles and amphibians has not changed significantly since the 2010 surveys, aside from a possibly increased drying out of seasonally inundated areas leading to less favourable habitat conditions for reed bunting and common toad. In addition, there have been some changes in the policy basis underpinning the evaluation of ecological interest features. PPS9 has been withdrawn, and the National Planning Policy Framework (NPPF) introduced.
- 281 There are no significant differences with respect to the incidence of protected species in relation to the Eco Park as amended. Only one European protected species (common pipistrelle) was recorded in the 2010 survey programme, and there were not predicted to be any legislative compliance issues with respect to either roost sites or foraging habitat. Although there is a slightly greater risk of a bat roost being present in 2013 in a mature white willow tree to the east of the site, this is avoided by the development footprint (with an appropriate standoff for the construction compound to avoid damage to the tree). There remains a need to consider breeding birds in site clearance operations, which should therefore take place outside the breeding season (avoiding mid-March to the end of July as a minimum requirement). The small stand of Japanese knotweed was not identified in the 2013 survey, but its presence or absence would be confirmed prior to site clearance, and control measures implemented to prevent spread in accordance with Environment Agency guidance.

Habitats Regulation Assessment

- 282 Relevant sites within 10km of the development include: SW London Waterbodies SPA; Thames Basin Heaths SPA; and Thursley, Ash, Pirbright and Chobham SAC. Advice from Natural England with respect to the previous planning application for the currently permitted development indicated that SW London Waterbodies was of greatest potential concern, due to its proximity to the site. The Air Quality Assessment (AQA) has confirmed that impacts on the other, more distant, sites are well below significance thresholds. Since the determination of the planning application for the original Eco Park, the Habitats Regulations have been further modified by the Conservation of Habitats and

Species (Amendment) Regulations 2012, providing clearer transposition of the provisions of the 2009 Birds Directive into UK law. In particular, Regulation 9A (8) provides the legislative basis for considering pollution or deterioration of habitats outside a designated site, transposing Article 4 (4) of the 2009 Birds Directive. These include habitats of bird species referred to in Article 4 (1) (listed in Annex I of the Directive) and Article 4 (2) (regularly occurring migratory species, especially those dependant on wetland habitats).

- 283 In the case of the Eco Park as amended, the amended Regulations do not materially change the scope of the required Habitats Regulations Assessment. Natural England had advised in connection with the previous application that SPA qualifying features (gadwall and shoveler) outside designated sites should be considered. The rationale for this was a PhD thesis which highlighted the importance of sites outside SW London Waterbodies SPA (Briggs, 2007). The previous assessment therefore conformed with the requirements of Regulation 9A, in particular in identifying Shepperton Green SNCI as the closest sensitive receptor. A winter bird survey carried out in 2010-11 did not find any utilisation of habitats closer to the site by gadwall or shoveler, and there were therefore no other sensitive receptors to be considered in closer proximity than Shepperton Green Reservoir.
- 284 The AQA did not predict any significant effects on SPA sites or other waterbodies holding gadwall and shoveler as a consequence of the revised development. Predicted increases in nitrogen deposition are less than 1% of Critical Load, which is not considered to be significant in accordance with Environment Agency standards for assessment of impacts on sensitive habitats. Shepperton Green Reservoir SNCI is situated to the west of the M3, which runs close to its eastern boundary, separated by a c.75m belt of trees and scrub. To the north is an area used for storage of coaches, trailers and vehicles, beyond which is a garden centre and boarding kennels. The noise impact assessment did not predict any impacts above background levels for receptors to the west of the M3. The reservoir is also well screened from the site, and there is therefore no risk of visual disturbance from human activity or construction works associated with the development. There is therefore no likely significant effect on SPA qualifying features as a consequence of the development, and it should not be necessary to carry out an Appropriate Assessment (Stage 2 assessment).
- 285 The conclusions of the ecological impact assessment of the original Eco Park scheme remain valid for the Eco Park as amended. There are no protected species issues affecting the Eco Park as amended, apart from an increase in the potential of a white willow tree to support a bat roost. However, this remains outside of the proposed development footprint, and ancillary facilities such as the construction compound have been positioned so as to avoid any impacts. Although there has been some change in habitats since the previous ecological survey, this is not reflected in any significant change in conservation value. Consequently the magnitude and significance of any impacts on these habitats does not change.
- 286 The AQA in the submitted ES does not predict any significant impacts on sensitive ecological receptors as a result of deposition of atmospheric nitrogen or acid deposition. No significant changes are predicted in terms of noise and human disturbance during construction of the facility compared with the original Eco Park scheme. Information has been provided to inform a Stage 1 Habitats Regulations Assessment, reaching a conclusion of no likely significant effect on European conservation sites. This assessment takes into account the distribution of SPA qualifying features in waterbodies outside the SPA designation. The environmental mitigation and enhancement proposals contained in the origin Eco Park application would be retained in the Eco Park as amended. As previously predicted, this would result in a significant improvement in biodiversity on land to the north and east of the development site, resulting in positive residual impacts for most of the ecological interest features that have the potential to be affected by the development

Officers' assessment

- 287 The County Ecology Officer is satisfied that the data collection has followed the appropriate guidance and considers that there should not be any significant harm to ecological receptors from the changes proposed through this application. Natural England also raises no objection to this Section 73 application. As such, Officers consider that this application complies with the NPPF and SWP 2008 Policy DC3, in addition to SCS 2009 Policies SP6 and EN8.

LIGHTING

- 288 NPPF 2012 paragraph 125 states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 289 SWP 2008 Policy DC3 (General Considerations) states that planning applications should assess any adverse effects on neighbouring amenity including glare and identify any appropriate mitigation. Spelthorne Core strategy Policy EN13 (Light Pollution) provides that the Borough Council will seek to reduce light pollution by: (a) encouraging the installation of appropriate lighting including that provided by other statutory bodies; (b) only permitting lighting proposals which would not adversely affect amenity or public safety; and (c) requiring the lights to be either - appropriately shielded, directed to the ground and sited to minimise any impact on adjoining areas or of a height and illumination level of the minimum required to serve their purpose.
- 290 A detailed lighting scheme has been submitted pursuant to discharging the lighting condition attached to the existing Eco Park planning permission and was approved on 20th August 2013 under reference SP10/00947/SCD13. The County Lighting Consultant advises that the details submitted with this Section 73 application are acceptable. Officers therefore recommend a condition to ensure the previously approved lighting scheme is carried out in strict accordance with those details and that this would be sufficient to deal with any light impact and the protection of residential amenities in the vicinity. The application therefore accords with SWP 2008 Policy DC3 and other relevant Development Plan policies in respect of lighting.

ARCHAEOLOGY AND CULTURAL HERITAGE

- 291 NPPF 2012 paragraph 131 states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 292 The ES prepared in support of the Eco Park as amended has considered the impact of the development in terms of its direct and indirect impacts upon the natural and historic environment. In terms of both topics it has concluded that the Eco Park as amended does not have the potential to give rise to any new likely significant environmental effects. Thus, it can be concluded that the Eco Park as amended accords with the requirements of the NPPF.
- 293 SWP 2008 Policy DC3 'General Considerations' states that planning applications should assess the loss or damage to archaeological resources and identify any appropriate mitigation. As such, the applicant has submitted an assessment to consider the effects upon the archaeology and cultural heritage resources that could result from the proposed Eco Park at Charlton Lane (including the EEA). SCS 2009 Policy EN5 (Buildings of Architectural and Historic Interest) seeks to preserve the Borough's architectural and historic heritage. SCS 2009 Policies Policy EN6 (Conservation Areas, Historic

Landscapes, Parks and Gardens) seeks to preserve and enhance the character of the Borough's conservations areas, in addition to maintaining and enhancing areas of historic landscape value and gardens of special historic interest. Policy BE26 Archaeology and Ancient Monuments is a saved policy under the Spelthorne Borough Local Plan 2001. The policy requires archaeological evaluation to be carried out on sites larger than 0.4 ha that fall outside the defined areas of High Archaeological Potential.

- 294 The Addendum ES outlined how the proposed modifications to the Eco Park could potentially affect the outcome of the original archaeological and cultural heritage assessment. It also: identifies where the assessment work carried out for the original ES (including Regulation 19 updates) remains valid for the modified scheme and conclusions on the potential for likely significant effects remain unchanged; and sets out where further studies have been undertaken (primarily pursuant to the discharge of pre-commencement conditions) that enable the ES to be updated with additional relevant information. The Eco Park development as amended would occupy the same development footprint as the original scheme. In addition its overall visual appearance is not materially altered. Accordingly the effects of the amended scheme on either the buried archaeological resource or setting of designated heritage assets would be identical to the original scheme and the conclusions of the original ES remain valid and unchanged. No new heritage designations have been identified proximate to the Eco Park site.
- 295 Subsequent to the preparation of the original ES, the Government has published the National Planning Policy Framework (NPPF) which has replaced Planning Policy Statement 5 (PPS5). This change in policy does not alter the validity of the original archaeology and heritage assessment i.e. there are no new planning tests / requirements relevant to the Eco Park scheme. Finally, since the Charlton Lane Eco Park was approved, a further study has been undertaken pursuant to the discharge of Condition 43 attached to planning permission reference: SP10/0947. A 'Further Archaeological Assessment of the Development...; Incorporating a Written Scheme of Investigation for the Conduct of an Archaeological Watching Brief' was submitted to the County Planning Authority in December 2012. The assessment concluded and recommended that two areas should be the subject of a watching brief during the establishing groundwork associated with the construction of the Eco Park. This assessment resulted in Condition 43 being discharged on 30th April 2013 and the applicant is required to ensure that a watching brief for the two areas is undertaken at the time of construction.
- 296 The County Archaeological Officer judges that the changes will be relatively minor and therefore makes no changes to earlier acceptance of the details submitted pursuant to Condition 43 of planning permission ref: SP10/0947.

CUMULATIVE EFFECTS

- 297 An assessment of potential cumulative effects during the construction and operational phase of the proposed development was undertaken as part of the EIA supporting the previous application. A number of other projects within 5km were identified, in consultation with local planning authorities that could have the potential to result in significant environmental effects in combination with the proposal.
- 298 Subsequent to the previous assessment, the applicant is not aware of any other 'new' developments which might give rise to potential cumulative effects. The Eco Park development as amended would, in overall planning terms, remain fundamentally unchanged in terms of its constituent elements, function and role. It would occupy the same development footprint as the original scheme and its overall visual appearance would not materially alter. The findings of the assessment work reported in the Addendum ES indicate that the Eco Park as amended would not give rise to any new likely significant environmental effects and that the effects that would occur would be

very similar as those associated with the original scheme. Accordingly the potential cumulative effects of the amended scheme would be identical to the original scheme and the conclusions in the original ES remain valid and unchanged.

OTHER ISSUES

Human Health Impacts

- 299 Following submission of the planning and Environmental Permit (EP) applications, a number of changes were made to the assessment approach and dispersion modelling to take into account comments raised by the Environment Agency, County Planning Authority and general public. These were addressed as a series of Regulation 19 updates to the original planning application and Schedule 5 responses to the EP application. The updates were required to take account of the following points: revised recommended approach to assessing the impact of emissions on human health; and changes to the methodology for modelling the buildings.
- 300 The aspects of the amended proposals that could affect the conclusions of the original ES, Regulation 19 updates and Schedule 5 responses are as follows: change of the gasification technology from a batch gasifier to a fluidised bedgasifier, including removing two emission points to Air (A2 and A3); reduced capacity of the gasification facility from 60,000 tonnes per annum to 55,460 tonnes per annum; and various modifications to the layout to the gasification and AD facilities and associated infrastructure. The Addendum ES addresses the impact of emissions from the gasification plant on human health, taking into account the updates required as part of the Regulation 19 and Schedule 5 requests. It also addresses the recent revisions to the scheme and the updates to the recommended approach to assessing the impact on human health.
- 301 For most substances released from the plant, the most significant effects on human health would arise by inhalation. The air quality objectives (AQOs) outlined within the AQA have been set by the various authorities at a level which is considered to present minimum or zero risk to human health. It is widely accepted that, if the concentrations in the atmosphere are less than the air quality objectives, then the pollutant is unlikely to have an adverse effect on human health. For some pollutants which accumulate in the environment, inhalation is only one of the potential exposure routes. Therefore, other exposure routes were considered in the submitted assessment.
- 302 A detailed health risk assessment has been carried out using the Industrial Risk Assessment Program-Human Health (IRAP-h View – Version 4.0). The programme (created by Lakes Environmental) is based on the United States Environment Protection Agency (USEPA) Human Health Risk Assessment Protocol. This Protocol is a development of the approach defined by Her Majesty's Inspectorate of Pollution (HMIP) in 1996, taking account of further research since that date. The IRAP programme considers the following pathways for exposure to Chemicals of Potential Concern (COPC):
- The ingestion of drinking water from local reservoirs;
 - The ingestion of soil attached to unwashed vegetables, unintended ingestion when farming or gardening and, for children, ingestion of soil when playing;
 - The transfer of COPC from the soil and the air to plants and the ingestion of home-grown plants by humans;
 - The transfer of COPC to infants through the ingestion of breast milk; and
 - The inhalation of COPC from the atmosphere.
- 303 From this a dose from inhalation and ingestion is calculated for each receptor. By default, these doses are then used to calculate a cancer risk, using the USEPA's approach. However, the Environment Agency have recommend that the results be assessed using the approach adopted in England. This is explained in the Environment Agency's

guidance document: *“Human Health Toxicological Assessment of Contaminants in Soil”*, ref SC050021. This approach involves two types of assessment. For those substances with a threshold level for toxicity, a Tolerable Daily Intake (TDI) is defined. This is: *“an estimate of the amount of a contaminant, expressed on a bodyweight basis, which can be ingested daily over a lifetime without appreciable health risk.”* A Mean Daily Intake (MDI) is also defined. This is the typical intake from background sources across the UK. In order to assess the impact of the Facility, the predicted intake of a substance is added to the MDI and compared with the TDI. For substances without a threshold level for toxicity, an Index Dose (ID) is defined. This is a level of exposure which is associated with a negligible risk to human health. The predicted intake of a substance is compared directly with the ID without taking account of background levels.

- 304 Of all the pollutants considered with a TDI, cadmium results in the highest level of existing exposure (MDI). The combined impact of cadmium from existing background sources and contributions from the proposed Eco Park as amended at the point of maximum impact is 138.89% of the ingestion TDI for children. However, the process contribution from the facility for cadmium is exceptionally small (only 0.13% of the TDI at the point of maximum impact, and 0.05% or less at receptors). The ingestion of chromium from existing background sources and contributions from the proposed facility also exceeds the ingestion TDI for children. However, the process contribution from the proposed facility for chromium is, again, exceptionally small (at both the point of maximum impact and the maximum impacted receptor). The TDI is set at a level: *“that can be ingested daily over a lifetime without appreciable health risk”*. The ingestion of cadmium and chromium by children as a result of background sources is already above the TDI. On the basis that the process contribution of these substances is exceptionally small, it was not considered that the facility would increase the health risks from this pollutant significantly. For all other pollutants, the combined impact from the facility plus the existing MDI is below the TDI, and there would not be an appreciable health risk based on the emission of these pollutants.
- 305 For pollutants which do not have a TDI, a comparison has been made against an Index Dose (ID). The Index Dose is a threshold below which there are considered to be negligible risks to human health. The greatest process contribution from the facility (i.e. its plant) is from chromium (VI), which is only 8.00% of the Index Dose for children at the point of maximum impact. Therefore, emissions from the facility of chromium (VI) and all other pollutants are considered to have a negligible impact on human health.
- 306 The original air quality ES concluded that emissions would have a negligible effect on human health. The amendments to the scheme and use of the Environment Agency’s recommended assessment methodology have slightly changed the predicted impact on human health. However the conclusions of this assessment are unchanged and emissions would have a negligible effect on human health.

Public perception of risk and health concerns

- 307 Public concern about the potential health impacts of a development, as opposed to actual risk to health, can in principle be a material consideration; but it is for the CPA to determine what, if any, weight should attach to it in the context of any particular application. People’s perception of the level of risk for an activity can differ markedly from the real risk. There are certain qualities associated with activities that tend to boost the perception of risk and the Government’s Risk & Regulation Advisory Council (Response with Responsibility - Policy-making for public risk in the 21st century, May 2009) has looked at how distorted perceptions of risk can encourage poor decision-making. For example, whilst environmental professionals can calculate the risks of adverse effects from a waste development, giving a rational view of the likelihood of risk to health, this will not necessarily ease people’s gut fears - particularly if they associate the proposal concerned with “contamination”. Decision-makers need to be aware of the prospect that perceptions of risk may be mis-informed, and they should – in Officers’ view - not be

lightly dissuaded from making a sound evidence-based judgement informed by evidence of the actual risks.

- 308 Public concern about health risks associated with the incineration of waste is widely acknowledged and has been one of the issues raised during consultation on this application. Whilst the UK Government does not regard gasification as incineration, the EU does categorise gasification as an energy from waste process which is covered by the WID, and it therefore falls to the EA to regulate under the EP 2010 Regulations. The public have raised specific concern in respect of: particulates, toxins, dioxins and nitrogen dioxide. In the past the main health concerns expressed about incinerators related to dioxins. These are widely present in the environment and are a family of about 200 chlorinated organic compounds, a few of which are known to be toxic; and they are formed in all combustion processes where chlorine is present (such as power plants, diesel vehicles, bonfires and barbecues). Care needs to be taken when accounting for this concern that a considerable element of the public concern appears to be associated with the previous generation of incinerators, which emitted large quantities of pollutants. The implementation of new EC Directives resulted in the closure of many old incinerators across Europe, including the UK, which could not comply with new standards. The UK Health Protection Agency's Position Paper on Municipal Waste Incineration (2009) found that in most cases an incinerator contributes only a small proportion to the local level of pollutants and concluded that the effects on health from emissions to air from incineration are likely to be small in relation to other known risks to health. This is in respect of modern incinerators as opposed to the previous generation of incinerators. The HPA states:

'The Health Protection Agency has reviewed research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health. While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants. The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended.'

- 309 The HPA concluded that there is little evidence that emissions from incinerators make respiratory problems worse; similarly, there is no consistent evidence of a link between exposure to emissions from incinerators and an increased rate of cancer. It is appreciated that the position with gasification in particular is different in that concern may arise from the absence of past experience rather than poor past experience, and concerns that reflect this are considered under 'technology concerns' below. Officers have, nonetheless, duly noted the concerns raised by residents throughout the consultation process regarding perceived risk to human health but do not consider that substantial weight should attach to them.
- 310 In respect of representations that Surrey Fire & Rescue were not consulted as part of this application process; that local Fire Stations were due to close; and that a high risk of fire/explosion would be caused by the Eco Park as amended, Officers note that as part of the EA Permitting Regime, the Health and Safety Executive (which does not advise against the grant of planning permission) would be consulted to obtain confirmation that the both design of the Eco Park and its future operations would comply with Health and Safety Legislation, including risk of fire and emergency procedures/safety distances.

Technology concerns

- 311 Many residents have raised concerns about: the reliability of the proposed technology to be used at the Eco Park (referring to the processes as 'unproven' and being 'tested out' on the local population); perceived risk to human health; safety risks (including reference to members of the public continuing to visit the adjacent CRC throughout the construction and operational phase of the Eco Park and the proximity of housing to the application site); and how emissions / safety controls would be enforced in the future operation of the Eco Park. They have supported these concerns by reference to complaints/problems at operations on other sites elsewhere in the UK and beyond. It appears to Officers that these risks are focussed on the choice of technology and emissions control, and that they are not confined to perception of risk to health.
- 312 SWP 2008 (paragraph C3) states that policies are not technology specific, and it's expected that established and new technologies will continue to be developed, bringing innovative and effective methods of managing the county's waste. The absence of preference for one technology, in light of the fact that circumstances vary, is consistent with WS2007 (Ch 5 para. 27, though the SWP 2008 (para. C21-25) states that gasification is amongst the range of ATT technologies that may come forward on sites allocated in accordance with Policy WD5. The applicant has explained the reason for the capacity and technology choice, by reference to the JMWMS.
- 313 As already referred to, the applicant will need to secure a modified permit from the Environment Agency (EA) in addition to planning permission to operate the Eco Park facility, and preventing harm to health and the environment from emissions, including those to air, is the main purpose of the permitting process. A permit will only be granted if the facility can show it is using the Best Available Techniques (BAT) to control emissions; and it is to be assumed, in accordance with PPS10 para. 27, that *"the relevant pollution control regime will be properly applied and enforced"*, i.e. that the EA will police the facility to ensure effective control continues. NPPF paragraph 122 states that: *"local planning authorities should focus on whether a development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume these regimes will operate effectively."* Emissions from thermal waste treatment facilities will be checked, by a multilayered regime of monitoring, to ensure releases are in compliance with the limit values.
- 314 Objectors to the Footpath diversion inquiries (see paragraph 19 above) raised concern about whether the actual or perceived risks associated with the safe operation of the plant would affect public use of the public footpath. It is properly to be assumed, however, that these risks, as other safety risks, will be considered within the context of the EA's permitting decision and Officers do not consider that weight attaches to the perception of such risk in this context. Officers do not consider that there is any substantial basis for lack of trust or confidence in the permitting regime or that substantial weight should attach to objections arising from technology choice or founded on such lack of confidence or trust.

Other environmental issues

- 315 In respect of concerns raised that toxins could leach into groundwater, or emissions and dust could pollute reservoir and other water resources, such considerations would also form part of the EA Permitting Regime. However, as noted earlier, the applicant's assessment of the risk to controlled waters from the proposed infiltration basin indicates a low potential risk to ground waters and a cut-off wall has been incorporated into the design of the infiltration basin as a precaution to prevent any possible connectivity

between the water from the infiltration basin and the groundwater in the historically deposited waste.

Socio-Economic Issues

- 316 The applicant has submitted that a number of socio-economic factors support the development proposals, including 60no. jobs generated (i.e. an additional 42no. jobs compared to the existing waste management facility). However, Officers note that the submitted assessment demonstrates there are relatively high levels of economically active people in Spelthorne Borough and no pronounced deprivation (taken from the 'Index of Multiple Deprivation' used across England) in local wards. Officers do not, in this context, consider that substantial weight should attach to the socio-economic factors associated with the application, including increased employment. Lastly, with reference to concerns that the proposed development would devalue property and that the proposed development would be an expensive project to build or not be 'value for money', these points are not considered to be material planning considerations.

Postscript

- 317 Officers have read and considered each of the representations received in respect of this application, the main issues arising being summarised above; and they do not consider that they raise matters beyond those discussed in the main body of this report that suggest or warrant a different conclusion in respect of this application.

GREEN BELT

Surrey Waste Plan 2008

Policy CW5 Location of Waste Facilities

Policy CW6 Development in the Green Belt

Policy WD1 Civic Amenity Sites

Policy WD2 Recycling, Storage, Transfer, Materials Recovery and Processing Facilities (Excluding Thermal Treatment)

Policy WD5 Thermal Treatment Facilities

Spelthorne Borough Local Plan 2001 (saved policy)

Policy GB1 - Development Proposals in the Green Belt

- 318 NPPF 2012 paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 91 states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 319 The Surrey Waste Plan 2008 (SWP 2008) includes: Core Strategy; Waste Development; and Waste Development Control policies. The Core Strategy explains the County Council's approach to the location of waste management facilities and paragraph B13 of the Core Strategy indicates that due to limited opportunities for waste management facilities in urban areas and on industrial land, land beyond urban areas needs to be considered. In considering land beyond urban areas, priority will be given to mineral workings and land in waste management use, the re-use of previously developed, contaminated, derelict or disturbed land, redundant farm buildings and their curtilages, before greenfield and Green Belt sites. SWP 2008 paragraph B14 states that "*Protection of the Green Belt will continue, but the locational needs of some waste management facilities, together with the wider environmental and economic benefits of sustainable*

waste management, will be factors taken into account in assessing very special circumstances in determining proposals for waste development in the Green Belt.”

- 320 SWP 2008 Policy CW6 seeks to ensure that, whilst making provision exceptionally for necessary waste management development, the Green Belt serves its proper purpose (paragraph B44). The policy states there will be a presumption against inappropriate waste related development in the Green Belt except in very special circumstances and that: “*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.*”
- 321 Policy CW6 goes on to state: “*The following considerations may contribute to very special circumstances:*
(i) the lack of suitable non-Green Belt sites
(ii) the need to find locations well related to the source of waste arisings;
(iii) the characteristics of the site; and
(iv) the wider environmental and economic benefits of sustainable waste management, including the need for a range of sites.”
- 322 Land at Charlton Lane (5.35 ha) is allocated in the SWP 2008 under Policies WD1 (Civic Amenity Sites), WD2 (Recycling, Storage, Transfer, Materials Recovery and Processing Facilities (Excluding Thermal Treatment) and WD5 (Thermal Treatment Facilities), where planning permissions for development involving these waste uses will be granted provided that the development proposed meets the key development criteria (KDC), and where very special circumstances can be demonstrated in accordance with the provisions of Policy CW6 for development in the Green Belt. The KDC includes a Green Belt criterion, and states that ‘*the site is located in an open area that performs an important role of separating built up areas of Charlton and Upper Halliford. The scale and extent of development to be dependent on the degree to which buildings and plant focus on the existing site. The layout and any landscaping requirement should seek to minimise impact on openness of the remaining restored landfill.*’
- 323 Saved Policy GB1 (Development Proposals in the Green Belt) of Spelthorne Borough Local Plan 2001 states that development within the Green Belt will not be permitted, which would conflict with the purposes of the Green Belt and maintaining openness.

Harm to the Green Belt and other harm

- 324 In so far as the consideration of Green Belt policy for the Eco Park as amended is concerned, it is important to note that planning permission (reference SP10/0947) has already been granted for the development of the original Eco Park development in the Green Belt with a permission expiry date of 14th March 2015. Given that this (Section 73) application seeks planning permission for what is fundamentally (from a planning perspective) the same development with the same expiry date, it is difficult to see how, *prima facie*, granting the Section 73 permission for minor material amendments could or would result in any new or additional material impacts upon the Green Belt. Notwithstanding this, two documents have been published since the determination of the planning application for the original Eco Park development that could alter the outcome of previous Green Belt policy assessment (NPPF and the consultation draft of the Updated National Waste Policy: Planning for Sustainable Waste Management) and Officers have re-considered the revised proposal and its impact on the Green Belt in that context.
- 325 The Alternative Site Assessment (ASA) carried out in support of the original Eco Park has also been reviewed to ensure that the conclusions remain robust / valid. This also has the potential to have a significant bearing upon the Green Belt assessment as the lack of suitable alternatives to the Charlton Lane site was cited in two of the very special circumstances that (in combination) justified the grant of planning permission for the

- original Eco Park scheme. A further key issue addressed in the original Eco Park planning application was the justification for the size of the gasification building relative to the nature and scale of the BOS gasification technology that it was proposed to house. This too was an important planning consideration in the context of justifying a building of the size proposed within the Green Belt. The applicant has demonstrated that the change in gasification technology does not offer any new opportunity to reduce either the floor area or height of the gasification building.
- 326 The National Planning Policy Framework 2012 (NPPF) has replaced a number of previous planning policy documents including Planning Policy Guidance Note 2 (PPG2): Green Belt and was produced with an emphasis on the simplification of national policy. As a consequence, the NPPF (in respect of 'Protecting Green Belt Land') is more concise than PPG2. Whilst the guidance is shorter, the fundamental aim (to prevent urban sprawl by keeping land permanently open) and purposes of including land within the Green Belt remain unchanged. Also unchanged is the requirement for consideration to be given to the visual amenity of the Green Belt and for very special circumstances to be demonstrated for 'inappropriate' development that clearly outweigh harm by inappropriateness and other harm. In the original planning appraisal - and indeed through the previous determination process - it was concluded that the Eco Park development should be permitted in this policy context.
- 327 The Eco Park development remains fundamentally unchanged in terms of its constituent elements, extent, function and role and Officers consider that the amended proposal should also be permitted in this planning policy context. There are a number of changes from the policy wording that was originally contained within PPG2 (including changes to the objectives (now referred to as opportunities) for the use of land in the Green Belt and what can be considered an exemption to inappropriate development in the Green Belt); but Officers do not consider that these affect or change their analysis of the impact of the Eco Park as proposed to be changed on the Green Belt. It is considered that in light of the above the Eco Park scheme as amended is in accordance with the provisions of the NPPF.
- 328 In respect of the updated National Waste Policy, the existing national planning policy for waste management is contained within PPS10 (as amended March 2011). Paragraph 3 of PPS10 requires planning authorities, when determining planning applications to recognise the particular locational needs of some types of waste management facilities in the context of Green Belt policy and to consider whether these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.
- 329 One of the most significant changes that appeared in the consultation draft of the updated National Waste Policy document is the removal of this reference to the development of waste management facilities in the Green Belt. Within the introduction to the consultation on the updated National Policy document, it is explained that:
"Applications for facilities located in the Green Belt would still need to be considered by waste planning authorities on their individual planning merits having regard to the waste planning authority local waste plan and other material considerations, with the weight to be given on particular planning considerations being for the decision maker, subject to the circumstances of each particular case".
- 330 PPS10 remains in force until the updated National Policy is published in whatever format prevails following the consideration of consultation responses. In this regard, it is noted that the currently published version, as a consultation draft on national policy, cannot carry any significant weight, and it is contended by the applicant that the weight that can be attached to it is extremely limited. Whilst the removal of the reference from national policy may influence the justification for many waste management proposals in the Green Belt, it is not considered that it has any material effect upon the assessment of

Green Belt policy in the context of the Eco Park development as amended (see under 'Very Special Circumstances' below).

- 331 Waste management facilities, where constituting inappropriate development, should be considered in the same manner as other inappropriate development within the Green Belt. In the context of the NPPF, this means: not affecting the openness of the Green Belt (paragraphs 79 and 85); complying with the purposes of including land within the Green Belt (paragraph 80); complying with the opportunities for the use of land within the Green Belt (formerly objective for the use of land) (paragraph 81); demonstrating very special circumstances for inappropriate development (paragraphs 87 and 88); considering the impacts upon the visual amenity of the Green Belt (paragraph 81); in the case of renewable energy projects very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources (paragraph 91). The basis upon which the previous Green Belt conclusions were formed in the original Eco Park determination remain valid and unchanged.
- 332 There are different elements of the scheme that would have different impacts on Green Belt depending on their respective nature and character. The re-development and continued use of the land for waste development clearly constitutes inappropriate development in the Green Belt and would cause harm to the Green Belt by reason of inappropriateness. The substantial new buildings and structures for the gasification, AD and RBF facilities in particular would have a significant impact on openness. But Officers consider, with regard to the significance of that impact and weight to be attached to it, that it is highly significant that the proposal as changed continues to accord with the Green Belt KDC of the SWP 2008.
- 333 The waste development would also involve some encroachment into the countryside beyond the allocated area in the SWP 2008 (the purposes of including land in the Green Belt include safeguarding against this), which will impact on openness of the Green Belt. The proposals for the EEA in isolation, on the other hand, are neither changed nor considered to constitute inappropriate development and will play a positive role in fulfilling three objectives of the use of land in the Green Belt, i.e. providing opportunities for access to the open countryside for the urban population, enhancing landscapes near to where people live, and securing nature conservation interest. Officers consider that the mitigation and benefits offered by the EEA are significant. In addition, there remains other harm to consider, particularly in respect of the visual amenity of Ivydene Cottage, Upper Halliford and Charlton Village (albeit not, in Officers' view, changed from that resulting from SP10/0947).

VERY SPECIAL CIRCUMSTANCES

- 334 The demonstration of very special circumstances is considered to be a fundamental factor in determining the acceptability of the application given the acceptance that the major part of the proposed development is inappropriate development in the Green Belt and in view of the harm to openness and other harm acknowledged above. However, as already stated, the permanent retention of the existing waste management facilities has been completed (planning permission ref SP10/0883), thus establishing a permanent waste use on the built part of the proposed site. Spelthorne Borough Council and residents also comment that the applicant has failed to demonstrate that very special circumstances exist. The applicant has accepted that the development '*would be classified as inappropriate development*' and has put forward a number of factors, which it considers are very special circumstances that outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.
- 335 The Green Belt assessment carried out in support of the original Eco Park planning application established that there are a number of circumstances, which in combination comprise the very special circumstances necessary to justify the grant of planning

permission for the development. Two of the very special circumstances (VSCs) were founded upon the outcome of an alternative site assessment (ASA).

- 336 As noted above, SCC requested that the ASA be reviewed as part of this planning application in order to determine whether its conclusions and the basis for these VSCs remain unchanged. A comprehensive update of the ASA was undertaken in support of this (Section 73) planning application. The update to the ASA has been carried out in exactly the same manner as the original and takes no account of the fact that the Charlton Lane site benefits from planning permission for an Eco Park development which is fundamentally the same as that proposed. The updated ASA draws the same conclusions as the original and confirms that in terms of the development of an Eco Park (to serve the Boroughs comprising the study area) there are no available and / or suitable sites that lie outside of the Green Belt and of the sites that have been identified within the Green Belt, Charlton Lane is the most suitable. It can be concluded that the updated ASA maintains support for the very special circumstances that were demonstrated for the original Eco Park application.
- 337 However, consideration must also be given, for completeness, to the acceptability of the Eco Park as amended in the context of possible future Green Belt policy (should the reference to waste management development be removed) from any future National Waste Management Policy Document.
- 338 SWP 2008 paragraph B14 states that "*Protection of the Green Belt will continue, but the locational needs of some waste management facilities, together with the wider environmental and economic benefits of sustainable waste management, will be factors taken into account in assessing very special circumstances in determining proposals for waste development in the Green Belt.*" Additionally, SWP 2008 Policy CW6 then goes on to state that one of the considerations that may contribute to very special circumstances would be "*(iv) the wider environmental and economic benefits of sustainable waste management, including the need for a range of sites.*"
- 339 If the reference to development of waste management facilities in the Green Belt were to be permanently removed from national waste management policy (i.e. not forming part of any final published National Waste Policy document), then part '(iv)' of SWP 2008 Policy CW6 would effectively no longer carry any weight in the determination of the County Planning Authority for inappropriate waste development in the Green Belt. The result of such a change to national waste management policy would mean that only parts (i), (ii) and (iii) of SWP 2008 Policy CW6 could carry weight in respect of considerations that may contribute to very special circumstances for the purposes of that policy.
- 340 Nonetheless, as national waste management policy stands, the applicant has demonstrated very special circumstances for this proposal for the following reasons, which remain unchanged from the previous Eco Park application:
- 1 the continued lack of alternative suitable sites in or outside of the Green Belt;
 - 2 the continued need for the County to increase recycling and recovery capacity to contribute to agreed targets;
 - 3 the close proximity of the site to the arisings of waste;
 - 4 the characteristics and suitability of the site for the scale of waste operation proposed given the length of time that the site has been in waste management;
 - 5 the unique benefits of co-location at Charlton Lane;
 - 6 the wider environmental and economic benefits of sustainable waste management, including the need for a range of sites (noting that future changes to national waste management policy may remove this as a consideration);
 - 7 the provision of substantial renewable energy generation capacity; and
 - 8 environmental enhancement measures for the adjoining land.

- 341 Removal of reference to development of waste management facilities in the Green Belt from national waste management policy would remove or diminishing the weight to be attached to one of these factors but not affect the remainder (including those dealing with parts (i), (ii) and (iii) of SWP 2008 Policy CW6); and it would remain Officers' view, in that context, that very special circumstances have been demonstrated sufficient to comply with NPPF 2012 and SWP 2008 Policy CW6.
- 342 Officers' assessment of the Eco Park as amended against relevant Green Belt policy concludes that the development would: not significantly impact on the openness of the Green Belt; have no material adverse effect on the purposes of including land within the Green Belt; contribute to several of the opportunities for the use of land in the Green Belt; and not materially injure the visual amenity of the Green Belt. In addition, it has been demonstrated that there are a number of circumstances / important considerations which, in combination constitute very special circumstances to justify the grant of planning permission from a Green Belt policy perspective. The Eco Park facility as amended would not conflict with the requirements of NPPF 2012, Policies WD1, WD2, WD5 and CW6 of the Surrey Waste Plan 2008, or Saved Policy GB1 of the Spelthorne Borough Local Plan 2001. It is not considered that there are any Green Belt policy reasons why planning permission cannot be granted.

Conclusion

- 343 Officers consider that the factors outlined by the applicant combined are such that very special circumstances have been demonstrated as required by SWP 2008 Policy CW6. They consider that these clearly outweigh the harm resulting from the proposal. Therefore, an exception to Green Belt policy in NPPF 2012 and SBLP Policy GB1 can and should be made and planning permission be granted subject to conditions.

HUMAN RIGHTS IMPLICATIONS

- 344 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.
- 345 It is acknowledged that there would be an impact on the Green Belt caused by inappropriateness of the development and harm to openness, in addition impacts in respect of air quality (including health impacts), noise, traffic, landscape are acknowledged and have been assessed in the body of the report and mitigation provided; however the scale of such 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 mitigated by the measures incorporated into the application proposal and by planning condition and the mitigation measures and controls available through the Environmental Permitting regime. As such, this proposal is not considered to interfere with any Convention right.
- 346 In considering the current planning application and framing the recommendation Officers have considered both individual interests of objectors and those in the wider community. Having taken into account all the facts Officers consider that, on balance, the wider community need and benefits that would result from the combined waste facilities within this Eco Park which would provide for a more sustainable form of waste management in diverting waste from landfill outweighs any harm to individuals.

CONCLUSION

- 347 The proposal as changed remains for inappropriate development in the Green Belt and is therefore harmful to it by definition; and Government places substantial importance on

the protection of the Green Belt from the effects of inappropriate development. It would have a significant impact on the openness of this part of the Green Belt. The built parts of the proposal would run counter to one of the purposes of including land in the Green Belt, safeguarding the countryside from encroachment. However, in terms of uses of the land, the proposed EEA would fulfil Green Belt objectives in respect of providing opportunities for access to the open countryside for the urban population, the enhancement of landscapes near to where people live and securing some nature conservation interest.

- 348 Notwithstanding the revisions to the Eco Park's technology and design/layout and changes to policy (principally the NPPF 2012), Officers still consider there are a number of factors which together constitute very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness, harm to openness and other harm, and that these justify the grant of planning permission. None of the factors identified in the application can, on its own, be considered to constitute very special circumstances and clearly outweigh the harm referred to above; but in combination they do so.
- 349 These factors, which have been considered in detail, are: (1) the continued lack of alternative suitable sites in or outside of the Green Belt; (2) the continued need for the County to increase recycling and recovery capacity to contribute to agreed targets; (3) the close proximity of the site to the arisings of waste; (4) the characteristics and suitability of the site for the scale of waste operation proposed given the length of time that the site has been in waste management; (5) the unique benefits of co-location at Charlton Lane; (6) the wider environmental and economic benefits of sustainable waste management, including the need for a range of sites (though noting possible future changes to Government waste policy as noted in this report); (7) the provision of substantial renewable energy generation capacity and (8) environmental enhancement measures for the adjoining land.

Conditions

- 350 In terms of the conditions recommended by Officers at the end of this report, many of the conditions attached to planning permission ref SP10/0947 remain necessary in an unaltered format (Conditions 2, 3, 4, 5, 6, 7, 14, 19, 20, 22, 24, 26, 27, 28, 29, 34, 36, 38, 41, 45 and 46 below). Several of the recommend conditions refer to details previously approved by the County Planning Authority and, as the amended Eco Park application would not require those details to be altered, Officers have instead referred to those previously approved details (Conditions 8, 15, 17, 30, 31, 32, 35, 40, 42 and 43 below). The applicant has argued that Condition 9 for the submission of a Construction Environmental Management Plan (CEMP) and Condition 36 for the submission of a Dust and Odour Management Plan (DOMP) prior to commencement of development are not necessary given details previously approved in writing by the County Planning Authority. However, Officers disagree and judge that both a new CEMP and a new DOMP are necessary for the Eco Park development as amended because the construction of the Eco Park would necessarily change given the amendments proposed and the County Air Quality Consultant has advised that a new DOMP should be secured.
- 351 Several of the recommend conditions require different drawing / document references and have been amended accordingly (Conditions 1, 12, 13, 16, 18, 21, 25, 33, 37 and 39 below). Several of the recommended conditions now refer to amended levels of waste throughput or electrical generation (Conditions 10 and 44 below). An acoustic fence around Ivydene Cottage and improved/widened access onto Charlton Lane (as required by Conditions 23 and 11 of planning permission ref SP10/0947), have both been completed under planning permission ref SP10/0883, so the requiring their construction (and associated informatives on highway works in respect of the access) are not necessary given they are the same design/alignment. However, the permanent retention of both the acoustic fence and maintenance of the improved access onto Charlton Lane

(and its visibility splays) are now sought via revised recommended Conditions 23 & 11. Lastly, the references to national guidance within recommended conditions and within reasons for all conditions have been amended where necessary to reflect NPPF 2012.

RECOMMENDATION

The recommendation is to **PERMIT** subject to conditions and the application being referred to the National Planning Casework Unit as a departure.

CONDITIONS

Approved Plans

- The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Drawing No	Title	Dated
1224 PL-B001 Rev A	Site Plan and Location Plan	September 2013
1224 PL-B002 Rev A	Site Plan Existing	September 2013
1224 PL-B003 Rev B	Site Plan Proposed	September 2013
1224 PL-B004 Rev C	General Arrangement Plan	September 2013
1224 PL-B005 Rev A	Gasification Facility Ground Floor Plan	September 2013
1224 PL-B006 Rev A	Gasification Facility Roof Plan	September 2013
1224 PL-B007 Rev A	Admin & Visitor Centre Floor Plans	September 2013
1224 PL-B008 Rev A	Gasification Facility Elevations North & South	September 2013
1224 PL-B009 Rev A	Gasification Facility Elevations East & West	September 2013
1224 PL-B010 Rev A	AD Ground Floor Plan	September 2013
1224 PL-B011 Rev A	AD Roof Plan	September 2013
1224 PL-B012 Rev A	AD Elevations	September 2013
1224 PL-B013 Rev A	RBF Ground Floor Plan	September 2013
1224 PL-B014 Rev A	RBF Roof Plan	September 2013
1224 PL-B015 Rev A	RBF Elevations	September 2013
1224 PL-B016 Rev A	AD Tank Area Plan & Elevations	September 2013
1224 PL-B017 Rev A	CRC / RBF Office and Amenity Building Plans & Elevations	September 2013
1224 PL-B018 Rev A	Weighbridge Office Plans & Elevations	September 2013
1224 PL-B019 Rev A	CRC Centre Reuse Canopy Plans & Elevations	September 2013
1224 PL-B020 Rev A	CRC Canopy Elevations	September 2013
1224 PL-B021 Rev A	Gasification Facility Building Sections & Site Sections	September 2013
1224 PL-B022 Rev B	Entrance Gates and Signs	September 2013
1007-02-01 Rev A	Landscape Masterplan	September 2013
1007-02-02 Rev A	Site Entrance Landscape Plan	September 2013
1007-02-03 Rev A	Proposed Surface Water Drainage Layout	September 2013
1007-02-04 Rev A	Section Through Proposed Bund	September 2013
1007-02-05 Rev C	Site Entrance Improvement Proposals	September 2013

Commencement

- The development hereby permitted shall begin before 15 March 2015. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of development.

Restriction of Permitted Development Rights

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification),
- (a) no buildings, fixed plant or machinery shall be located on the site of the development hereby permitted without the prior submission to and approval in writing by the County Planning Authority of details of their siting, detailed design, specifications and appearance. Such details shall include details of noise emission levels (including tonal characteristics) of any plant or machinery; and
- (b) no fencing or external lighting other than that hereby permitted shall be erected or installed at the site of the development hereby permitted unless details of them have been submitted to and approved in writing by the County Planning Authority.

Hours of Operation

- 4 No operations or activities authorised or required by this permission in respect of the Community Recycling Centre and Recyclables Bulking Facility shall be carried out except between the following times:
- (a) Community Recycling Centre
Monday to Saturday 0730 to 1800 hours
Sundays and Bank Holidays 0800 to 1700 hours
- (b) Recyclables Bulking Facility
Monday to Saturday 0730 to 1800 hours
Sundays and Bank Holidays 0800 to 1700 hours (when only waste delivered to the Community Recycling Centre will be handled).

There shall be no operations or activities at any time on Christmas Day, Boxing Day and New Year's Day.

This condition shall not prevent Heavy Goods Vehicles for the Recyclables Bulking Facility entering the application site gates from 0700 hours Monday to Saturday.

- 5 No vehicles either delivering waste or other materials or removing waste from the Gasification plant and Anaerobic Digestion plant hereby permitted, shall enter or leave the site except between the hours of:
- (a) Gasification Plant
- Monday to Saturday 0730 to 1800 hours
 - Sundays and Bank Holidays 0800 to 1700 hours
 - There shall be no deliveries or removals at any time on Christmas Day, Boxing Day and New Year's Day.
- (b) Anaerobic Digestion Plant
- Monday to Friday 0730 to 1800 hours
 - Saturdays 0730 to 1200 hours
 - Bank Holidays 0800 to 1200 hours
- There shall be no deliveries or removals at any time from the Anaerobic Digestion Facility on a Sunday.

There shall be no operations or activities at any time on Christmas Day, Boxing Day and New Year's Day.

This condition shall not prevent Heavy Goods Vehicles for the Gasification Facility and Anaerobic Digestion Plant entering the application site gates from 0700 hours Monday to Saturday.

- 6 Construction work on site shall be carried out only between 0730 to 1730 hours Monday to Friday and 0730 to 1330 hours Saturday; with piling (if approved under Condition 20) and soil moving limited to 0800 to 1700 hours Monday to Friday. There shall be no construction work or restoration activity carried out at any time on a Sunday, Christmas Day, Boxing Day, New Year's Day or Bank Holidays.
- 7 The Education/Visitors Centre shall not open to members of the public outside the hours 0900 hours to 1730 hours Monday to Saturday and there shall be no opening on Christmas Day, Boxing Day and New Year's Day. These permitted hours of opening shall not apply to meetings of the Charlton Lane Eco-Park Community Liaison Group.

Lighting

- 8 The Lighting Scheme shall be implemented strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 20 August 2013 under reference SP10/00947/SCD13.

Construction Environmental Management Plan (CEMP)

- 9 Construction of the development hereby permitted, including the demolition of the existing buildings, shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The CEMP shall include details of:
 - a) the programme of works;
 - b) arrangements for liaison between contractors, the highway authority, local residents and other interested persons including the constitution of the liaison committee, its terms of reference and frequency of meetings of any liaison panel;
 - c) measures for the control of noise and vibration, air quality and dust during construction;
 - d) measures to minimise risks to the hydrogeology of the site by virtue of ground and earthworks (to include details of piling [subject to the requirements of Condition 20], service installation, foundation construction and dewatering);
 - e) measures for minimising risks of pollution during construction;
 - f) siting of any construction compounds or lay down areas;
 - g) the number, type and size of vehicles associated with each stage of construction including any abnormal loads;
 - h) daily HGV arrivals and departures for each stage of construction with routing details;
 - i) construction and demolition operating and delivery hours;
 - j) vehicle access and on-site parking and manoeuvring;
 - k) loading and unloading of plant and materials;

- l) construction traffic routing including measures to prevent HGVs accessing the site through Charlton Village;
- m) storage of plant and materials;
- n) measures to prevent materials from being deposited on the public highway;
- o) management of traffic entering and leaving the Community Recycling Centre including measures to avoid conflict with construction traffic or activities; and
- p) measures to prevent vehicles parking up outside the site before the entrance gates to it are open;
- q) arrangements for the prior notification in writing to the residents of Ivydene Cottage of: emergency shut down testing procedures during commissioning; and steam vent testing during commissioning and regular testing during the operational period;
- r) a method statement for the protection of trees along the northwest boundary during the construction of the amended internal access road; and
- s) protection of boundary vegetation at southern boundary of the site during the construction of the 3 new electricity substations and their enclosures.

The CEMP shall be implemented strictly in accordance with the approved details.

Highways, Traffic and Access

- 10 The development hereby permitted shall handle no more than 141,870 tonnes of waste per annum, of which no more than 42,750 tonnes per annum shall be handled by the Recyclables Bulking Facility. The operator shall maintain records of the tonnage of waste delivered to the site and the Recyclables Bulking Facility and shall make these records available to the County Planning Authority at any time upon request.
- 11 The modified access to Charlton Lane shall be maintained in accordance with the detailed specification (including keeping visibility splays permanently clear of any obstruction above 600mm) approved in writing by the County Planning Authority by notice dated 2 October 2013 under reference SP10/00947/SCD15.
- 12 The development hereby permitted, including the demolition of the existing buildings, shall not commence unless the internal access roads, parking, loading and unloading areas for the Community Recycling Centre have been constructed as shown on Drawing No 1224 PL-B004 Rev C dated September 2013; and those roads and other areas shall be permanently maintained for the purposes shown on that drawing.
- 13 Prior to commencement of the internal fit out of the gasification and anaerobic digestion plants hereby permitted, the remaining internal access roads, parking, loading and unloading areas, shall be constructed as shown on Drawing No 1224 PL-B004 Rev C dated September 2013; and those roads and other areas shall be permanently maintained for the purposes shown on that drawing.
- 14 Prior to commissioning of the gasification and anaerobic digestion plants hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the County Planning Authority. The Parking Management Plan shall include measures to prevent the parking of vehicles:
 - a) at the entrance and exit to the site;
 - b) on the access roads; and
 - c) at the access to the scout hut.

The Parking Management Plan shall be implemented strictly in accordance with the approved details.

- 15 The Bulk HGV Routeing Strategy (including measures to prevent HGVs contracted to the site operator from travelling through Charlton Village) shall be implemented and maintained strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 10 June 2013 under reference SP10/0947/SCD11.
- 16 Prior to the commissioning of the gasification and anaerobic digestion plants and use of the education and visitors centre, the operator shall implement the Travel Plan dated 4 October 2010 (ref APB / 1007-01-05c, contained in Appendix TS4 to the Transportation Assessment forming part of the application hereby approved) strictly in accordance with the details hereby approved; and the approved details shall be permanently maintained and enforced thereafter.

Contamination

- 17 The remediation scheme to deal with the risks associated with contamination of the site shall be implemented strictly in accordance the details approved in writing by the County Planning Authority by notice dated 5 December 2013 under reference SP10/00947/SCD6.
- 18 The construction of the surface water drainage basin shown on Drawing No. 1007-02-03 Rev A dated September 2013 shall not commence unless the County Planning Authority has confirmed in writing that the verification plan referred to under Condition 17 has demonstrated that remediation has been undertaken to appropriate standards.
- 19 If, during the course of the development hereby permitted, contamination not previously identified is found to be present on the application site then no further development, unless otherwise agreed in writing by the County Planning Authority, shall be carried out until an amendment to the remediation strategy (required by Condition 17 above) detailing how the unsuspected contamination shall be dealt with, is submitted to and approved in writing by the County Planning Authority and thereafter the development shall be implemented in accordance with the approved scheme.

Groundwater Protection

- 20 No piling using penetrative methods shall be carried out at the site, other than following the submission and written approval of a piling risk assessment. Such an assessment should demonstrate that the construction of the development would not mobilise existing contamination or create new pathways with risk to groundwater. The development shall be carried out strictly in accordance with any details subsequently approved in writing by the County Planning Authority.

Surface Water

- 21 Prior to the commencement of development, a scheme for the implementation, maintenance and management of a sustainable water drainage system (based on an assessment of the hydrological and hydrogeological context of the development and the requirements of the NPPF and its Practice Guidance) shall be submitted to and approved in writing by the County Planning Authority. The scheme shall take into account the remediation strategy options proposed in compliance with Condition 17 and include details of:
 - the final drainage layout, the infiltration basin as detailed on the section shown on Drawing No. 1007-02-03 Rev A dated September 2013 and any pumping locations and surface water storage locations in the event of pump failure;
 - all proposed infiltration devices;

- full calculations to demonstrate that the proposed drainage system will not increase flood risk and surface water runoff rates and volumes off site up to and including the 1 in 100 year flood event including an allowance for climate change;
- pollution prevention methods which shall be incorporated into the drainage system (to include petrol/oil interceptors fitted in all car parking/washing/repair facilities); and
- the management and maintenance regime of the drainage system.

The system shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 22 The development hereby permitted shall be constructed to ensure that infiltration of surface water at the application site takes place only in those locations approved in accordance with schemes approved in writing pursuant to Conditions 17 and 21 above.

Noise

- 23 The acoustic fence constructed along the western and northern boundary of Ivydene Cottage shall be permanently retained and maintained in good condition in accordance with the details approved in writing by the County Planning Authority by notice dated 16 May 2013 under reference SP10/00947/SCD1.
- 24 The level of noise emitted from the site during construction shall not exceed 70 LAeq during any 30 minute period between 0800 to 1700 hours Monday to Friday and 0830 to 1300 hours on a Saturday measured at, or recalculated as at, a height of 1.2 m above ground level and 3.5 m from the façade of any residential property or other noise sensitive building that faces the site. Construction noise at any other permitted time shall not, so measured, exceed 60 LAeq during any 30 minute period.
- 25 Use of the gasification plant HGV turning and reversing space shall not commence unless the 5 metre high acoustic fence has been constructed as shown in accordance with Drawing No. 1224 PL-B022 Rev B dated September 2013 using close-boarded fencing or a similar solid screen having a minimum mass of 15kg/m²; and that fence shall be retained permanently and maintained thereafter.
- 26 Site attributable noise levels shall not, when measured at, or recalculated as at, a height of 1.2 m and at least 3.5 m from the façade (or the nearest equivalent location) of any noise sensitive property at the locations referred to in Table 1 below exceed the values shown in columns 1 and 2 for the weekday and weekend working hours shown; and they shall not when measured at, or recalculated as at, a height of 4 m and at least 3.5 m from the façade (or the nearest equivalent location) of any noise sensitive property at the locations referred to in Table 1 below exceed the values shown in column 3 during the evening and night time).

Table 1 – Daytime, Evening and Night time Noise Limits

	1	2	3
Location	Weekday 0700 – 1830 LAeq, 30 min LAeq, 30 min	Weekend 0730 – 1830 LAeq, 30 min LAeq, 30 min	Evening and night noise limits all days LAeq, 30 min
Hawthorn Way	55	52	34
Ivydene Cottage	55	53	32
Charlton Road	55	53	33

- 27 The evening and night (as in Table 1 above) site attributable noise levels when measured at, or recalculated as at, a height of 4 m and at least 3.5 m from the façade of any of the noise sensitive property at the locations referred to in Table 2 below shall not exceed the

values shown in Table 2. For the one-third octave limits up to 8 frequencies may be exceeded by up to 4 dB logarithmically averaged over any 30 minute period without breaching this condition. For site generated noise only, if the level of a one-third octave band exceeds the level of the adjacent bands by 4 dB or more, the level of that one-third octave band must comply with the limit value in Table 2 for the corresponding one-third octave band.

Table 2 – Evening and Night time Noise Limit

1/3 octave centre frequency	25	32	40	50	63	80	100	125	160
Hawthorn Way	59.3	58.2	56.8	54.6	53.7	51.5	50.2	49.2	45.9
Ivydene Cottage	53.5	50.3	51.2	52	51.5	47.7	43.3	43.2	43.6
Charlton Road	60.2	58.2	56.9	53.7	50.4	49.3	48.1	47.2	46.6

1/3 octave centre frequency	200	250	315	400	500	630	800	1k	1k25
Hawthorn Way	44.4	40.5	39.3	38.1	38.2	41.9	41.6	41.1	37.3
Ivydene Cottage	43.5	42.2	42	42.3	43.2	43.4	42.3	40.2	40
Charlton Road	44.2	43.5	41.3	41.6	40.2	38.7	39.3	40.7	39.6

1/3 octave centre frequency	1k6	2k	2k5	3k15	4k	5k	6k3	8k
Hawthorn Way	38.1	37.5	34.6	32.7	32.1	27.2	24.6	22.4
Ivydene Cottage	39.5	36.5	36	34.9	34.2	29.3	26	22.8
Charlton Road	39.1	34.8	33.7	32.4	30.4	28.1	24.8	21.2

- 28 Any vent used to discharge surplus steam shall be fitted with a silencer, which will reduce noise levels to the equivalent of 75 dBA at 1 metre from the closest part of the steam vent. In the case of an emergency shutdown requiring the emergency discharge of steam, any vent should be fitted with a silencer which will reduce noise levels to the equivalent of 112 dBA at 1 metre from the closest part of the steam vent. Details of these silencers shall be submitted to and approved in writing by the County Planning Authority prior to their installation.

Ecology

- 29 No removal or cutting of vegetation including trees and shrubs shall be carried out between 1 March and 31 August inclusive in any year, with the exception of previously netted trees, details of which to be provided to the County Planning Authority prior to the any work being carried out.
- 30 The provision of bird nest boxes (including the timing of their installation and future maintenance) shall be carried out strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 1 May 2013 under reference SP10/00947/SCD7.

Airport Safeguarding

- 31 The Bird Hazard Management Plan (including details of the management of any flat or shallow pitched roofs of buildings on site that may be attractive to nesting, roosting and loafing birds and to comply with Advice Note 8 'Potential Bird Hazards from Building Design') shall be implemented strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 1 May 2013 under reference SP10/00947/SCD4.

- 32 All soft and water landscaping works shall be carried out strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 1 May 2013 under reference SP10/00947/SCD8.

Restriction of Activities

- 33 No waste shall be deposited or stored at the site except within the designated areas of the gasification plant, anaerobic digestion plant, bale storage building and within the covered bay areas for the bale storage building and community recycling centre as shown on Drawing No. 1224 PL-B004 Rev C dated September 2013.
- 34 No mobile plant shall be used outside the gasification and anaerobic digestion buildings between 1800 hours and 0700 hours.

Building Details (materials)

- 35 The development shall be carried out strictly in accordance with the approved details of external materials (including their colours) of each of the buildings and the stack approved in writing by the County Planning Authority by notice dated 4 September 2013 under reference SP10/00947/SCD12.

Dust and Odour Management Plan

- 36 Development shall not commence unless a Dust and Odour Management Plan has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented strictly in accordance with the approved details, which shall be maintained and enforced permanently thereafter.

Rights of Way

- 37 Works on the definitive route of Public Footpath 70 Sunbury shall not commence unless a Diversion Order has come into effect and the footpath diverted in accordance with the alignment shown on Drawing No 1007-02-01 Rev A dated September 2013. The footpath shall be laid out and retained with a width of 2 metres, with an unbound surface with a minimum width of 1.8 metres (Type 1 aggregate) incorporating a camber to shed water. Details of the material to be used and specification are to be submitted to and approved in writing by the County Planning Authority before works to divert the footpath commence; and the works shall be carried out and retained in accordance with the approved details.
- 38 Safe public access to Public Footpath 70 Sunbury across the site shall be maintained at all times; and there shall be no obstructions to it (including obstructions from vehicles, plant and machinery or storage of materials and/or chemicals) at any time.
- 39 Prior to the construction of the new footpath link shown on Drawing No 1007-02-01 Rev A dated September 2013, details of works (to include low level fencing and reed bed protection) to provide for the separation of the infiltration basin shown also therein shall be submitted to and approved in writing by the County Planning Authority; and those works shall be carried out, maintained and retained in accordance with the approved details.

Soils

- 40 Works within the Environmental Enhancement Area shall be carried out strictly in accordance with the details of a survey of soils approved in writing by the County Planning Authority by notice dated 1 May 2013 under reference SP10/00947/SCD9.

Landscaping

- 41 No trees, bushes and hedgerows retained on the site shall be cut down, uprooted or destroyed, and no trees retained shall be topped or lopped other than in accordance with plans and particulars submitted to and approved in writing by the County Planning Authority. If any retained tree is removed, uprooted, destroyed or dies within 5 years from the date of this permission, another tree shall be planted at the same place; and that tree shall be of such size and species, and shall be planted at such time, as shall be agreed in writing by the County Planning Authority.

Landscape & Ecology Management Plan

- 42 The Landscape and Ecology Management Plan in accordance with the provisions set out on the Landscape Masterplan Drawing No 1007-02-01 Rev A dated September 2013 covering a period of 25 years (and providing for 5 yearly reviews) shall be carried out strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 16 May 2013 under reference SP10/00947/SCD3.

Archaeology

- 43 The development shall be implemented strictly in accordance with the details of the programme of archaeological work set out in the Written Scheme of Investigation approved in writing by the County Planning Authority by notice dated 30 April 2013 under reference SP10/00947/SCD5.

Energy Recovery

- 44 The electricity generating plant to be installed in association with the Gasification plant and Anaerobic Digestion plant hereby permitted and the photovoltaic cells whose installation is also hereby permitted shall have a combined generating design capacity of not less than 5.586 MW.
- 45 Prior to the gasification plant becoming operational a study detailing the feasibility and commercial viability of exporting heat from the gasification plant for use by local domestic, commercial and/or industrial users (together with the demand for such heat) shall be submitted to and approved in writing by the County Planning Authority. If at the time the Gasification Plant becomes operational the study concludes that exporting heat from the plant is not feasible or commercially viable, then a timetable for the review of the study shall be agreed in writing with the County Planning Authority. Pass out valves should be provided and maintained at appropriate heat off-take points as described at paragraph 5.8.9 of the 2010 Environmental Statement Volume 1: Main Report.
- 46 Following the completion of commissioning, no waste shall be treated by either the Gasification plant or Anaerobic Digestion plant unless:
- (i) the electrical power is used to power the development hereby permitted itself; and
 - (ii) the electricity cable link from the Gasification plant and Anaerobic Digestion plant to the National Electricity Grid has been constructed and is capable of transmitting all the electrical power produced by the Gasification plant and Anaerobic Digestion plant facility which is not used to power the development hereby permitted itself.

Thereafter, no waste shall be treated by either the Gasification plant or Anaerobic Digestion plant unless electrical power is being generated except during periods:

- of maintenance or repair of the electricity generating plant; or
- where there the operator of the National Electricity Grid is unwilling or unable to receive energy from the development hereby permitted.

REASONS

- 1 To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development so as to minimise its impact on the amenities of the local area and local environment in accordance with the terms of the NPPF 2012; Surrey Waste Plan 2008 Policies DC3 and Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy).
- 2 To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (the 1990 Act) as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and in accordance with Section 73(5) of the 1990 Act and to enable the County Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.
- 3 To enable the County Planning Authority to exercise control over the development hereby permitted and comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and in accordance with the NPPF 2012; and Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) and the Key Development Criteria for Charlton Lane relating to Green Belt.
- 4,5,6 & 7 To enable the County Planning Authority to exercise control over the development hereby permitted and protect the amenities of local residents in accordance with Surrey Waste Plan 2008 Policy DC3.
- 8 To protect the visual amenities of the locality to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN13.
- 9 In the interest of the local environment and amenity and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to prevent the pollution of groundwater to comply with the NPPF 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policies CC1 and EN11 and the Key Development Criteria for Charlton Lane relating to access to site.
- 10 To ensure that the amount of waste treated at the site does not exceed the level upon which the transportation impact was assessed to comply with Surrey Waste Plan 2008 Policy DC3.
- 11 In order that the development should not prejudice highway safety nor cause inconvenience to other highway users to comply with the NPPF 2012; Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to access to site.
- 12&13 In order that the development should not prejudice highway safety nor cause inconvenience to other highway users to comply with the NPPF 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy CC3 and the Key Development Criteria for Charlton Lane relating to access to site.
- 14
- 15 To reduce the environmental impact of the passage of heavy goods vehicles accessing the site on the residents of Charlton Village to comply with the NPPF 2012; Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to prevention of access through Charlton Village.
- 16 To reduce the environmental impact of the passage of heavy goods vehicles accessing the site to comply with the NPPF 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policies SP7 and CC2 and the Key Development Criteria for Charlton Lane relating to access to site.

- 17 To ensure that the development poses no risk to groundwater as a result of it being sited on historically contaminated land to accord with the NPPF 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN15.
- 18 To ensure that the proposed infiltration basin does not pose a risk to controlled waters, in accordance with the NPPF 2012 and Surrey Waste Plan 2008 Policy DC3.
- 19 To prevent pollution of the environment with the NPPF 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN15.
- 20 To ensure that piling would not present an unacceptable risk to groundwater as parts of the site may be on historically contaminated land and to accord with the NPPF 2012; Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN15.
- 21&22 To ensure that the surface water drainage system complies with the requirements of the NPPF 2012 and its Practice Guidance, such that the rates and volume of run-off from extreme events can be attenuated on site and do not cause flood flows to increase above the natural conditions prior to development and to ensure that the techniques proposed can function appropriately and does not pose a pollution risk to controlled waters in accordance the NPPF 2012, Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to flood risk.
- 23 To ensure the minimum disturbance and protect the amenities of the residents of Ivydene Cottage and to accord with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 and EN11.
- 24 To ensure the minimum disturbance and to avoid nuisance to the locality to comply Surrey Waste Plan 2008 Policy DC3 Spelthorne Core Strategy and Policies DPD 2009 Policy EN11.
- 25 To protect the amenities of local residents in accordance with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN11.
- 26&27 To ensure the minimum disturbance and to avoid nuisance to the locality to comply
28 with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN11.
- 29 To ensure that breeding birds are not disturbed by the removal of habitat in accordance with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies and DPD 2009 Policy EN8.
- 30 The proposal will lead to a loss of scrub habitat important for nesting birds. The provision of nest boxes will compensate for the loss of this habitat until the replacement scrub becomes established to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy EN8.
- 31 To minimise the attractiveness of the site to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport to accord with Surrey Waste Plan 2008 Policy DC3 and Circular 01/03.
- 32 To avoid endangering the safe movement of aircraft and the operation of Heathrow Airport through the attraction of birds and an increase in the bird hazard risk of the site to accord with Surrey Waste Plan 2008 Policy DC3 and Circular 01/03.
- 33 To comply with the terms of the application and in the interests of the local environment and amenity and to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne

- Borough Local Plan 2001 Policy BG1 (saved policy) and the Key Development Criteria for Charlton Lane relating to Green Belt.
- 34 To comply with the terms of the application and in the interests of the local amenity and to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policy E11.
- 35 To protect the visual amenities of the locality to comply with Surrey Waste Plan 2008 Policy DC3; Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 and EN8 and the Key Development Criteria for Charlton Lane relating to visual impact.
- 36 To enable the County Planning Authority to exercise control over the development and in the interests of the local environment and amenity in accordance with the NPPF 2012, Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to air quality.
- 37 To protect the route of the public footpath and the amenities of the users and comply with Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to the footpath.
- 38&39 To protect users of the footpath and comply with Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to the footpath.
- 40 To comply with the terms of the application and to ensure that environmental enhancement is successful in accordance with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Core Strategy and Policies DPD 2009 Policies SP6 and EN8 and the Key Development Criteria for Charlton Lane relating to visual amenity.
- 41 To comply with Section 197 of the Town and Country Planning Act 1990, in the interests of visual amenity and to assist in absorbing the site into the local landscape to comply with Surrey Waste Plan 2008 Policy DC3; Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) and Spelthorne Core Strategy and Policies DPD 2009 Policy EN8 and the Key Development Criteria for Charlton Lane relating to visual amenity and Green Belt.
- 42 To enhance nature conservation interest and assist in absorbing the site into the local landscape to accord with the NPPF 2012; Surrey Waste Plan 2008 Policy DC3; Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 and EN8 and the Key Development Criteria for Charlton Lane relating to visual amenity and Green Belt
- 43 To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide on any action required for the preservation or recording of such remains in accordance with the terms of Surrey Waste Plan 2008 Policy DC3 and Spelthorne Borough Local Plan 2001 Policy BE26 (saved policy).
- 44 To ensure that the development hereby permitted has capacity to contribute to the UK Government's target to source up to 15% of energy from renewable sources by 2020 in accordance with the planning application and to comply with the NPPF 2012; Surrey Waste Plan 2008 Policy WD5 criterion ii and Spelthorne Core Strategy and Policies DPD 2009 Policy EN1.
- 45 To enable the re-use of waste heat in accordance with the NPPF 2012; Surrey Waste Plan 2008 Policy WD5 criterion ii and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 and SP7.

- 46 To ensure that no waste is treated by either the Gasification Plant or Anaerobic Digestion facility unless the electricity generated is used either within the Eco Park or exported to the National Grid in accordance with the NPPF 2012; Surrey Waste Plan 2008 Policy WD5 criterion ii and Spelthorne Core Strategy and Policies DPD 2009 Policy EN1.

INFORMATIVES

- 1 The applicant's attention is drawn to the information and advice contained in BAA Airports letter dated 12 January 2011 in relation to Bird Hazard Management Plans and water posing a potential bird attractant.
- 2 Pollution Prevention Guidelines will be appropriate for this site and the discharge of a number of planning conditions. Please check www.netregs.gov.uk for further information.
- 3 An Environmental Permit will be required for this site under the Environmental Permitting (England and Wales) Regulations 2010 (as amended).
- 4 A pedestrian inter-visibility splay of 2 metres (m) by 2 metres (m) shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6 m and 2 m in height above ground levels shall be erected within the area of such splays.
- 8 Thames Water will aim to provide customers with a minimum pressure of 10 m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The applicant should take account of this minimum pressure in the design of the proposed development.
- 9 Where it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the applicant proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- 10 A Trade Effluent Consent will be required for an effluent discharge other than a 'domestic discharge'. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London SE2 9AQ. Telephone 020 8507 4321.

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

Reasons for the grant of planning permission and development plan policies/proposals relevant to the decision.

The applicant proposed minor material amendments to planning permission ref SP10/0947 dated 15 March 2012 for the development of a waste management Eco Park. An assessment was made of the amendments proposed and changes in circumstances since the previous approval.

Planning and Waste Management Issues. There remains a need for further waste management capacity within the county to handle Surrey's waste in a more sustainable manner by facilitating recycling, composting and energy recovery – including the treatment of waste further up the waste hierarchy - and thereby both manage waste more locally and divert waste from landfill. Whilst the implementation of permanent planning permission for the community recycling facility, materials recycling facility and waste transfer station at the Charlton Lane site has secured the planning status of those facilities, the Eco Park will provide recycling / recovery

capacity and landfill diversion that will contribute to meeting EU and national government waste policy objectives and targets - and the objectives and targets of the revised Joint Municipal Waste Management Strategy for Surrey. There is a lack of non-Green Belt sites to meet this need. The Eco Park accords with Waste Strategy 2007 and Planning Policy Statement 10, which together provide the waste planning framework in England that satisfies the relevant EU Directives. It also accords with the Government Review of Waste Policy in England 2011.

The Surrey Waste Local Plan 2008 (**'SWP 2008'**) continues to provide the local development plan policy focussed on waste, and is considered to be consistent with the National Policy Framework 2012 (**'NPPF'**). Focussing on the Charlton Lane site in the context of SWP 2008, the great majority of the site of the built development comprising the Eco Park is within the area of land shown to be allocated, by SWP 2008 Policies WD1 and WD2, for 'the improvement or extension of existing civic amenity sites' and 'recycling, storage, transfer, materials recovery and processing facilities (excluding thermal treatment)'. This allocation is subject to the provisos in each case that the development proposed meets the key development criteria (**'the KDC'**) set out in the Plan and demonstration of very special circumstances in accordance with SWP 2008 Policy CW6. The Charlton Lane site is also allocated, by SWP 2008 Policy WD5, for 'thermal treatment facilities'. This further allocation is subject to the same provisos and the additional requirements that (i) the waste to be treated cannot practically and reasonably be reused, recycled or processed to recover materials and (ii) provision is made for energy recovery. The gasification plant meets those additional requirements and the Eco Park considered as a whole satisfies the provisos to each of these policies. Those parts of the Eco Park that lie outside the indicative boundary of the allocation do not bring the development into conflict with SWP 2008 Policy CW5.

The Eco Park will make a significant contribution to net self-sufficiency within Surrey, will enable waste to be managed in one of the nearest appropriate installations (the Eco Park is well-related to the source of waste arisings it is to treat) and - subject also to the grant of an environmental permit by the Environment Agency (**'the EA'**) - by means of the most appropriate methods and technologies. The co-location of facilities will further assist Surrey to achieve its ambitious recycling targets. SWP 2008 Policy CW4 supports the grant of planning permission for the Eco Park.

Renewable Energy and Climate Change. The Eco Park will make a significant contribution towards the UK's binding target under the Renewable Energy Directive (reflected in its Renewable Energy Strategy) to source up to 15% of energy from renewable sources by 2020 by providing a potential combined generating capacity of up to 5.586MW of electricity, the greater part of the electricity generated to be exported to the local electricity distribution network. It will result in substantial savings of carbon dioxide per year compared with the continued landfill of residual waste; and options for the reduction of carbon dioxide associated with the Eco Park (renewable energy and energy efficiency options) have been investigated, resulting in the installation of photovoltaics. The Eco Park is in accordance with development plan policy relevant to renewable energy and climate change in the NPPF, SWP 2008 and Spelthorne Core Strategy and Policies DPD 2009 (**'Spelthorne Core Strategy'**).

Highways Traffic and Access. The local highway network in the vicinity of the site is considered suitable in terms of highway capacity and safety for the amount and type of traffic to be generated. The permitted revisions to the site access and access and parking arrangements within the site are assessed to address the issue of queuing on the public highway and to be satisfactory. The requirements the vehicle routing strategy will minimise the impact of HGV traffic on Charlton Village. A Construction Environmental Management Plan (**'CEMP'**) and Travel Plan will mitigate the impact of construction traffic and support sustainable transport to the site thereafter. This is a suitable location for the sources of waste to be treated; and development of the Eco Park will result in substantial savings in HGV kms travelled in association with waste management. The development complies with the NPPF and relevant development plan policy in the SWP 2008 (including the KDC) and Spelthorne Core Strategy.

Environmental and Amenity Issues.

Air quality, dust and odour. Emissions from the plant will be regulated in accordance with an environmental permit to be issued by the EA; and a permit will not be granted unless the EA is satisfied that emissions from the anaerobic digestion and gasification plants will comply with the Waste Incineration Directive. The Council has no reason to dispute the EA's advice to the effect that there is no basis upon which it should have refused planning permission for the Eco Park on air quality grounds. The anaerobic digestion and gasification plant reception buildings will operate under negative pressure; the gasification building will contain a dust suppression system; the anaerobic digestion plant includes an odour control facility to be regulated by the EA; and detailed flue gas dispersion modelling predict odour levels at nearby sensitive receptors well below the EA's most stringent Odour Exposure Standard. Although fugitive emissions, i.e. dust or odour not emitted via vents or stacks, are predicted to produce no significant effects, a Dust and Odour Management Plan will be secured by condition. Traffic emissions will reduce compared with continued operation of the existing facility. The advice from the EA and NHS indicates that there is no basis upon the Council should have refused planning permission on grounds of impact on human health. The Eco Park complies with the NPPF and development plan policy relevant to air quality, dust and odour in the SWP 2008 (including the KDC) and Spelthorne Core Strategy.

Landscape and visual amenity The applicant undertook a visual impact assessment as required by SWP 2008 KDC. Whilst of much larger scale, the design of the Eco Park (particularly the gasification building) incorporates a much higher standard of design than that of the existing buildings on site. The requirement for a high standard of design for both built development and site layout, including landscaping, has been met (SWP 2008 KDC refers). The quality of finishes reflects the applicant's response to CABE's earlier challenge to provide a 'celebratory' aspect to the design scheme, given that it will be the focus of innovative/modern waste management technology and learning through the visitor/education centre. The Council has considered whether the visual impact of the development as a whole is in breach of development plan policy. There will not be compliance with development plan policy during the construction phase, when large areas of existing peripheral planting will be removed. The 49-metre stack and gasification building will create a permanent significant feature in the wider landscape and have particular visual impacts on Ivydene Cottage and properties to the east in Upper Halliford. With regards to visual impact on properties in Charlton Village to the northwest, intervening screening will effectively filter views of the stack and gasification building. The Environmental Enhancement Area ('EEA') will secure appropriate mitigation to both compensate for loss of landscape features and minimise visual impacts in the wider landscape setting and the improvements permitted may be beneficial in light of the Landscape and Ecology Management Plan ('LEMP'), secured by condition. It is not considered, on balance, that the Eco Park's landscape and visual impacts viewed as a whole are in breach of the NPPF or relevant development plan policy the SWP 2008 (including the KDC in respect of the footpath and visual amenity), Surrey Minerals Plan Core Strategy DPD 2011 and Spelthorne Core Strategy.

Noise and vibration. The applicant proposed that the best practical means should be employed to control noise during construction; and the Council agreed that adequate mitigation will be achieved during this phase by means of the CEMP, secured by condition. The acoustic fence around Ivydene Cottage is to be permanently maintained and this fence (3m high along the western boundary and 4m high along the northern boundary) (50 metres from rear first floor habitable windows) is considered to provide a successful compromise, attenuating noise impacts to acceptable levels whilst protecting visual amenities. Predicted levels of industrial noise confirmed no significant effects at Ivydene Cottage or elsewhere. Calculations of the impact of road traffic noise also showed no significant increase at selected receptor positions and no further mitigation is therefore proposed. However, testing of the emergency shut-down procedures during the commissioning phase and any steam venting/emergency shut-down whilst the plant is operational will cause high noise levels and mitigation measures are to be secured in respect of these by condition. No significant effects are anticipated arising from ground borne vibration from operations at the site, although a short-term temporary effect may be experienced during construction of the internal access road construction. The Eco Park is in accordance, in this context, with the NPPF, SWP 2008 and Spelthorne Core Strategy.

Surface water and flooding. A flood risk assessment has been undertaken in accordance with SWP 2008 KDC. The Eco Park will be constructed within Flood Zone 1 (a low probability area); and it is not anticipated that it will give rise to adverse impacts in terms of surface water or flooding. The development is therefore in accordance with the NPPF and its Practice Guidance and relevant policy in the SWP 2008 and Spelthorne Core Strategy (including the 2012 Flooding SPD).

Geology, soils and groundwater. Site investigations identified potential sources of contamination of low to moderate significance and confirmed that conditions would secure any further works necessary. No adverse impacts are anticipated in terms of geology, soils and hydrology and the development accords with the NPPF and its Practice Guidance and relevant policy in the SWP 2008 and Spelthorne Core Strategy.

Ecology and nature conservation. SWP 2008 KDC indicates that it was likely that Appropriate Assessment should be required; but Natural England agreed that this was not so in relation to the proposed Eco Park. No protected species issues arose in relation to the proposed Eco Park. Habitats within and around the site are mostly of relatively recent origin; and the exception is of plantation origin with a high proportion of non-native species in the canopy. Some of the more recently established habitats have developed a local value for nature conservation. The local open space around the development supports few features of significant ecological interest, and is relatively isolated by transport corridors from interest features in the wider ecological context. The development addresses any impacts on ecological interest features during construction and operation with appropriately-targeted mitigation measures secured by condition. Sensitive ecological receptors remote from the site (potentially vulnerable to impacts from atmospheric deposition, noise or water pollution) were considered, and no significant impacts predicted on any European or UK statutory designated sites. A key component of the Eco Park is the EEA and approval of the LEMP, which is to last 25 years. Management of the EEA in accordance with the LEMP will result in new habitats and enhance conservation and biodiversity interests and value. The Eco Park complies with the NPPF and relevant policy in the SWP 2008 and Spelthorne Core Strategy.

Lighting. A full scheme of lighting design details was previously submitted; and no objection to the proposal arises subject to the imposition of a condition to secure a detailed lighting scheme (to include provision for the adjustment or shielding of lighting within the first year of operation). Subject to the implementation of an approved lighting scheme, the proposed development will comply with the NPPF, SWP 2008 and Spelthorne Core Strategy.

Archaeology and cultural heritage. The possibility of archaeological deposits across the site is assessed to be limited; and the approved programme of archaeological work in accordance with the approved scheme of investigation is considered to be a sufficient safeguard. Although a number of cultural assets will experience a minor effect on their setting from the gasification building and 49 metres stack, such effects will not result in significant residual impacts. The Eco Park is in accordance with the NPPF and relevant policy in SWP 2008 and Spelthorne Borough Local Plan.

Cumulative effects. A number of projects within 5km were identified and these have been considered and significant cumulative environmental effects are unlikely to result from the construction and operation of the Eco Park due to the nature of the likely effects of these developments and their spatial separation from Charlton Lane

Other Issues. The Council has had due regard to but did not consider that substantial weight should attach to concerns arising from perceived risk to human health or the choice of technology. The Council did not consider that the Eco Park would have unacceptable health and safety impacts. Neither did it consider that substantial weight attached to socio-economic factors, including increased employment.

Green Belt. The Eco Park remains inappropriate development in the Green Belt and is therefore harmful to it by definition; and Government places substantial importance on the protection of the Green Belt from the effects of inappropriate development. It will also cause significant harm to the openness of the Green Belt (bearing in mind also its important role of separating Charlton and Upper Halliford) by reason of its size and extent. The built parts of the Eco Park run counter to one of the purposes of including land in the Green Belt (safeguarding the countryside from encroachment). The planting and use of the EEA, on the other hand, will not be inappropriate development and will fulfil Green Belt objectives (providing opportunities for access to the open countryside for the urban population, the enhancement of landscapes near to where people live and securing some nature conservation interest). Although the Eco Park will have a significant impact on openness, the SWP 2008 provides (and the Inspector considered) that the site at Charlton Lane was acceptable for use for various waste management uses, including a small scale energy-from-waste plant, provided both that the development was in accordance with the site-specific KDC, and that very special circumstances had been demonstrated in the context of the specific proposal. Significant weight therefore attaches to the Eco Park's compliance with the KDC so far as the impact on openness is concerned. The adverse impact of the built part of the Eco Park on the visual amenity of the Green Belt is less than it would otherwise be bearing in mind the history of waste development on the site, the implemented permanent planning permission for the existing facilities on site and the proposed EEA (which will assist with the wider landscape setting and minimise the impact on visual amenity and openness). 'Other harm' considered comprised: adverse impact on the visual amenities of the Green Belt from the proposed new buildings, particularly in the early stages of the development, the remaining visual and noise impacts on Ivydene Cottage, and visual impacts on properties in Upper Halliford and Charlton Village (though the design of mitigation measures will reduce them).

There are, on the other hand, a number of factors, which together constitute very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness, harm to openness and other harm. None can, on its own, be considered to constitute very special circumstances and clearly outweigh the harm referred to above; but in combination they do so. In accordance with current national waste management policy and the development plan, these factors, which have been considered in detail, are: (1) the lack of alternative suitable sites in or outside of the Green Belt; (2) the need for the County to increase waste recycling / recovery and landfill diversion to contribute to agreed targets; (3) the close proximity of the site to the arisings of waste; (4) the characteristics and suitability of the site for the scale of waste operation proposed given the length of time that the site has been in waste management; (5) the unique benefits of co-location at Charlton Lane; (6) the wider environmental and economic benefits of sustainable waste management, including the need for a range of sites; (7) the provision of substantial renewable energy generation capacity and (8) environmental enhancement measures for the adjoining land.

These factors combined are such that very special circumstances have been demonstrated as required by the NPPF and SWP 2008 Policy CW6; and they clearly outweigh the harm that will result from the Eco Park. The Council concluded, therefore, that it should make an exception to Green Belt policy in the NPPF 2012 and SBLP and grant conditional planning permission for the Eco Park as amended.

The proposal has been considered against the following development plan policies/ provisions:

Surrey Waste Plan 2008

Policy CW4 Waste Management Capacity

Policy CW5 Location of Waste Facilities

Policy CW6 Development in the Green Belt

Policy WD1 Civic Amenity Sites

Policy WD2 Recycling, Storage, Transfer, Materials Recovery and Processing Facilities
(Excluding Thermal Treatment)

Policy WD5 Thermal Treatment Facilities

Policy DC2 Planning Designations

Policy DC3 General Considerations

Surrey Minerals Plan Core Strategy DPD 2011

Policy MC18 – Restoration and Enhancement

Spelthorne Core Strategy and Policies Development Plan Document 2009

Policy CC1 Renewable Energy, Energy Conservation and Sustainable Construction

Policy CC2 Sustainable Travel

Policy CC3 Parking Provision

Policy EN1 Design of New Development

Policy EN3 Air Quality

Policy EN8 Protecting and Improving the Landscape and Biodiversity

Policy EN11 Development and Noise

Policy EN13 Light Pollution

Policy EN15 Development on Land Affected by Contamination

Policy LO1 Flooding

Policy SP6 Maintaining and Improving the Environment

Policy SP7 Climate Change and Transport

Spelthorne Borough Council Flooding Supplementary Planning Document 2012

The Spelthorne Borough Local Plan 2001 (saved policies)

Policy GB1 Development Proposals in the Green Belt

Policy BE26 Archaeology and Ancient Monuments

CONTACT

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BACKGROUND PAPERS

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

Government Guidance

National Planning Policy Framework 2012

National Planning Policy Framework Practice Guide 2012

The Waste Strategy for England 2007

Planning Policy Statement 10 - Planning for Sustainable Waste Management, March 2011

Government Review of Waste Policy in England 2011

Government Review of Waste Policy in England Action Plan 2011

The Development Plan

Surrey Waste Plan 2008

Surrey Minerals Plan Core Strategy DPD 2011

Spelthorne Core Strategy and Policies Development Plan Document 2009

Spelthorne Borough Local Plan 2001 (saved policies)

Spelthorne Borough Council Flooding Supplementary Planning Document 2012

Other Documents

Planning and Regulatory Committee meeting and Committee Report to the 30 June 2011

Planning and Regulatory Committee meeting.

Environmental Impact Assessment Regulations 2011

Inspector's Decision on Public Footpath 70 (Sunbury) Diversion Order, 22 May 2013

Environmental Permitting Regulations 2010

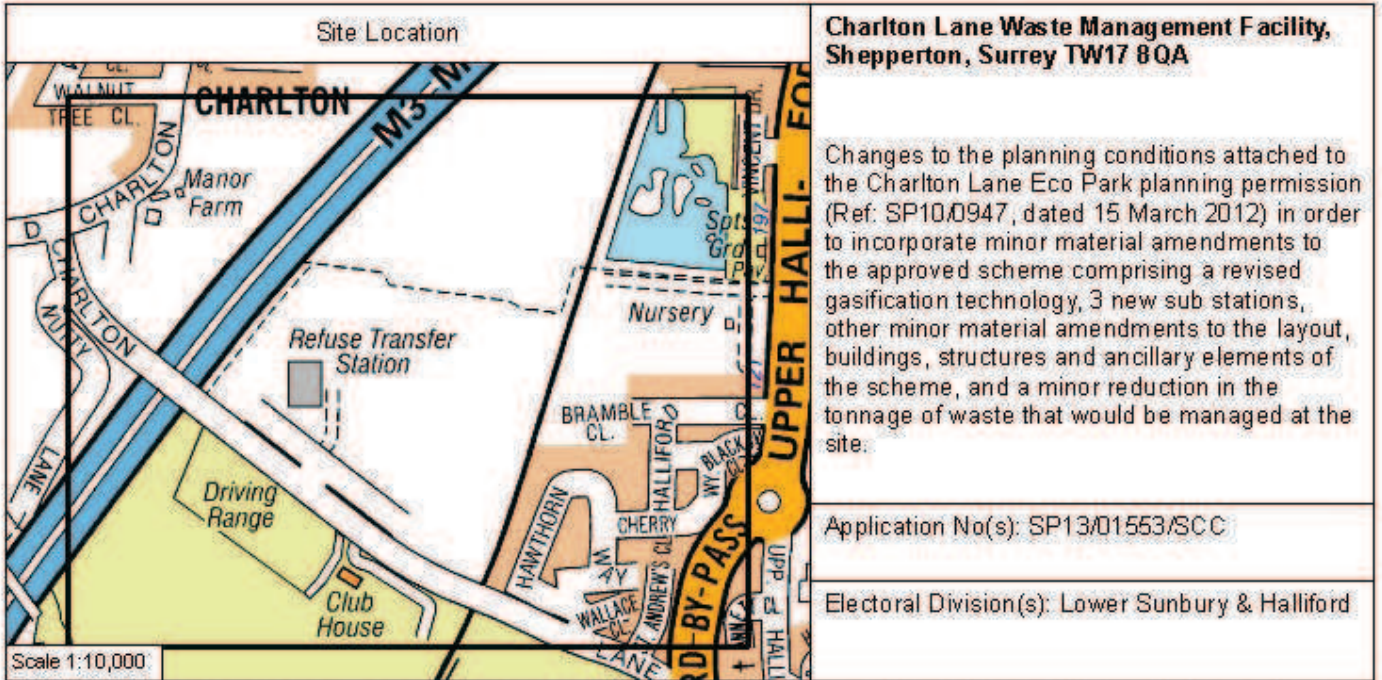
Environmental Permitting Guidance The Waste Incineration Directive 2010, DEFRA 2010

Revised Waste Framework Directive, 2008

Response with Responsibility - Policy Making for Public Risk in the 21st Century May 2009
(The Risk and Regulation Advisory Council)
The UK Health Protection Agency's Position Paper on Municipal Waste Incineration (2009)
DEFRA Waste Management Plan for England – Consultation Plan (July 2013)
National Policy Statement for Renewable Energy Infrastructure (EN-3) 2011
Overarching National Policy Statement for Energy (EN1) 2011
DCLG Planning Practice Guidance for Renewable and Low Carbon Energy
DEFRA Energy from Waste – A Guide to the Debate (Feb 2013 & revised edition Feb 2014)
Environment Agency Guidance on Stage 1 and 2 Assessment of New Process Industry
Regulations (PIR) Permissions (Ref. 12) under the Habitats Regulations
The Environment Agency H1 Guidance
The Environmental Protection UK guidance
Human Health Risk Assessment Protocol “Human Health Toxicological Assessment of
Contaminants in Soil”, United States Environment Protection Agency 2005
European Union ATEX Workplace Directive 99/92/EC & ATEX Equipment Directive 94/9/EC
GLVIA3, IEMA April 2013.
2009 Birds Directive
Town and County Planning Act 1990
Planning and Compulsory Purchase Act 2004
A Plan for Waste Management (Joint Municipal Waste Strategy) September 2010 (Surrey Waste
Partnership)
The World Class Waste Solutions (WCWS - Action Plan for the JMWMS Officer Report to
Cabinet dated 2 February 2010)
Health & Safety at Work Act 1974
Government Review of Waste Policy in England 2011
Guidelines for Noise Control Minerals and Waste Disposal, SCC 1994
Guidance Notes for the Reduction of Obtrusive Light 2005 (The Institution of Lighting Engineers)
Letter plus enclosures from James Waterhouse (Iceni Projects) dated 21 February 2014 relating
to planning application ref EL13/1251

No.	Where on site	Change Description	Scale
1	External areas	Provision of 2 new substations near to the site entrance including vehicular access and the loss of a small area of vegetation (in addition to item 11).	Minor-material
2	Gasification Building	Changes to internal layout of office / welfare block and education / visitors centre.	Non-Material
3	Gasification Building	Changes to internal layout of plant and equipment within Gasification building due to change in gasification technology and inclusion of pre-treatment equipment	Non-Material
3a	Gasification Building	Addition of smoke vents and mansafe access system on gasification building roof. No change to position or size of 3 main vents (although there is a change in their purpose)	Minor-material
3b	Gasification Building & RBF	Addition of louvers to ventilate building, electrical equipment in plant rooms and switch rooms. Addition of personnel access doors and change in width of roller shutter door.	Non-Material
3c	Gasification building	Change in width and height of HGV access / egress doors on eastern elevation.	Non-Material
3d	Gasification building	Addition of workshop, under eastern elevation overhang, and associated personnel and roller shutter doors.	Non-Material
4	External to Gasification building	Addition of air coolers adjacent to fire water tank	Non-Material
5	Ancillary to Gasification building	Extension to footprint of building providing Ash collection / silo storage (see items 6 & 7 below) to provide enclosed under cover ash and powdered materials loading area.	Minor-material
6	Ancillary to Gasification building	Ash handling / silo area and Turbine hall swap locations with change to personnel and roller shutter door.	Non-Material
7	Ancillary to Gasification building	Turbine hall and ash handling / silo area swap locations with change to personnel and roller shutter door.	Non-Material
8	Ancillary to Gasification building	External bunded area for flue gas treatment chemicals offloading area adjacent to ash handling / silo storage building	Minor-material
9	External to Gasification building	Change in site Odour Control now in the form of Activated Carbon silo's to be located between gasification building and Air Cooled Condensers	Non-Material
10	External to Gasification building	Change in number and size of Air cooled condensers from 9 small condensers to 2 large condensers, located in the same area	Non-Material
11	External to AD	New AD substation located outside AD bunded area adjacent to staff parking.	Minor-material
12	AD area	Odour control equipment (biofilter) removed from AD area and replaced with revised Activated Carbon system (see Item 9)	Non-Material
13	AD area	Change in bund height and bund route. Change in height of concrete part of the bund wall (increase from 1.5m to 3.2m, but screened by 3.7m with timber fencing).	Non-Material
14	AD area	Change in location within AD bunded area of the Pasteurisation tanks.	Non-Material
15	AD area	Change in location and arrangement (width and height) of silos (SBR feed tank, H2S scrubbers and NAOH tank).	Non-Material
16	AD area	SBR tank and biogas holder swap positions (see item 34).	Non-Material
17	AD area	Changes to AD tanks, increase in height of buffer tank to 16.7m, decrease in width of buffer tank to 11.7m and decrease in width of digester tanks to 18.7m	Minor-material
18	AD area	Water tank removed (and replaced with underground water tank see item 27).	Non-Material
19	AD area	Wheelwash relocated to under canopy area.	Non-Material
20	External to site	Repositioning (by 2.9m) of exit road from RBF to accommodate ATEX separation zones for biogas holder and slight reposition of weighbridge.	Minor-material
21	AD Maturation building	Repositioning of dewatering platform within Maturation hall and change of dewatering equipment from press to centrifuge.	Non-Material
22	AD Area	Addition of ammonia scrubber outside maturation building.	Non-Material
23	AD Area	Addition of Polymer prep tank outside of maturation building.	Non-Material
24	AD Area	Slight re-positioning of AD building roller shutter doors and introduction of single personnel door.	Non-Material
25	AD Area	Additional turbo dissolver (increase from 1 to 2) within Processing building.	Non-Material
26	AD Area	Additional Drum screw (increase from 1 to 2) within Processing building.	Non-Material
27	AD Area	Addition of underground water storage tank, (to replace water storage tank in item 18 above).	Non-Material
28	AD Area	Transformers for CHP engines now shown	Minor-material
29	AD Area	Not shown on plans but size and dimensions of CHP engines changes from one large & one small to 2 same size engines.	Non-Material
30	Temp Construction compound	No change to the approved (March 2012) construction compound.	Non-Material
31	Waste Flows	Capacity of gasifier reduced from 60,000tpa to 55,460tpa received for pre-treatment and 44,710tpa gasified by fluidized bed gasifier. Total capacity reduced to 141,870 tpa.	Minor-material
32	Waste Flows	Street sweepings continue to be received for bulking and transfer off site for recycling elsewhere. Street sweepings total 2,660 tpa.	Non-Material
33	Electricity generation	Gross electrical generation max design (gross) capacity increased to 5,586MW from 5,166MW.	Non-Material
34	AD Area	Change in height of biogas holder, increased from consented 10.5m to proposed 14.00m and bund area surrounding base inc steps and rail access.	Minor-material
35	AD Area	Slab height for AD tank area 1 (adjacent to AD buildings) raised by +300mm, therefore height of all consented tanks raised by +300mm.	Minor-material
36	AD Area	Slab height for AD tank area 2 (adjacent to RBF building inc biogas holder and flare) raised by +500mm, therefore height of all consented tanks raised by +500mm.	Minor-material
37	RBF	Slab height for RBF raised by +500mm, therefore height of building raised by +500mm and inclusion of internal MV room	Minor-material
38	Flare	Flare will increase in height from 8m to 8.5m and slight repositioning to achieve appropriate separation distances from biogas holder.	Minor-material
39	AD Area	Access steps and handrail for personnel access into bunded area (from January 2013 AD updates).	Non-Material
40	Gasification and AD areas	Change in height and alignment of overhead pipe bridges.	Non-Material
41	Infiltration lagoon	Change in headwall to match that consented in approved drainage plan (condition 21).	Non-Material
42	Stack	Diameter of stack confirmed at 3.8m diameter. No change to stack height which remains 49m.	Minor-material
43	Gasification and AD buildings	Eastern face of gasification building and AD buildings will fall vertically to the ground, and not angle back into the site producing an overhang.	Minor-material

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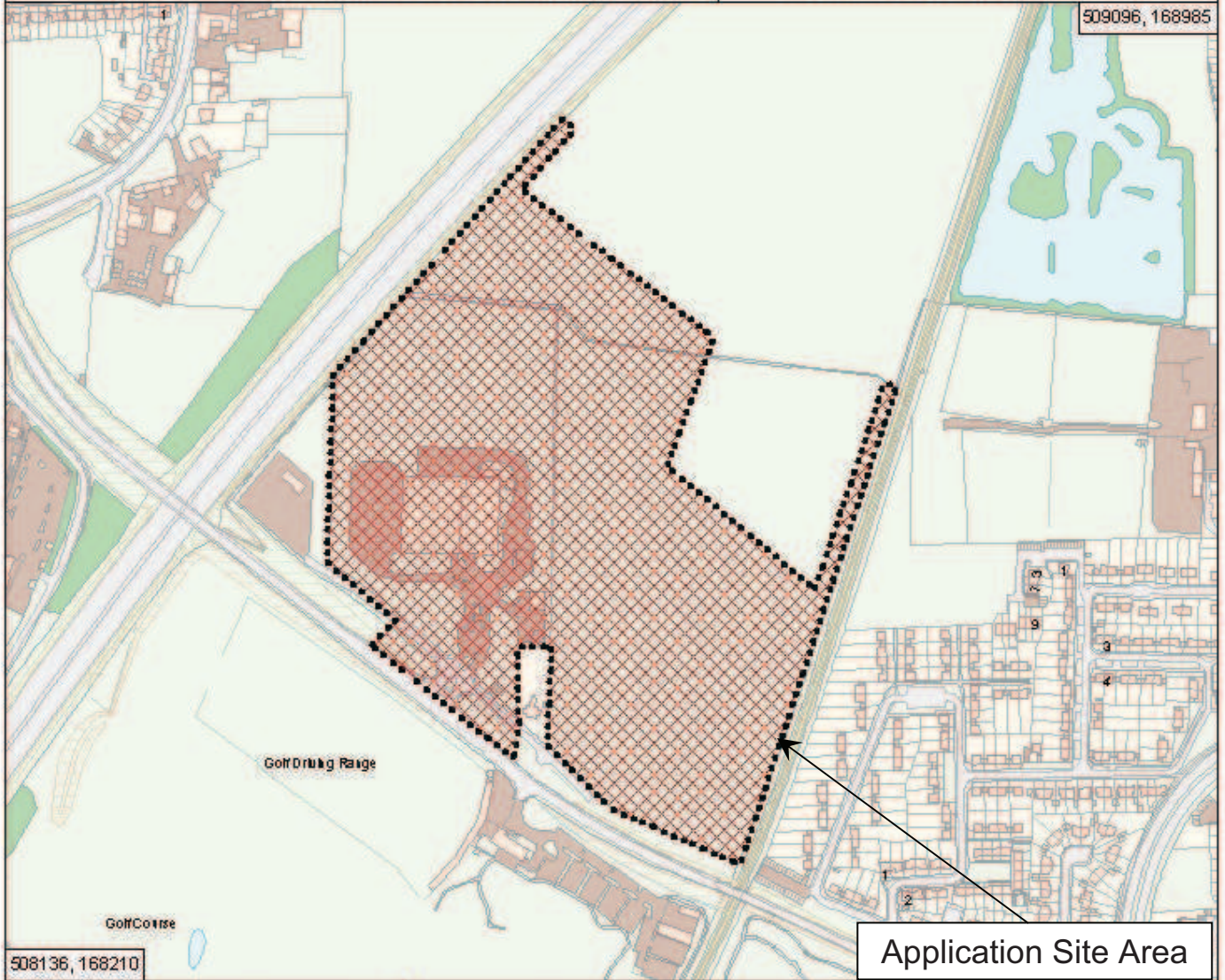


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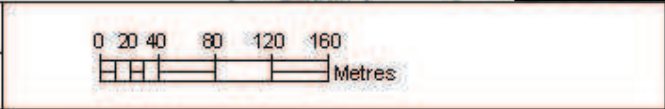
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This plan is for indicative purposes only

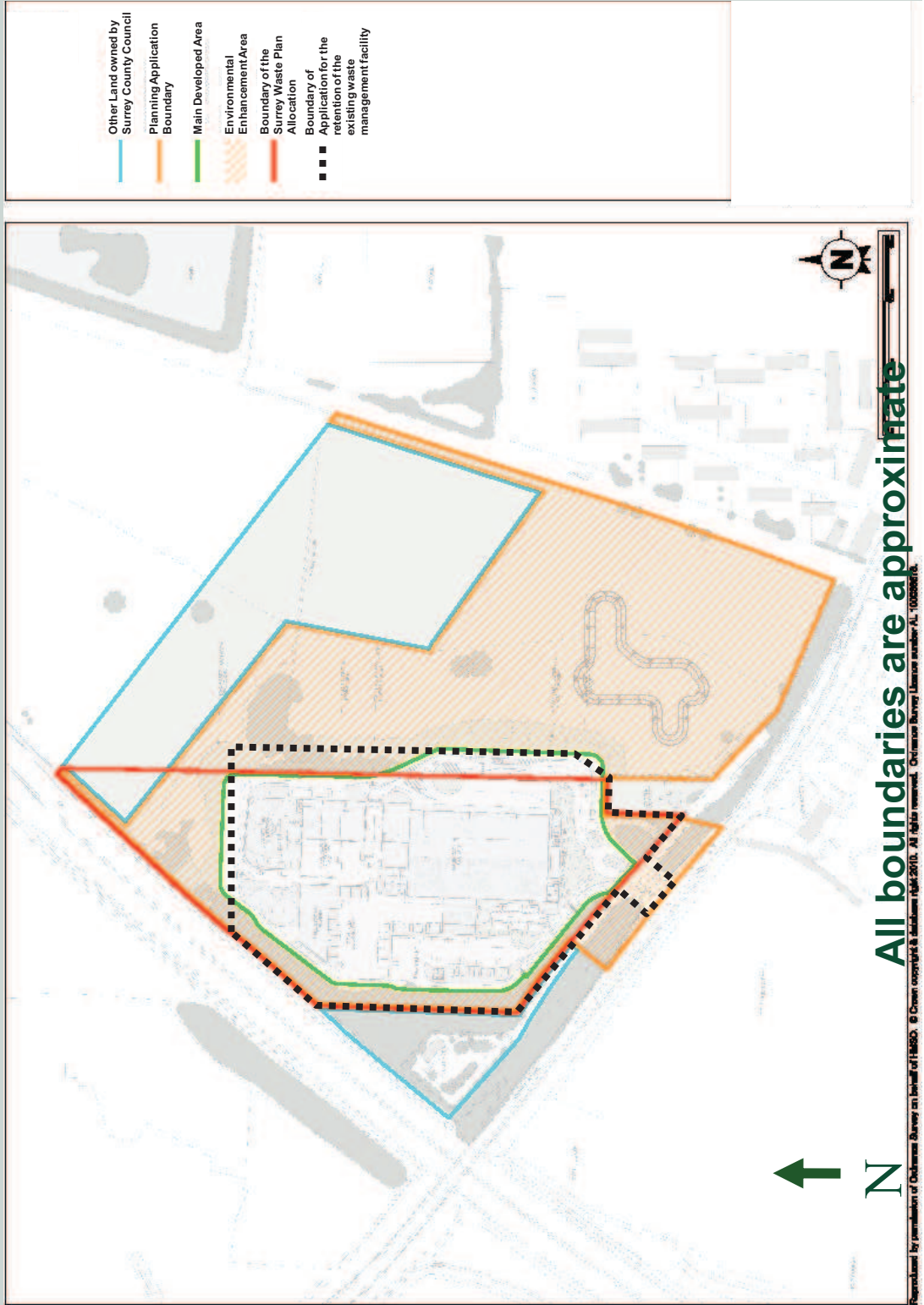


RefNo: SCC Ref 2013/0178
Date printed: 04/03/2014



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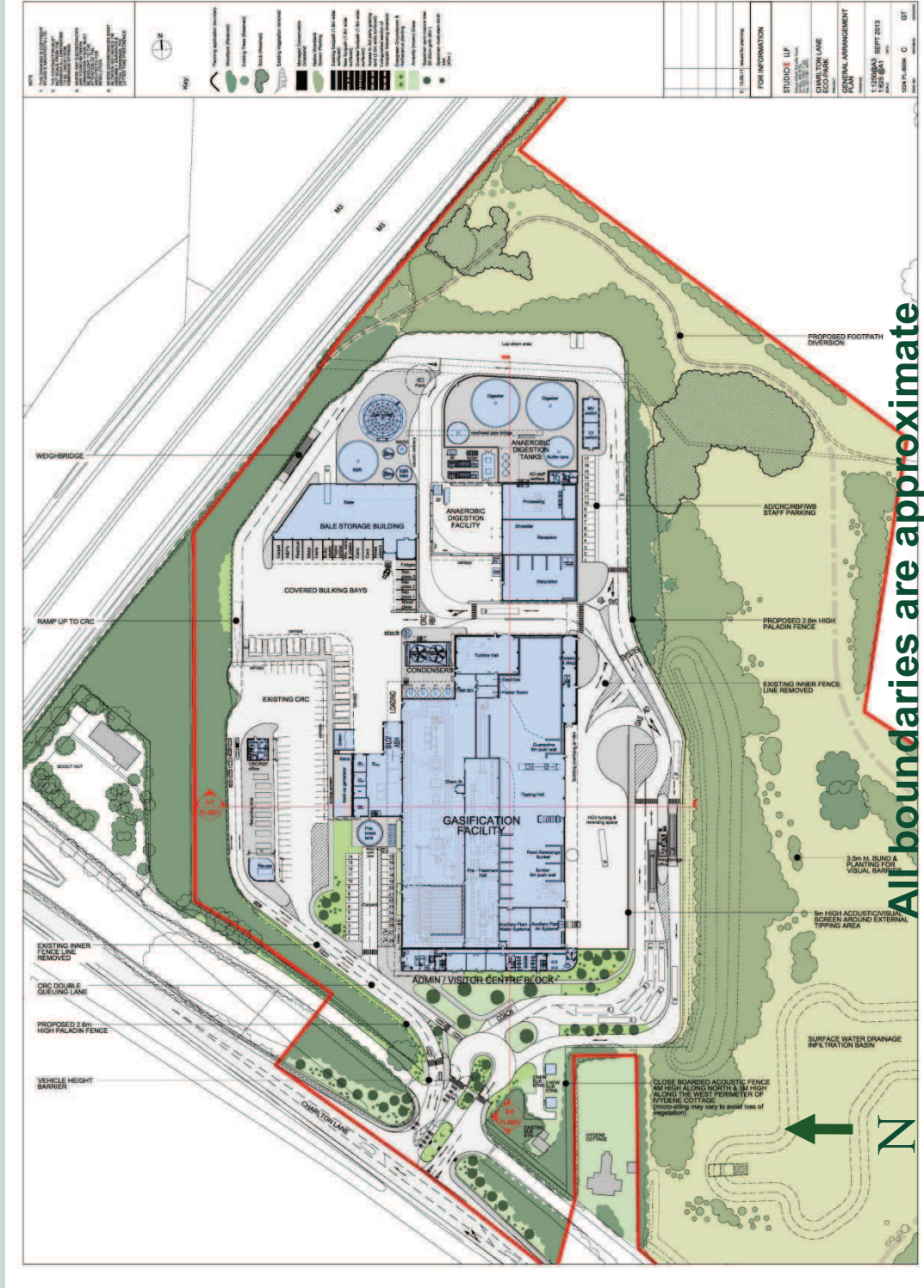
Plan 2 : Charlton Lane Waste Management Facility Boundary Map



All boundaries are approximate

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Plan 3 : General Arrangement Plan



All boundaries are approximate

Aerial 1 : Charlton Lane Waste Management Facility



Aerial 2 : Charlton Lane Waste Management Facility

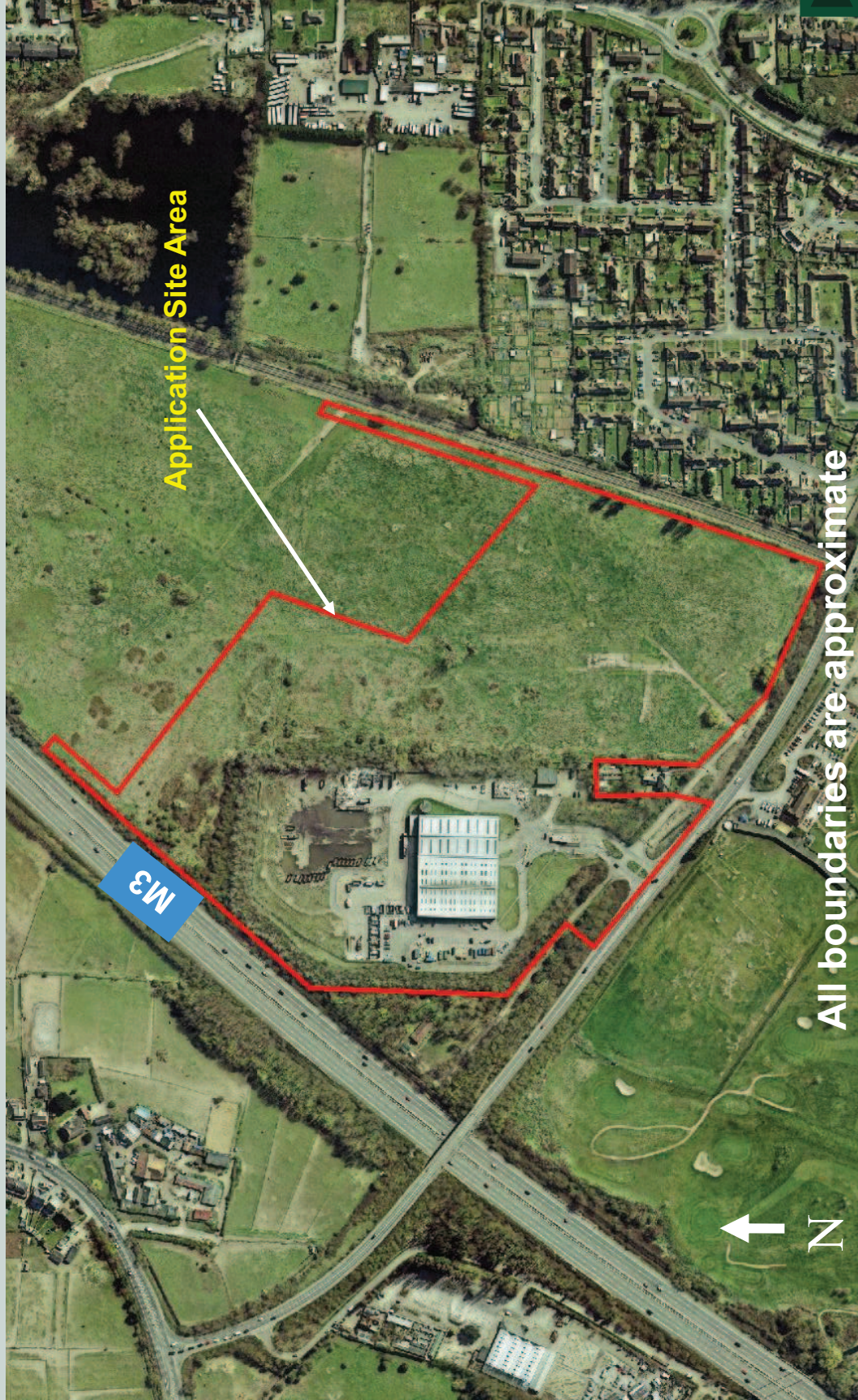


Fig 1 : View from Ivydene's access lane looking north west



Fig 2 : View of CRC and WTS looking north within the site



Fig 3 : View of field to east of site looking north

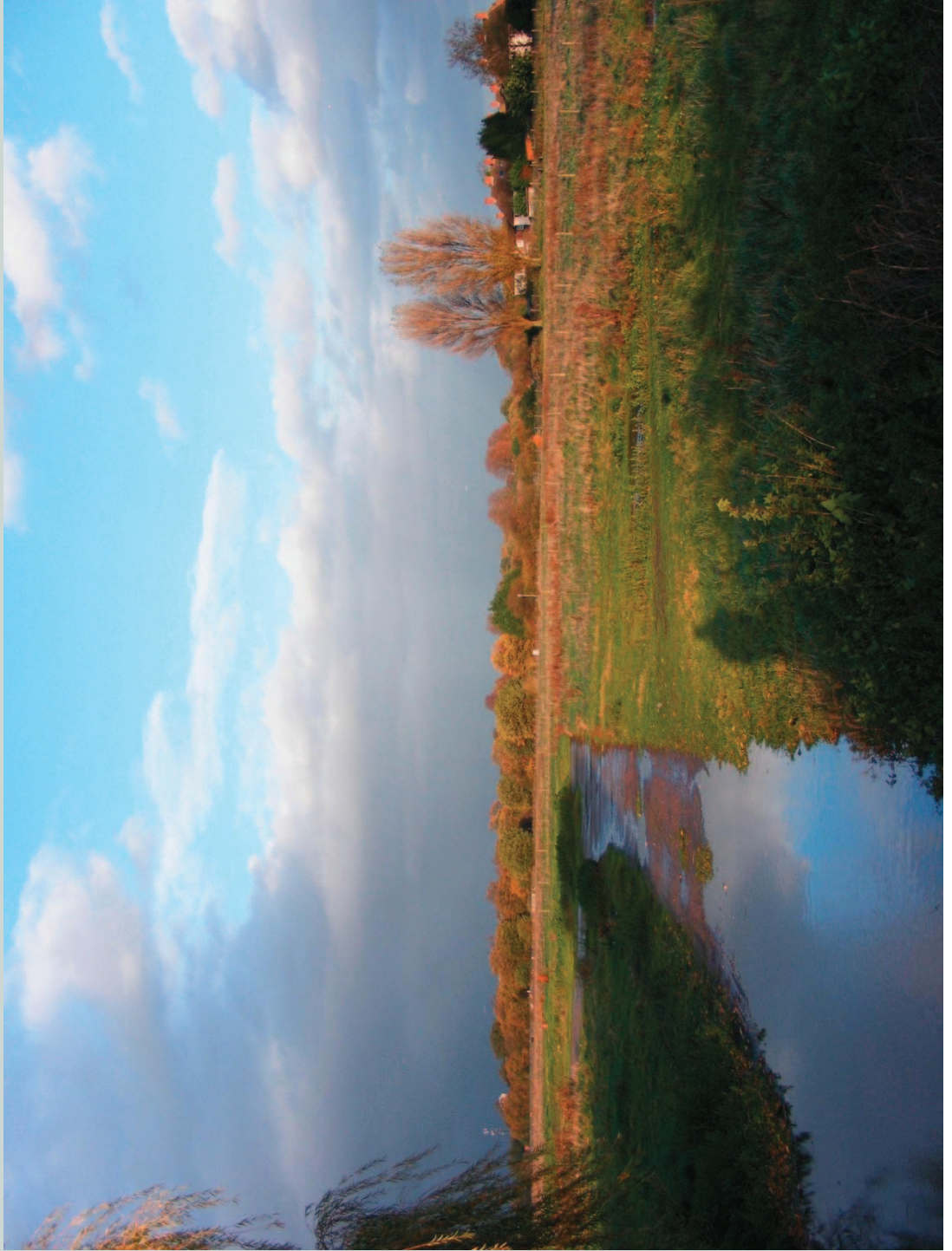


Fig 4 : View of Scout Hut access and Site Entrance looking northwest



Fig 5 : Rear garden of Ivydene Cottage looking south



Fig 6 : View from footpath to the east of the site

Proposed Stack



Fig 7 : View of proposed Eco Park from properties to the north west



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UPDATE SHEET TO AGENDA ITEM 7

Planning and Regulatory Committee 17 March 2014

Minerals and Waste Application: SP13/01553/SCC

7

Site: Charlton Lane Waste Management Facility, Charlton Lane, Shepperton, Surrey

Application: Changes to the planning conditions attached to the Charlton Lane Eco Park planning permission (Ref: SP10/0947, dated 15 March 2012) in order to incorporate minor material amendments to the approved scheme comprising a revised gasification technology, 3 new sub stations, other minor material amendments to the layout, buildings, structures & ancillary elements of the scheme, and a minor reduction in the tonnage of waste that would be managed at the site.

Please note the Committee Report should be amended/corrected as follows:

Material Development Plan and national planning policy changes since June 2011

Since the publication of the Committee Report (CR), the Government launched an on-line version of National Planning Practice Guidance (NPPG) on 6 March 2014 to support the National Planning Policy Framework (NPPF). Officers have reviewed the CR alongside NPPG generally, and in particular alongside those parts relating to Air Quality, Climate Change, Noise, Design & the Natural Environments. The County Air Quality Consultant, County Noise Consultant, County Ecology Officer and County Landscape Officer all agree with Officers that the NPPG does not (they are not intended to) alter national policy as applied in the CR or cause Officers to alter their advice to Members.

Summary of publicity undertaken and key issues raised by public

Paragraph 95: This pro-forma now has 8 additional signatures (i.e. total of 385).

Paragraph 101: As of 14 March 2014, 175 representations had been received. Additional points raised following the publication of the attached Committee Report (CR) were:

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- DEFRA's February 2014 Chapter 5 on 'Future Policy Direction' states that that new and existing plants going forward will need to meet a minimum the R1 classification; and Chapter 5 means WRATE assumptions are unacceptable;
- The CR fails to mention paragraph 25 of PPS10 which states that in the case of waste disposal facilities, applicants should be able to demonstrate that the facility will not undermine the waste strategy through prejudicing movement up the waste hierarchy.
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- The Departure Regulations quoted in the CR's recommendation no longer exist and have been replaced by the 2009 Consultation Direction; and
- The Surrey Waste Plan 2008 has not been properly assessed against the NPPF 2012.

Officer's note on additional points raised: The applicant's response to representations that landfilling of waste to be received at the Eco Park would be better in green house gas terms and the applicant's use of a WRATE assessment was set out in paragraphs 189-190 of the CR. Officers have also discussed DEFRA's 2013 and 2014 version of 'A Guide to the Debate' in paragraphs 182-187 of the CR, as it is a material consideration for the determination of this application, though DEFRA make clear that the additional Chapter 5 does not set out any new policy. The 'recent modelling' referred to is contained in DEFRA's February 2014 'Energy Recovery for Residual Waste – A carbon based modelling approach', which sets out that: *"the model supports the conclusion that existing plants can and should continue to operate as a better solution than landfill....new plants commencing will minimise the risks of becoming environmentally unsound by adopting higher efficiency processes, not just producing electricity but also heat and/or using biogenic content fuels."*

In terms of the R1 Classification, Officers note that paragraph 52-53 (Chapter 2) of DEFRA's February 2014 'Guide to the Debate' makes clear that: *"the requirement to apply the R1 formula means that lower efficiency municipal energy from waste plants are classed as disposal even if they are generating useable energy. However, with the right combination of overall efficiency and biogenic content in the waste, an energy from waste plant which does not qualify for R1 status may still be a better environmental option than landfill. Similarly, in line with the right fuel, right technology argument set out above, a plant meeting the R1 formula does not in itself necessarily mean it is the best solution for all waste streams....R1 status is not mandatory for energy from waste plant and will not be part of an environmental permit. Irrespective of whether the plant is classed as a Recovery plant or Disposal plant, operation under the Environmental Permitting Regulations requires that plants recover as much energy as practicable."* (Officer emphasis).

The CR makes clear at paragraph 156 that on the basis that more recent guidance on energy from waste acknowledges that non-R1 compliant plants can still offer material benefits over landfill, the energy efficiency of the proposed Eco Park remains compliant with national policy. The County Waste Management and Energy Recovery Consultant (Peter Brett Associates) confirms that recent DEFRA guidance does not alter the conclusions of the CR in respect of renewable energy. With reference to paragraph 25 of PPS10, the CR makes clear at paragraph 167 that Officers remain of the view that the requirements of Surrey Waste Plan (SWP) 2008 Policy CW4 are met, in that the proposed facility would provide waste management capacity for handling Surrey's waste of a type that assists in moving waste up the hierarchy away from landfill and that in terms of the first criterion of Policy WD5 of the SWP 2008, the applicant has demonstrated that even with sufficient recycling and composting to meet regional waste strategy targets, there is still a need to manage the remaining residual waste that cannot practically and reasonably be reused, recycled or processed to recover materials. Officers do not therefore consider that the publication of recent DEFRA guidance, or other changes to national policy and guidance, materially affects the conclusions of the CR.

In respect of the Town and Country Planning (Consultation) (England) Direction 2009: Circular 02/09, Officers note that the 2009 Direction was retained following the launch of the NPPG meaning the County Planning Authority will need to consult with the Secretary of State (handled by the National Planning Casework Unit), as the proposal would be for 'inappropriate' development in the Green Belt (thus a 'departure' from the development plan) and would have a significant impact on the openness of the Green Belt. As set out in paragraph 106 of the CR, Officers consider the SWP 2008 is consistent with the NPPF. Officers are currently assessing whether or not the SWP 2008 should be reviewed and if so when. Work to date indicates that the SWP is robust and is not in conflict with the NPPF and Officers note that it does not contain any specific waste policies. Members will consider this assessment work when the revised Minerals and Waste Development Scheme comes before Cabinet and Council in September 2014.

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On 12 December 2013, DEFRA published their final Waste Management Plan for England. Officers do not consider that the final version includes changes that materially affect the conclusions on planning and waste management issues, as set out in the CR.

Paragraph 140 – delete the word ‘regional’ so that the paragraph reads):

With reference to the emphasis on the need to increase the use of waste as a resource, the Eco Park development (as amended) is proposed as part of an integrated network of waste management facilities within the County of Surrey. It would provide an essential facility to move the management of the County’s waste up the waste management hierarchy and away from landfill. In doing so, it would ensure the diversion of waste from landfill which is recognised as a critical issue within national and local waste policy and guidance. In addition, the increased recovery of energy from this waste would contribute to the achievement of the Government’s targets for the recovery of value from Municipal Waste. In respect of the use of heat as an energy source for energy from waste development, the Eco Park facility would be designed with the potential to generate heat for export and use by local heat users and that the applicant would be prepared to accept a planning condition requiring that they submit an annual report setting out the measures that have been undertaken to secure a heat off-take from the facility.

Paragraph 155 – substitute with the following (change underlined):

In the case of the Eco Park, the original Gasification facility did not meet the R1 threshold, primarily due to a combination of scale and the proposed technology. The delivery of larger energy from waste plants using a conventional moving grate incineration technology, which would be more efficient, had historically not proved deliverable in Surrey. Paragraph 50 of the 2013 guide states that: “*with the right combination of overall efficiency and biogenic content in the waste, an energy from waste plant which does not qualify for R1 status may still be a better environmental option than landfill.*” With regard to the revised gasification technology proposed through this application, again due to its scale it does not achieve meet the R1 threshold. Notwithstanding that the facility is not, therefore, ‘recovery’ it would nonetheless divert residual waste from landfill. The new front-end treatment element would also recover recyclable material and ensure that the throughput material is of the appropriate biogenic content to maximise plant efficiency based upon the waste stream it processes.

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MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 17 March 2014 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its next meeting.

Members Present:

Mr Keith Taylor (Chairman)
 Mr Tim Hall (Vice-Chairman)
 Mr Ian Beardsmore
 Mrs Natalie Bramhall
 Mrs Carol Coleman
 Mr Jonathan Essex
 Mrs Margaret Hicks
 Mr George Johnson
 Mr Michael Sydney
 Mr Richard Wilson
 Mr David Ivison
 Mr David Munro
 Mrs Sally Ann B Marks

Apologies:

Mr Ernest Mallett MBE

24/14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Ernest Mallett. Peter Hickman substituted for Mr Mallett.

25/14 MINUTES OF THE LAST MEETING [Item 2]

The minutes of the last meeting will be discussed at the next meeting on 26 March 2014.

26/14 PETITIONS [Item 3]

There were none.

27/14 PUBLIC QUESTION TIME [Item 4]

There were no questions.

28/14 MEMBERS' QUESTION TIME [Item 5]

There were no questions.

29/14 DECLARATIONS OF INTERESTS [Item 6]

There were none.

30/14 MINERALS AND WASTE APPLICATION SP13/01553/SCC: CHARLTON LANE WASTE MANAGEMENT FACILITY, SHEPPERTON, SURREY TW17 8QA [Item 7]

An update sheet was tabled at the meeting.

Declarations of interest:

None

Officers:

Caroline Smith, Transport Development Planning Team Manager
Alan Stones, Planning Development Control Team Manager
Mark O'Hare, Senior Planning Officer
Barry Squibb, Noise Consultant
Jon Pullen, RPS (Air Quality), County Air Quality Consultant (CAQC)
Nancy el Shatoury, Principal Lawyer

Speakers: Below are the written submissions from each of the objectors;

Peter Crews

Regulation 18 of the Waste Regulations 2011 requires planning authorities to have regard to Article 13 of the Waste Framework Directive which in turn says that Member States shall take the necessary measures to ensure that waste management is carried out without endangering human health. Health and safety is therefore a material planning consideration which this committee must take into account.

My name is Peter Crews. I am a chartered civil engineer. Between 2001 and 2007 I worked for the Environment Agency.

I oppose the application because the proposed amended technology is an unacceptable risk to the health and safety of residents, especially those using the Community Recycling Centre, the Visitor Centre and Footpath 70. Any serious injuries to residents will be the corporate responsibility of the Council.

You are told the Environment Agency is responsible for safety through the Environmental Permit. This is not accurate. The Agency does not provide any guarantees. Their role is to monitor dangerous emissions and to shut down the process after permitted pollution levels have been exceeded.

Defra's document 'Environmental Permitting Guidance' states that protection of the public from industrial facilities is enforced by the Health & Safety Executive under the Health & Safety at Work Act 1974.

In the event of a serious incident, the Health & Safety Executive will not prosecute the Environment Agency. They will prosecute the operator – SITA. But SITA is acting for the Council.

The Council is the statutory Waste Disposal Authority. This committee approved the Surrey Waste Plan 2008. The Council therefore has a corporate responsibility for what occurs at Charlton Lane. The Council may enter into contracts for the execution of works, but the Council cannot delegate or avoid its corporate responsibility, and neither can this committee.

If it is found that Charlton Lane is responsible for health problems it will be the Council who will be held responsible. Any investigation or Coroner’s inquest will reveal that councillors were warned repeatedly of the risks associated with the proposed amended technology. Similar warnings were given about the BOS technology and those warnings turned out to be true, did they not?

Only your vote today can save us from this dangerous project on our Green Belt. I urge you to refuse the application on the grounds that the amended technology exposes thousands of residents to unnecessary risks to their health and safety, and exposes the Council to an unacceptable level of corporate liability.

Peter Francis

(My name is Peter Francis and) I am a Chartered Chemical Engineer with over 40 years international industrial experience, much of it focused on reliability and safety of process equipment and plant.

I fully endorse Mr Peter Crews presentation to you and would add that the HSE have cautioned the Applicant that they are legally responsible to ensure that, as far practicable, they conduct their undertaking in such a way that persons not in their employ (i.e. the general public) who may be affected thereby are not exposed to risk to their health and safety.

Since the Eco Park was proposed 4 years ago there has been no attempt by SCC or the Applicant to have an open discussion with concerned parties.

Never the less, whenever possible, I have expressed my concern at the planned introduction into an urban location of a potentially lethal cocktail of explosive and toxic gases.

I have questioned the plants operability and efficiency, but my key concerns are:

- 1) The site is too small to accommodate CRC, AD Plant and MSW Incinerator Complex while maintaining safe distances between each item and the general public.
- 2) Administration offices, Education Centre and Control room should be in separate buildings and located at a safe distance from the plant.
- 3) With respect to the waste treatment and combustion process.
 - 3.1 The EA have confirmed that the proposed process is not BAT.
 - 3.2 Untried technology (first application to use recirculation of flue gases).
 - 3.3 Working conditions unlikely to satisfy requirements of Workplace Regulations.

3.4 Waste feedstock should not be stored in same building as Incinerator.

3.5 There will be no control of ignition sources in hazardous zones.

4) With respect to the Anaerobic Digester

4.1 No provision for storage or disposal of ammonia.

4.2 No control of ignition sources around hazardous zones (Flare and Gas Holder) as per Dangerous Substances and Explosive Atmosphere Regulations.

4.3 No analysis / consequences of Flare effluent upon adjacent footpath users.

4.4 No analysis / consequences of hydrogen sulphide, ammonia or carbon dioxide leakage upon footpath users.

4.5 No analysis / consequences of Flare mal function.

4.6 Tank bund area does not meet HSE requirements for secondary containment.

5) Fire Hazards

No analysis / consequences of fire risks, unbelievably these will not be undertaken until completion of plant construction.

Councillors, have the courage to reject this potentially dangerous Application, before somebody gets hurt!!!

Dr Keith Williams (delivered by Dr Phillip Cribb)

I am Dr. Keith Williams. I am recognised by all levels the court system in the United Kingdom as being an expert Toxicologist. All the information I will present to you will be scientific fact, with no hysteria or personal opinion. No one has been able to challenge any of the statements I have put to you. Your own experts have gone further than I have in confirming the effects of the damaging effects of the emissions from this ill-conceived project.

A recent Public Health England study indicated that all waste treatment sites in the UK currently demonstrate potentially significant effects on human health, irrespective of the waste type. This plant will be no different.

Much has been made of the PHE's stance that there are minimal risks. These studies are now well out of date and widely criticised by organisations such as the Scottish Environmental Protection Agency for being "not being comprehensive epidemiologically, thin on peer review and the effects of fine particle effects on health." Indeed SEPA take a far more cautious view than PHE's apparent clean bill of health on incineration. I fully expect that following the release of the commissioned study into increased Child mortality and Birth Defects the HPA (now Public Health England) position will change rapidly.

The incinerator component of this plant will significantly increase the quantities of emissions of toxic materials into the environment.

No amount of post combustion treatment will prevent this happening. Your own expert during this planning process has stated that any, I repeat, any increase in emissions of whatever kind will impact human health of local residents. Your words, not mine.

Your own report dismisses, almost flippantly, the effects of increased exposure to the heavy metals Cadmium and Chromium, which already greater exceed the recommended daily exposure limits. It is too easy to claim that

additional small increases in the levels of these heavy metals are insignificant. We simply don't know. If any such effects appear to be low in magnitude or are apparently to be not statistically significant, it is too simplistic to dismiss them. As Bradford Hill noted in 1965: "We must not be too ready to dismiss a cause and effect hypothesis merely on the grounds that the observed association appears to be slight". The impact of these increases will be far more significant than we know today.

The perception that this plant will cause will cause an impact on human health is sufficient grounds to reject this proposal. These effects are already being realised in local residents.

I have learned a new jargon during this planning process. One example is that the Precautionary Principle must be taken into account *and particular attention must be paid to the effects of any planning application on sensitive receptors*. Translated into normal language this means that you should do no harm to the most vulnerable in our community; our children and our elders.

Use your common sense, simple logic, and reject this extremely poor waste disposal plan. It will damage individual's health, either directly through the toxic emissions it produces, or by the stress caused from any perceived health risk that individuals for many miles around this facility will suffer.

Julia Bachmann

Compliance with the NPPF

I object to this application because the Council has not properly assessed the Surrey Waste Plan against the NPPF with which, from March 2013, any existing plans should be compliant.

The NPPF does not contain specific waste policies, but it does require 'local authorities preparing waste plans and taking decisions on planning applications to have regard to the policies in this framework so far as relevant.'

It is a material consideration in planning decisions - including this Section 73 Application, as a National Policy which has changed significantly since the original grant of planning permission.

This is the reason why other Authorities HAVE assessed their local waste plans against the NPPF.

And this is the chief reason why you cannot properly consider this section 73 application today.

In its Planning Application Document, the applicant cherry-picks favourable policies from the NPPF to give the impression of compliance – but manifestly disregards policies which are not favourable.

To quote Gregory Jones, QC, 'it may be stated that if a development proposal is not in accordance with a policy contained within the NPPF, then the development is not sustainable'.

This application is not sustainable for the following reasons:

Green belt

To comply with Paragraph 91, developers must demonstrate very special circumstances if renewable energy projects are to be built in the green belt.

This incinerator does produce so little renewable energy it is defined as disposal. As such it will constitute inappropriate development in the green belt.

Here the 'Very Special Circumstances' in Surrey Waste Plan Policy CW6 do not accord with Paragraph 91, nor with current DEFRA guidance. Indeed the Government's Energy from Waste guide Chapter 5 comes down hard on inefficient gasification plants such as Eco Park that fail to meet R1.

Public Safety from Major Accidents

There is a requirement for you to consider the mitigation of major accident risk at paragraph 172.

This application INCREASES that risk with the addition of a fire prone MRF. Here safety is a planning matter, not just for the Environment Agency or HSE.

Surrey's own consultants advise that waste gasification is prone to failure. Dargavel is a horrible warning. Surrey admits that there is no European data on co-located incineration and Anaerobic Digestion, potentially a dangerous cocktail. Co-location at the price of safety and major accidents must be wrong.

Failure to consider users of the footpath at all in this application is also a planning matter at NPPF paragraph 75- and separate to the decision to divert Footpath 70.

In conclusion,

- Firstly, Surrey has not taken account of its responsibilities under NPPF.
- Secondly, this is an inappropriate development producing insufficient energy to justify it being built in the greenbelt.
- Thirdly, it is a manifest safety risk and here safety is a planning consideration.

Brian Catt

I'm Brian Catt. I am a professional engineer, physicist and businessman. I address the issue of technology classification. My statement is based on independently verifiable matters of fact from official statements, already available to you. Not opinion.

Crucially, any technology change is a major one. If the proposed incinerator is not a gasifier, then there is no existing planning permission to vary, and a new application is required.

It is a substantial misdirection for officers to state in section 38 that...*"objections have argued that the above-mentioned process could not*

properly be termed 'gasification' since no details of the syngas sampling have been provided". The truth is that objectors highlighted the absence of any syngas gas output from the primary stage of this design to fuel a generator, or, crucially, to sample at its input, as OFGEM expects of a gasifier.

This raises two issues, the definition of a gasifier, and who defines it, SITA or OFGEM?

Surrey County Council recognise the judgment of OFGEM, as recently re confirmed to Councillor Smith-Ainsley of Spelthorne, in particular:

"....the plant will only be accepted by the council if it meets the quality required to qualify for ROCSand..... SITA have applied for pre-accreditation with Ofgem".

This is OFGEM's definition of this measurement:

"... the gas has to be sampled at the inlet of the generating station to meet the requirements of the legislation. If a station is not able to undertake sampling at the inlet to the generating station, it would not (OFGEM's emphasis) be able to fulfill the requirements under the Renewables Obligation."

The applicant's design as described in Section 37 has no syngas output, and no secondary generating station to measure the syngas at the input of, or to fuel. Waste is consumed entirely in the only combustion chamber and the heat energy used directly to create steam. Not gasification, per OFGEM.

The proposed design is in clear fact a modified EfW plant, as visited at Bergamo, but lacking Bergamo's efficient energy recovery, so also disposal, a class of incineration DEFRA publicly disfavour.

Technically OFGEM's final decision awaits the plant's commissioning.

However, SITA prudently submitted its design to OFGEM for pre-approval. Overtly this design is non-compliant, for the fundamental regulatory mismatch I describe. Until its technology is determined by OFGEM, it would be wrong to approve a design incapable of meeting OFGEM's specification as a minor variation, based only on officers' direction.

This is one planning factor. We also know this proposal is inappropriate on the substantive facts of safety, increased toxic pollution levels and sensitive location, issues you have previously and incorrectly dismissed as immaterial to planning; also on energy recovery and cost grounds. I hope the clear dichotomy with planning law that I now raise provides you with the clear facts to do the right thing, and reject this proposed variation.

Gareth Phillips, Head of Planning and Property – South, SITA UK spoke to the committee as the applicant for the proposal:

1. The applicant explained that the proposal complied with the existing NPPF and future direction of policy.
2. The plant in Bergamo, Italy has increased efficiency with the use of heat which will be considered an option for the Eco Park. The plant at

Bergamo is in close proximity to homes and produces significant energy levels.

3. Ofgem consider the plant on site a gasifier and not an incinerator. The Eco Park is clearly better than landfill as it will produce energy.
4. Health implications have been considered in detail by the officers in their report.
5. Ongoing emerging issues with the Eco Park continue to arise but the design is an ongoing process that will change as new issues arise.
6. Any decision made in relation to this application will have to be referred to the Secretary of State for consent.
7. Many things have been said by the objectors which relate to the old planning application for the Eco Park. Spelthorne Borough Council object to six of the 43 changes put forward.

Tim Evans, Local Member, raised the following points:

1. There needs to be more clarity between the technologies used at the plant and whether the Eco Park is a gasifier or an incinerator.
2. Who would cover the costs if anything went wrong with the Eco Park. Although it has been said that the gasifier is better than landfill we are not told whether the site is profitable or not.
3. Councillor Richard Walsh had also written to the Committee expressing his objections to the Eco Park.

Key points raised during the discussion:

1. The Chairman explained that the Committee would need to consider the 43 changes to the existing application and consider whether these would cause sufficient harm to reject the application. The Committee should assume that other agencies involved have carried out their work. The application would be considered in stages before a final vote is taken by the Committee.
2. The Planning Development Control Team Manager introduced the report to the Committee explaining that the application was to consider 43 minor amendments which can be found in the Appendix of the report. Consent for planning was originally granted in 2012 and stands as the foundation of the current report. Spelthorne BC has raised concerns around six of the 43 amendments. These include amendment 17, 34,35,36,37 and 42. The committee will need to consider whether or not the amendments promote change and sit in accordance with policy.

Waste Management - planning policy and principles

3. The Planning Development Control Team Manager explained that European framework sets out objectives for the health and waste

hierarchy. The Waste Framework Directive (rWFD) along with the R1 status was discussed in further detail. The Surrey Waste Plan is in accordance with the National Planning Policy Framework (NPPF) and has a recycling target of 70%.

- 4. A Member stated that the last Eco Park application had been a failure and hence the reason for bringing 43 schemes for approval back to the Committee. In order to approve these schemes, the Committee needs to feel they are safe, sound and viable. The Member added that the question of this being a gasifier was in doubt and the site was a not legitimate use of the green belt.
- 5. The Planning Development Control Team Manager explained that none of the consultees commented on the Eco Park being unsafe. The Committee must review the amended schemes and make a choice on whether the experts have made the correct decision.
- 6. Some Members were more concerned with the nature of some of the changes such as new gasification techniques. Although heat is being used in Bergamo to increase energy efficiency, this same technique is not being used in the Charlton Lane Eco Park. Concerns were raised that the R1 status of the Eco Park was still at 'disposal' rather than 'recovery'.
- 7. The Planning Development Control Team Manager explained that the advice set out in paragraph 63 explains the nature of the gasification technique used on site but the Committee must consider the amendments to the application. The R1 test was not a mandatory test for the applicant to undertake as the plant was of smaller scale.
- 8. Concerns were raised around the 'biogenic content' being used at the plant and if this would be consistent enough for the Eco Park to produce efficient energy levels (paragraph 155). The Planning Development Control Team Manager explained that there was no policy that supported this idea.

Renewable Energy and Climate Change

- 9. The Planning Development Control Team Manager explained that the NPPF was the overarching guidance in terms of renewable energy and climate change. A condition around energy recovery had been included as part of the application. It was explained that the DEFRA guidance document was not significant but that the Carbon Balance Report had been called into question by objectors. It was explained that officers were confident that the Eco Park would mitigate against the effects of climate change.
- 10. Members questioned whether it was possible to include a condition setting a standard of minimum energy exported to the grid by the Eco Park. It was explained that data around the net export of energy from the Eco Park was not at hand.
- 11. It was commented that it was positive to see SCC considering climate change as part of the application but SCC did not seem to have a climate change policy in place. The Planning Development Control

Team Manager explained that one of the key objectives was to get waste up the waste hierarchy.

Highways and Traffic

12. The Transport Development Planning Team Manager explained that the proposed amendments to the Eco Park would result in a slight increase over and above the existing permission of eight heavy goods vehicle (HGV) movements across a typical weekday and a reduction of around sixteen HGV movements per day at weekends. This was still a reduction of around one hundred and sixty HGV movements per day when compared to the current waste operations at the site. Officers do not feel the changes to highways would result in material impact on the highway network.
13. A member of the Committee raised concerns about the traffic around Sunbury Cross due to new highways implementations which would be coming into force and the potential effects this could have on the Eco Park. The Chairman explained that the amendments to the Eco Park would not increase traffic congestion in the area.
14. Officers clarified the original application assessed the traffic generation in respect of waste carrying traffic for recycling rates at 70%, in the worst case scenario.

Environment and Amenity

15. The Planning Development Control Team Manager explained that the committee had air quality training. The County Air Quality Consultant (CAQC) had reviewed the information submitted and believed the air quality results had been correctly interpreted and the conclusions of this assessment were unchanged in that no significant residual effects on air quality were predicted.
16. A member of the committee raised concerns that even though there may be no odour in the air, there were possible air quality issues which could potentially be harmful to residents. The CAQC provided the committee with air quality figures and explained that there was no harmful effect on air quality. Although there is a minor change to the predicted impact of process emissions and odour, this level is very small it is not considered a big impact in terms of the application.
17. It was explained that the EA would also carry out unexpected tests to monitor air quality levels.
18. A member of the Committee raised concerns around the height of the stack at the Eco Park and if the height was proportional to the plant. The Planning Development Control Team Manager explained that although Spelthorne Borough Council objected to the height of the stack, officers had considered the impact on residential properties. Although the circumference of the stack would increase to 3.8 meters, officers did not consider this increase significant. The Planning Development Control Team Manager explained that the stack would be silver in colour but the increase of the diameter of the stack should not be a reason to refuse the application.

19. Members of the Committee asked if there was a possibility of including a condition on tree planting for screening purposes. The Planning Development Control Team Manager explained that a landscape and ecology management plan was in place but an additional condition covering additional planting could be included.
20. The CAQC explained that the diameter of the stack at the Eco Park would need to increase as in the previous design there was a second stack. It was explained that the stack contained fluids for the gasifier.
21. The Noise Consultant explained that modelling noise levels on the site had been done and no significant effects had been recorded. The main impact from noise would be at night but this noise level should not be great. Officers did not expect residents to hear anything at night. It was further explained that the noise levels during the day would be audible and hence noise barriers within the internal access have been included.

Green Belt

22. Officers commented that they were satisfied that there would be no negative impacts in terms of Ecology, Nature and Health implications (paragraphs 287 & 308).
23. Concerns around flooding on the site were raised and the high level of surface water the Committee had noticed on their site visit. The Planning Development Control Team Manager explained that a condition relating to surface water had been included as part of the application.
24. The Eco Park is an inappropriate development and impacts on openness in the green belt but officers are satisfied that there are very special circumstances that outweigh the harm to the green belt. Members of the Committee need to take into account the wider economic benefit and sub renewal energy capacity of the plant when making their decision.
25. A list of very special circumstances under paragraph 340 of the report was set out. Members must consider whether the listed reasons in culmination outweigh the harm.
26. The Planning Development Control Team Manager explained that emerging policy written in consultation papers had not been given weight in the officer's report. Although consultation papers have been mentioned in the report, a range of policies such as the NPPF, satisfy green belt testing and concerns.
27. A Member of the Committee asked if it would be possible to include a condition which limited the amount of energy burnt at the gasifier. It was explained that it would not be possible to construct a condition around this as it would not be possible to enforce or monitor this.

Actions/Further information to be provided:

None

RESOLVED:

*That the application is **PERMITTED** subject to conditions with the application being referred to the National Planning Casework Unit as a departure.*

The committee also resolved to amend Condition 42 to read: "The development hereby permitted shall not commence unless details of mature tree planting incorporated into an enhanced Landscape and Ecology Management Plan have been submitted to and approved in writing by the County Planning Authority. Thereafter, the Landscape and Ecology Management Plan in accordance with the provisions set out on the Landscape Masterplan Drawing No 1007-02-01 Rev A dated September 2013 covering a period of 25 years (and providing for 5 yearly reviews) shall be carried out strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 16 May 2013 under reference SP10/00947/SCD3, in addition to the details of mature tree planting to be approved in writing by the County Planning Authority prior to the commencement of development."

Committee Next Steps:

None

31/14 DATE OF NEXT MEETING [Item 8]

Chairman

UPDATE SHEET TO AGENDA ITEM 7

Planning and Regulatory Committee 17 March 2014

Minerals and Waste Application: SP13/01553/SCC

7

Site: Charlton Lane Waste Management Facility, Charlton Lane, Shepperton, Surrey

Application: Changes to the planning conditions attached to the Charlton Lane Eco Park planning permission (Ref: SP10/0947, dated 15 March 2012) in order to incorporate minor material amendments to the approved scheme comprising a revised gasification technology, 3 new sub stations, other minor material amendments to the layout, buildings, structures & ancillary elements of the scheme, and a minor reduction in the tonnage of waste that would be managed at the site.

Please note the Committee Report should be amended/corrected as follows:

Material Development Plan and national planning policy changes since June 2011

Since the publication of the Committee Report (CR), the Government launched an on-line version of National Planning Practice Guidance (NPPG) on 6 March 2014 to support the National Planning Policy Framework (NPPF). Officers have reviewed the CR alongside NPPG generally, and in particular alongside those parts relating to Air Quality, Climate Change, Noise, Design & the Natural Environments. The County Air Quality Consultant, County Noise Consultant, County Ecology Officer and County Landscape Officer all agree with Officers that the NPPG does not (they are not intended to) alter national policy as applied in the CR or cause Officers to alter their advice to Members.

Summary of publicity undertaken and key issues raised by public

Paragraph 95: This pro-forma now has 8 additional signatures (i.e. total of 385).

Paragraph 101: As of 14 March 2014, 175 representations had been received. Additional points raised following the publication of the attached Committee Report (CR) were:

- The CR fails to set out paragraph 245 from DEFRA's February 2014 'Guide to the Debate', which states that "*Recent modelling conducted by Defra and published alongside this document has examined these factors further and considered the implications for the long term development of energy from waste. It identifies that there are potential balance points beyond which energy from waste could perform worse than landfill in carbon terms.*" By failing to update the planning committee on the key points made in this report, the Officer's report has presented a distorted picture of, in CO2 emission terms, the relative effects of landfill and the proposed gasification plant;
- DEFRA's February 2014 Chapter 5 on 'Future Policy Direction' states that that new and existing plants going forward will need to meet a minimum the R1 classification; and Chapter 5 means WRATE assumptions are unacceptable;
- The CR fails to mention paragraph 25 of PPS10 which states that in the case of waste disposal facilities, applicants should be able to demonstrate that the facility will not undermine the waste strategy through prejudicing movement up the waste hierarchy.
- The CR is based on the July 2013 draft DEFRA Waste Management Plan for England rather than the final version published in December 2013;
- Paragraph 191 of the CR incorrectly refers to landfill-derived energy as fossil fuel;

- The Departure Regulations quoted in the CR's recommendation no longer exist and have been replaced by the 2009 Consultation Direction; and
- The Surrey Waste Plan 2008 has not been properly assessed against the NPPF 2012.

Officer's note on additional points raised: The applicant's response to representations that landfilling of waste to be received at the Eco Park would be better in green house gas terms and the applicant's use of a WRATE assessment was set out in paragraphs 189-190 of the CR. Officers have also discussed DEFRA's 2013 and 2014 version of 'A Guide to the Debate' in paragraphs 182-187 of the CR, as it is a material consideration for the determination of this application, though DEFRA make clear that the additional Chapter 5 does not set out any new policy. The 'recent modelling' referred to is contained in DEFRA's February 2014 'Energy Recovery for Residual Waste – A carbon based modelling approach', which sets out that: *"the model supports the conclusion that existing plants can and should continue to operate as a better solution than landfill....new plants commencing will minimise the risks of becoming environmentally unsound by adopting higher efficiency processes, not just producing electricity but also heat and/or using biogenic content fuels."*

In terms of the R1 Classification, Officers note that paragraph 52-53 (Chapter 2) of DEFRA's February 2014 'Guide to the Debate' makes clear that: *"the requirement to apply the R1 formula means that lower efficiency municipal energy from waste plants are classed as disposal even if they are generating useable energy. However, with the right combination of overall efficiency and biogenic content in the waste, an energy from waste plant which does not qualify for R1 status may still be a better environmental option than landfill. Similarly, in line with the right fuel, right technology argument set out above, a plant meeting the R1 formula does not in itself necessarily mean it is the best solution for all waste streams....R1 status is not mandatory for energy from waste plant and will not be part of an environmental permit. Irrespective of whether the plant is classed as a Recovery plant or Disposal plant, operation under the Environmental Permitting Regulations requires that plants recover as much energy as practicable."* (Officer emphasis).

The CR makes clear at paragraph 156 that on the basis that more recent guidance on energy from waste acknowledges that non-R1 compliant plants can still offer material benefits over landfill, the energy efficiency of the proposed Eco Park remains compliant with national policy. The County Waste Management and Energy Recovery Consultant (Peter Brett Associates) confirms that recent DEFRA guidance does not alter the conclusions of the CR in respect of renewable energy. With reference to paragraph 25 of PPS10, the CR makes clear at paragraph 167 that Officers remain of the view that the requirements of Surrey Waste Plan (SWP) 2008 Policy CW4 are met, in that the proposed facility would provide waste management capacity for handling Surrey's waste of a type that assists in moving waste up the hierarchy away from landfill and that in terms of the first criterion of Policy WD5 of the SWP 2008, the applicant has demonstrated that even with sufficient recycling and composting to meet regional waste strategy targets, there is still a need to manage the remaining residual waste that cannot practically and reasonably be reused, recycled or processed to recover materials. Officers do not therefore consider that the publication of recent DEFRA guidance, or other changes to national policy and guidance, materially affects the conclusions of the CR.

In respect of the Town and Country Planning (Consultation) (England) Direction 2009: Circular 02/09, Officers note that the 2009 Direction was retained following the launch of the NPPG meaning the County Planning Authority will need to consult with the Secretary of State (handled by the National Planning Casework Unit), as the proposal would be for 'inappropriate' development in the Green Belt (thus a 'departure' from the development plan) and would have a significant impact on the openness of the Green Belt. As set out in paragraph 106 of the CR, Officers consider the SWP 2008 is consistent with the NPPF. Officers are currently assessing whether or not the SWP 2008 should be reviewed and if so when. Work to date indicates that the SWP is robust and is not in conflict with the NPPF and Officers note that it does not contain any specific waste policies. Members will consider this assessment work when the revised Minerals and Waste Development Scheme comes before Cabinet and Council in September 2014.

Paragraph 136 – Waste Management Plan for England – Consultation Plan (July 2013)

On 12 December 2013, DEFRA published their final Waste Management Plan for England. Officers do not consider that the final version includes changes that materially affect the conclusions on planning and waste management issues, as set out in the CR.

Paragraph 140 – delete the word ‘regional’ so that the paragraph reads):

With reference to the emphasis on the need to increase the use of waste as a resource, the Eco Park development (as amended) is proposed as part of an integrated network of waste management facilities within the County of Surrey. It would provide an essential facility to move the management of the County’s waste up the waste management hierarchy and away from landfill. In doing so, it would ensure the diversion of waste from landfill which is recognised as a critical issue within national and local waste policy and guidance. In addition, the increased recovery of energy from this waste would contribute to the achievement of the Government’s targets for the recovery of value from Municipal Waste. In respect of the use of heat as an energy source for energy from waste development, the Eco Park facility would be designed with the potential to generate heat for export and use by local heat users and that the applicant would be prepared to accept a planning condition requiring that they submit an annual report setting out the measures that have been undertaken to secure a heat off-take from the facility.

Paragraph 155 – substitute with the following (change underlined):

In the case of the Eco Park, the original Gasification facility did not meet the R1 threshold, primarily due to a combination of scale and the proposed technology. The delivery of larger energy from waste plants using a conventional moving grate incineration technology, which would be more efficient, had historically not proved deliverable in Surrey. Paragraph 50 of the 2013 guide states that: “*with the right combination of overall efficiency and biogenic content in the waste, an energy from waste plant which does not qualify for R1 status may still be a better environmental option than landfill.*” With regard to the revised gasification technology proposed through this application, again due to its scale it does not achieve meet the R1 threshold. Notwithstanding that the facility is not, therefore, ‘recovery’ it would nonetheless divert residual waste from landfill. The new front-end treatment element would also recover recyclable material and ensure that the throughput material is of the appropriate biogenic content to maximise plant efficiency based upon the waste stream it processes.

Paragraph 191 – substitute with the following (change underlined):

Officers consider the applicant has provided information to demonstrate how the proposed Eco Park development as amended seeks to reduce and mitigate against the effects of climate change. The renewable energy and low carbon energy which would be produced as a result of the gasification and AD facilities and the photovoltaic panels would contribute towards national and development plan targets for electricity generation from renewables and accord with the general aims of the NPPF 2012 and emerging guidance. The power produced would be used to generate electricity and heat produced used in the AD process and in the proposed buildings, replacing power that would be generated by burning of fossil fuels and avoiding the landfilling of waste (which the applicant states even with landfill gas utilisation schemes, generates more greenhouse gases).

BACKGROUND PAPERS

Other Documents - Add the following additional guidance documents

- Waste Management Plan for England, DEFRA 12 December 2013
- ‘Energy Recovery for Residual Waste - A carbon based modelling approach’, DEFRA 26 February 2014
- National Planning Practice Guidance (DCLG on-line version), 6 March 2014

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Department for Communities and Local Government

Ms Mandy Calden
Planning & Development Group
County Hall
Kingston upon Thames
Surrey
KT1 2DY

Please ask for: Mrs Tara Dickenson
Tel: 0303 44 48044
Email: npcu@communities.gsi.gov.uk

Your ref: SP13/01553/SCC

Our ref: NPCU/CONS/B3600/73624

Date: 6 August 2014

Dear Ms Calden

The Town and Country Planning (Consultation) (England) Direction 2009

Application for: Charlton Lane Waste Management Facility, Shepperton, Surrey.

Application Number: SP13/01553/SCC

I refer to your letter of 19 March 2014 referring to the Secretary of State for Communities and Local Government ("The Secretary of State") an application for planning permission for the above development.

The Secretary of State has carefully considered the case against call-in policy, as set out in the Written Ministerial Statement by Nick Boles on 26 October 2012. The policy makes it clear that the power to call in a case will only be used very selectively. The Government is committed to give more power to councils and communities to make their own decisions on planning issues, and believes planning decisions should be made at the local level wherever possible.

In deciding whether to call in the application, the Secretary of State has considered his policy on calling in planning applications. This policy gives examples of the types of issues which may lead him to conclude, in his opinion that applications should be called in. The Secretary of State has decided, having had regard to this policy, not to call in the application. He is content that they should be determined by the local planning authority.

In considering whether to exercise the discretion to call in the application, the Secretary of State has not considered the matter of whether the application is EIA Development for the purposes of the Town and Country Planning (Environmental

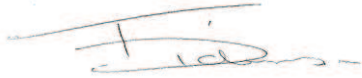
National Planning Casework Unit
Department for Communities and Local Government
5 St Philips Place
Colmore Row
Birmingham B3 2PW

Tel: 0303 44 48050
npcu@communities.gsi.gov.uk

Impact Assessment) Regulations 2011. The local planning authority responsible for determining these applications remains the relevant authority responsible for considering whether these Regulations apply to these proposed developments and, if so, for ensuring that the requirements of the Regulations are complied with.

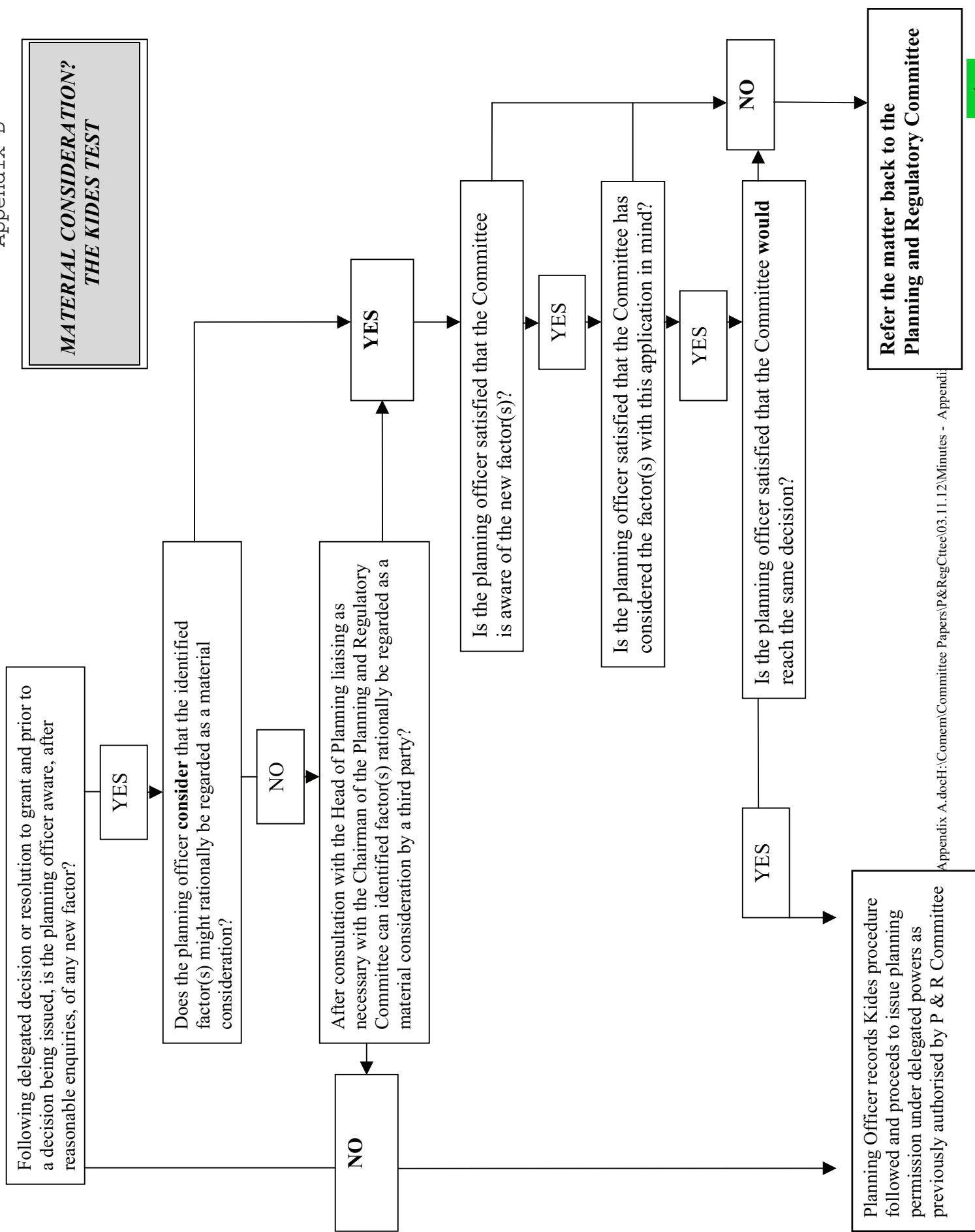
The Article 25 Direction issued pursuant to the Secretary of State's letter of 25 March 2014 is hereby withdrawn.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tara Dickenson', written over a faint, illegible stamp or background.

Mrs Tara Dickenson
Planning Casework Manager

**MATERIAL CONSIDERATION?
THE KIDES TEST**



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Air Quality Overview for 2013

1.0 Air Quality Monitoring in 2013

In 2013, two air quality pollutants were monitored in the Borough:

- Nitrogen dioxide
- Particulate matter (PM₁₀ & PM_{2.5})

These pollutants were monitored by diffusion tube and/ or continuous monitoring stations as follows:

Diffusion Tubes	Continuous Monitoring Stations
	Oaks Road, Stanwell
Nitrous oxides (nitrogen dioxide)	Nitrous oxides (nitrogen dioxide)
	Particulate Matter (PM ₁₀ & PM _{2.5})

Results of the monitoring are compared against the following National Air Quality Objectives:

Pollutant	Air Quality Objective	
	Concentration	Measured as
Nitrogen dioxide	200 µg/m ³ (not to be exceeded more than 18 times a year)	1 hour mean
	40 µg/m ³	Annual mean
Particles (PM10)	50 µg/m ³ (not to be exceeded more than 35 times a year)	1 hour mean
	40 µg/m ³	Annual mean

There is currently no National Air Quality Objective for PM_{2.5} for England – there are proposals for an annual mean objective of 25 µg/m³, and 15% reduction target between 2010 and 2020 as a 3 year mean.

Levels of carbon monoxide, ozone and sulphur dioxide were previously measured at a continuous monitoring station on the hard shoulder of the M25 close to Junction 13. However, this station, operated by the Highways Agency closed in January 2011. Benzene was not monitored in the Borough in 2013, but levels were previously measured by diffusion tubes. The Air Quality Summaries for 2010 and 2011 contain more details on these pollutants and levels recorded.

1.1 Monitoring Changes in 2012

A review of air quality monitoring locations was undertaken in January 2012, with the following changes:

Locations Discontinued		Rationale
SP2	Market Square, Staines	<ul style="list-style-type: none"> • NO₂ SP series tubes present since at least 2004, and over past five years well below annual mean objective, with other diffusion tubes remaining nearby • BTEX monitoring no longer warranted • Ten diffusion tube locations remain in Sunbury Common area, including at the CMS site
SP13	Stanwell New Road	
SP15	Horton Road, Stanwell Moor	
SP25	Moor Lane, Staines	
SP30	Horton Road, Stanwell Moor	
SP37	Thames Side, Laleham	
BTEX1	Westview Cottages, Short Lane	
SUN01	Sunbury Cross Continuous Monitoring Station (CMS)	
New Locations Added		
SP48	Riverside Road, Stanwell	<ul style="list-style-type: none"> • SP48 & SP49 replace HSP12 and HA1 (discontinued surveys) • SP50, SP53, SP54, SP55 provide improved coverage along major roads through Charlton Village, Halliford and Shepperton (including A244, B375, and B3366) • SP51 located at residential property close to Staines Town Centre redevelopment sites and one-way traffic system • SP52 provides coverage on Staines Road East, close to junction with The Avenue
SP49	Runnymede Cottages, Moor Lane,	
SP50	Charlton Road, Shepperton	
SP51	Linden Place, Fairfield Avenue, Staines	
SP52	Staines Road East, Sunbury	
SP53	Chertsey Bridge Road, Chertsey	
SP54	Russell Road, Shepperton	
SP55	Green Lane, Shepperton	

1.2 Nitrogen Dioxide Monitoring Results

Nitrogen dioxide (NO₂) is the principal pollutant of concern in the Borough and is monitored at all locations, using both a continuous monitoring station and diffusion tubes.

Figure 1 shows the location of the monitoring sites and the recorded levels of annual mean nitrogen dioxide for 2013 relative to the objective of 40 µg/m³. Concentrations below this are shown with a green circle, with exceedances as a red square.

Results from each of the diffusion tube locations in the Council's diffusion tube network (see Figure 1) are presented in the table overleaf, corrected for method bias. This shows that diffusion tube locations recorded concentrations greater than the 40 µg/m³ annual average objective at 19 Council monitoring locations around the Borough in 2013. This is more exceedances than recorded in 2012 and results for 2013 were also higher at every location than in 2012 (see Figure 1d). Results from 2012 had a third of locations recording a result higher than 2011, a third lower and the remainder either being unchanged (+/- 0.5 µg/m³) or new locations.

The locations of exceedance in 2013 were (see Figures 1a to 1c):

SP5	Church Road, Ashford *
SP8	The Parade, Sunbury Cross *
SP9	Staines Road West *
SP10	Walton Bridge Road, Shepperton *
SP19	Bedfont Road, Stanwell
SP27	Church Street, Staines upon Thames
SP28	London Road, Staines upon Thames *
SP29	London Road, Staines upon Thames *
SP31	Ashford Hospital, Stanwell
SP33	Ford Close, Ashford
SP34	School Road, Ashford
SP35	Vicarage Road, Sunbury on Thames
SP36	Green Street, Sunbury on Thames *
SP41	Green Street, Sunbury on Thames
SP45	The Haven, Sunbury on Thames
SP50	Waterside Close, Charlton Road, Shepperton
SP51	Linden Place, Fairfield Avenue, Staines upon Thames
SP54	Russell Road, Shepperton
SP55	Green Lane, Shepperton

* Exceeded objective in 2012

The annual mean at the Walton Bridge Road, Shepperton location for 2013 was 61.4 µg/m³. Defra guidance advises that hourly mean concentrations may be exceeding the hourly mean objective where annual means exceed 60µg/m³.

Locations SP19, SP31, SP34 and SP35 have regularly exceeded in the recent past and, with the exception of SP34, were borderline to exceedance in 2012 (i.e. >36µg/m³ and within 10% of the annual mean nitrogen dioxide objective of 40µg/m³).

The exceedances at SP27 (Church Street, Staines) and SP41 (Green Street, Sunbury) were the first there since 2005. Locations SP31 (Ashford Hospital) and SP33 (Ford Close, Ashford) previously exceeded in 2007 and 2008, respectively. The tube at SP45 is a new location of exceedance, but there was an exceedance in co-located tube SP43 in 2009 and at the continuous monitoring station between 2009 to 2012. Tubes SP50, SP51, SP54 and SP55 were all new locations established in 2012 in response to detailed modelling predictions for exceedance in 2011.

Nitrogen Dioxide Diffusion Tube Monitoring Results

Site ID	Location	Annual mean concentrations ($\mu\text{g}/\text{m}^3$)		
		2011 ^a	2012 ^b	2013 ^c
SP1	Staines High Street	25.6	29.3	34.2
SP2	Market Square, Staines	31.9	-	-
SP3	Wraysbury Road	33.5	35.5	38.9
SP4	Benwell Centre, Sunbury	32.5	28.5	31.0
SP5	Church Street, Ashford	41.9	42.4	46.8
SP6	Goffs Road, Ashford Common	24.4	26.4	31.8
SP7	High Street, Shepperton	31.5	33.9	39.0
SP8	The Parade, Sunbury Cross	53.2	48.7	54.8
SP9	Staines Road West, Sunbury	42.3	42.3	45.6
SP10	Walton Bridge Road	36.7	40.9	61.4
SP11	Halliford Bypass	32.5	32.4	37.4
SP12	Stanwell New Road, Stanwell North	36.1	32.2	34.8
SP13	Shortwood County Infant School, Stanwell North	30.0	-	-
SP14	Flintlock Close, Stanwell	30.0	28.9	32.9
SP15	Horton Road, Stanwell Moor	28.7	-	-
SP16,	Oaks Road/Russell Drive, Stanwell South	28.7	29.0	39.0
SP17,		30.1	30.1	36.4
SP18		30.1	29.9	32.5
SP19	Bedfont Road/Long lane, Stanwell South	41.7	38.6	42.5
SP20	Greenlands Road, Staines	29.0	30.4	37.4
SP21	Lincoln Way, Ashford	25.6	29.4	34.5
SP22	Manor Mead School Shepperton	25.7	23.7	31.6
SP23	Greeno Crescent, Shepperton	26.5	28.0	30.5
SP24	Yeoveney Close, Staines	31.5	28.1	34.1
SP25	Moor Lane, Staines	24.5	-	-
SP26	St Mary's Crescent, Staines	28.5	32.6	37.6
SP27	Church Street, Staines	36.7	34.6	41.0
SP28	London Road, Staines	46.7	42.0	43.7
SP29	London Road, Staines	52.3	49.4	57.3
SP30	Horton Road, Stanwell Moor	30.5	-	-
SP31	Ashford Hospital, Stanwell	33.8	39.3	43.0
SP32	Feltham Road, Ashford	31.8	34.9	37.6
SP33	Ford Close, Ashford	35.9	35.9	40.6
SP34	School Road, Ashford	44.7	33.5	47.4
SP35	Vicarage Road, Sunbury	40.7	38.9	45.0
SP36	St Ignatius School, Sunbury	39.5	41.6	46.8
SP37	Nr Abbeyfields, Thames Side, Laleham	27.6	-	-
SP38	Laleham CofE primary, Laleham	25.3	28.3	29.1

SP39	Knowle Green, Staines	26.3	24.2	32.1
SP41	Green Street, Sunbury	36.1	34.7	42.2
SP43,	The Haven, Sunbury	35.3	37.4	39.5
SP44,		36.7	36.6	39.4
SP45		35.4	37.7	40.8
SP46	Elmsleigh Centre	38.1	31.5	38.0
SP47	Hadrian Way, Stanwell	27.1	28.4	31.4
SP48	Riverside Road, Stanwell	-	33.2	37.6
SP49	Runnymede Cottages, Moor Lane	-	35.8	39.4
SP50	Waterside Close, Shepperton	-	34.0	47.1
SP51	Fairfield Avenue, Staines	-	37.8	50.7
SP52	Staines Road East, Sunbury	-	35.2	37.4
SP53	Chertsey Bridge Road	-	33.3	39.6
SP54	Russell Road, Shepperton	-	34.0	40.8
SP55	Green Lane, Shepperton	-	38.0	40.1

^a Bias adjusted using a factor of 1.04

^b Bias adjusted using a factor of 0.93

^c Bias adjusted using a factor of 0.96

1.2.1 Nitrogen Dioxide Results from Continuous Monitoring Stations

Concentrations of nitrogen dioxide at the monitoring station in Oaks Road, Stanwell at 34.5 µg/m³, were below the national air quality objective of 40 µg/m³ for annual average, and comply with the objective for hourly mean levels too.

The monitoring station at Sunbury Cross closed in March 2012. Using guidance from the Department of Environment, Food and Rural Affairs an ‘annualised mean’ has been estimated. This estimate exceeded the annual mean nitrogen dioxide objective. Defra guidance advises that there may be an issue with hourly mean concentrations if diffusion tube annual means exceed 60 µg/m³. The two diffusion tubes close to Sunbury Cross (SP8 and SP9) did not reach this level in 2012 and 2013.

Results for the continuous monitoring stations are as follows:

Location	Number of Exceedences of Hourly Mean (200 µg/m ³)			Annual Mean Concentrations (µg/m ³)		
	2011	2012	2013	2011	2012	2013
Sunbury Cross	0	0	0	44.7	46.1**	-
Oaks Road	0	0	0	30.4 *	30.6	34.5
Objective	18	18	18	40	40	40

* Data capture at Oaks Road fell below 90%, at 87.8% in 2011.

** Annualised mean based on 1 January to 31 March 2012.

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Legend

NO2_2013 Result

- Above
- ▲ BTEX Discontinued
- Below
- ◆ Borderline
- Discontinued CMS

Figure 1 Plan of Air Quality Monitoring Sites in Spelthorne

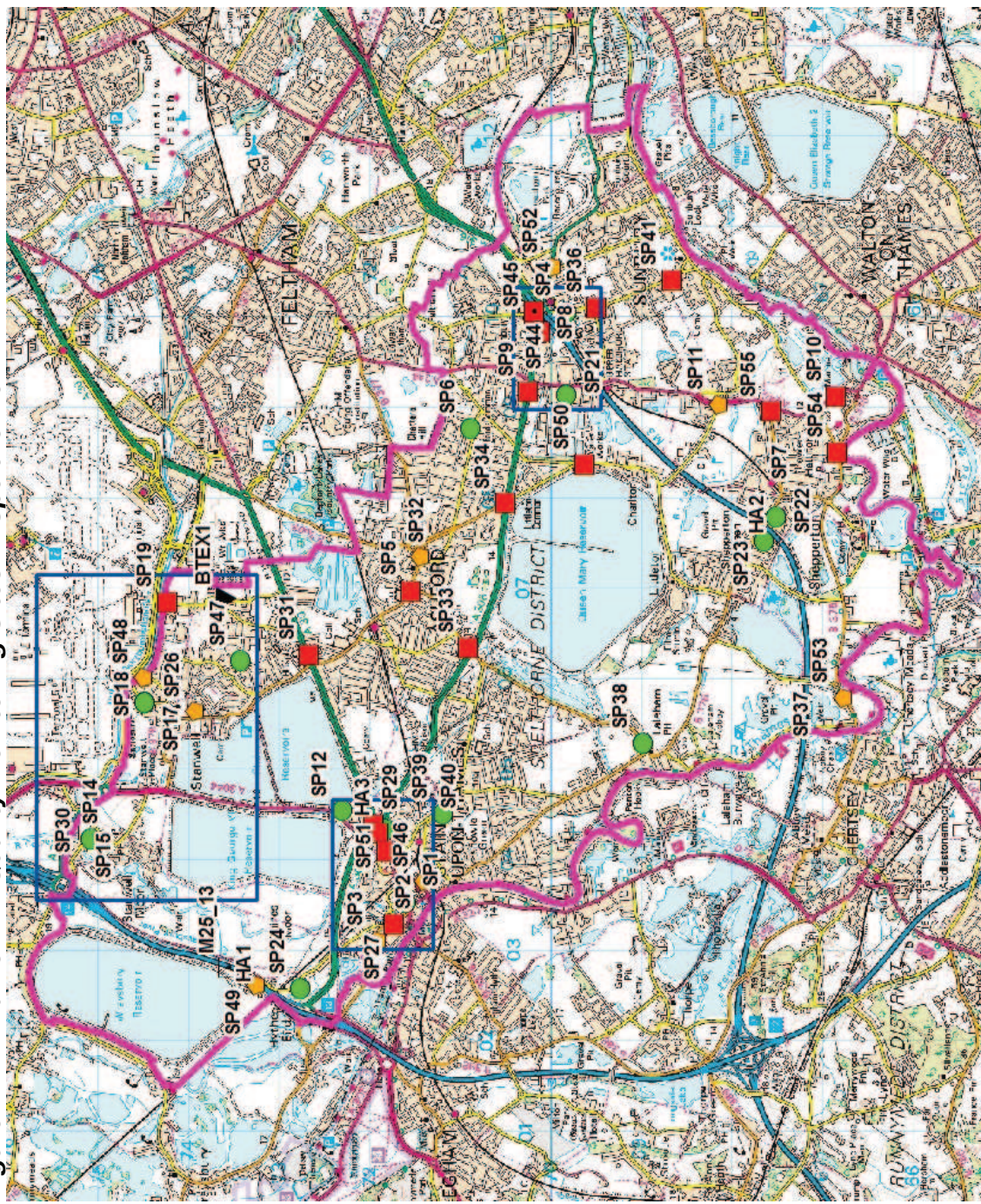
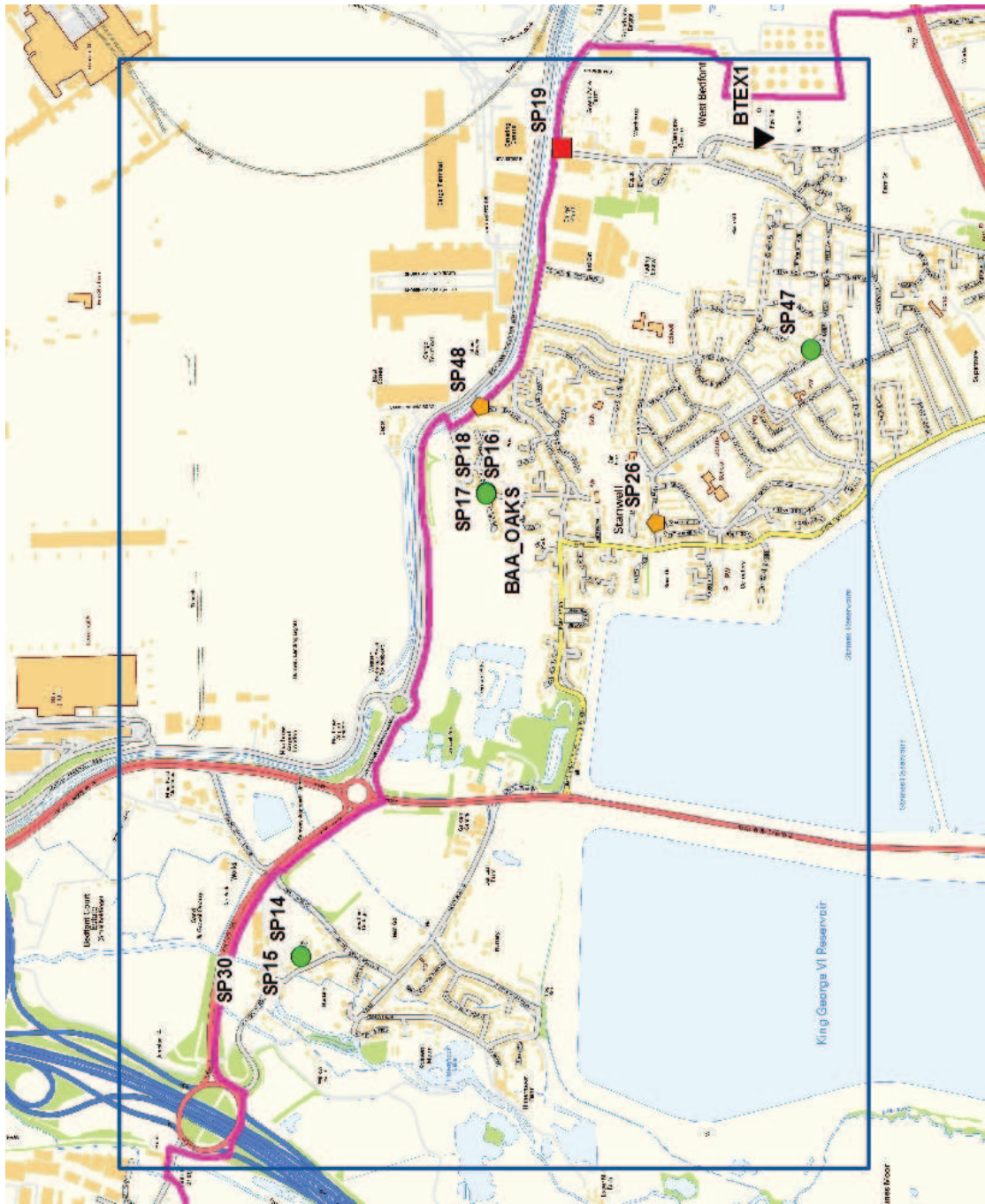


Figure 1a Inset of Air Quality Monitoring in Sunbury



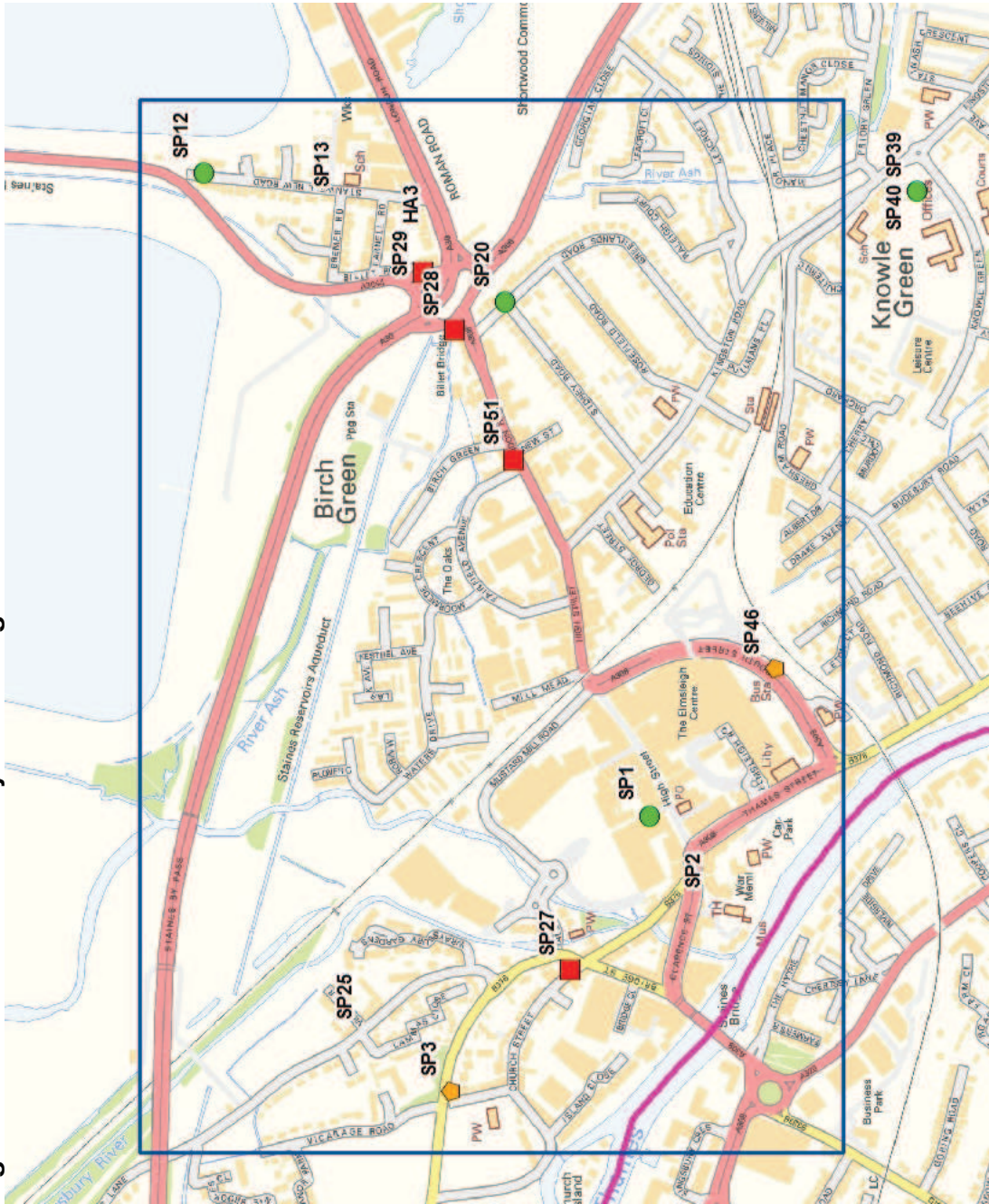
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Figure 1b Inset of Air Quality Monitoring in Stanwell and Stanwell Moor



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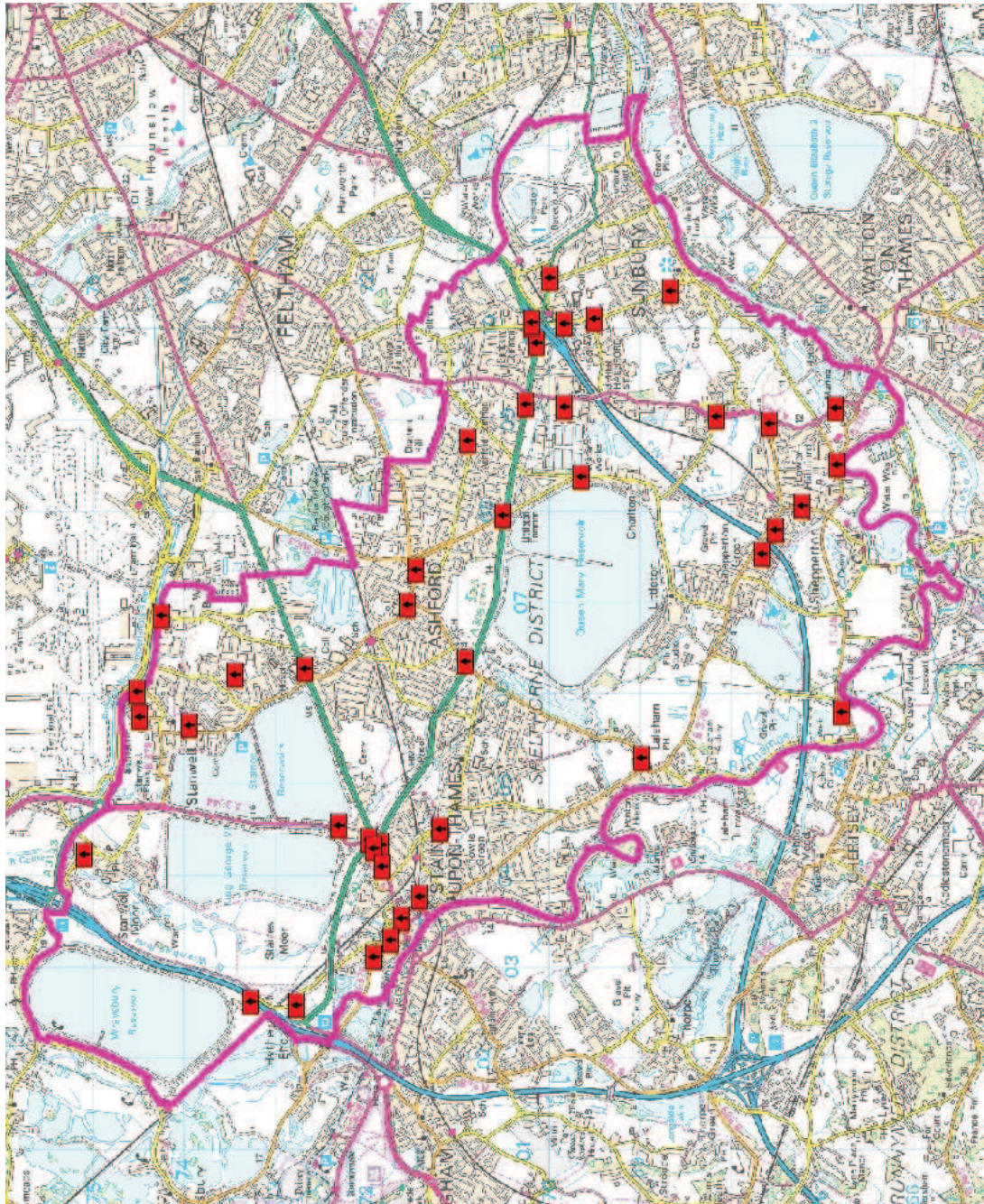
Figure 1c Inset of Air Quality Monitoring in Staines



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Figure 1d 2013 Nitrogen Dioxide Concentrations In Relation To 2012 Levels



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1.3 Particulate Matter Monitoring Results

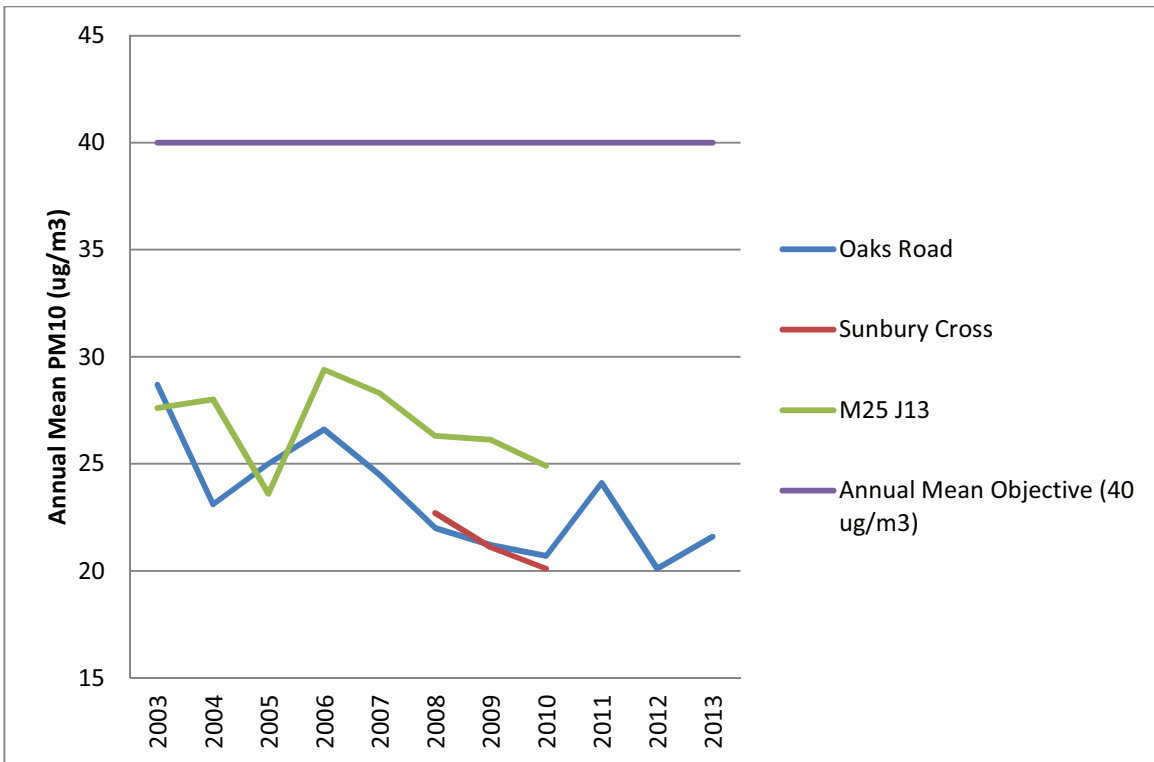
This pollutant was monitored at the Oaks Road, Stanwell continuous monitoring station. It was previously monitored at the Sunbury Cross and M25 J13 monitoring stations. Visit our web pages or 2010 air quality summary for more details. Results of the PM₁₀ monitoring are presented in the table below.



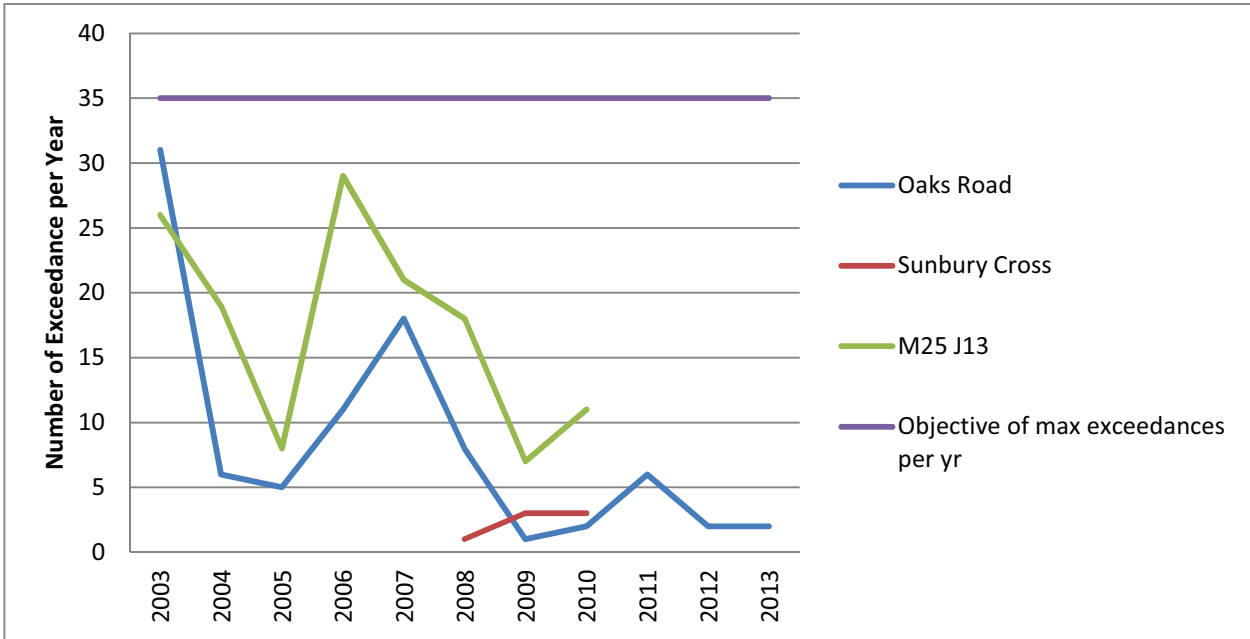
Location	Number of Exceedences of Daily Mean (50 µg/m ³)			Annual Mean Concentrations (µg/m ³)		
	2011	2012	2013	2011	2012	2013
Oaks Road	6	2	2	24.1	20.1	21.6
Objective	35	35	35	40	40	40

Results of monitoring over the past eleven years indicate that there is a general trend of reducing concentrations of particulate matter (as PM₁₀) as an annual average and in the days where the mean concentration is elevated above 50 µg/m³.

Trends in Annual Mean PM₁₀ Concentrations

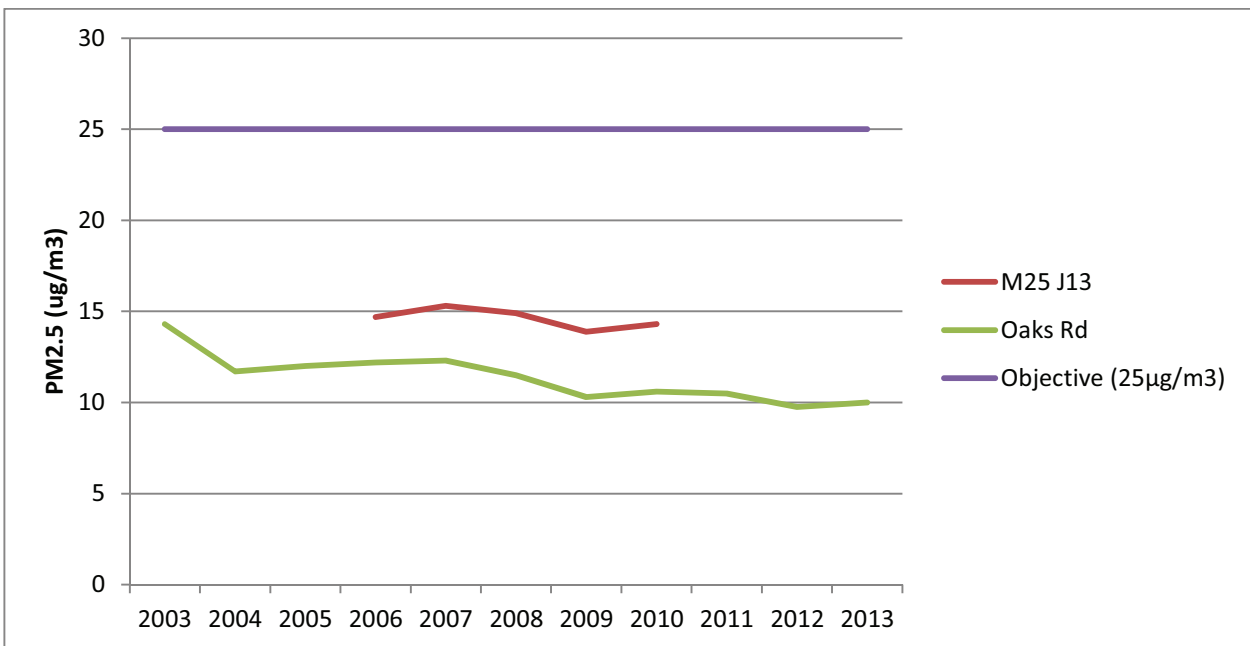


Trends in Exceedences of PM₁₀ 24 hr Mean



There is no statutory obligation on councils to monitor fine particles (less than 2.5 um diameter), though it is monitored at the Oaks Road site, with an annual average concentration of 10 µg/m³ for 2013. Results have been fairly flat over the past five years, at between 9.75 to 10.5 ug/m³ since 2009. These results are well below the Government’s proposed objective of 25 µg/m³. Longer-term levels at Oaks Road appear to show a very gradual decline since 2003.

Trends in Annual Mean PM_{2.5} Concentrations



Tube	SITE	Location	Eastings	Northings	Jan-03	Feb-03
1	SP01	high st staines	503529	171619	61	25
2	SP02	market sq staines	503393	171516	31	44
3	SP03	wraysbury rd	503097	171931	50	33
4	SP04	benwell centre	510052	169843	36	38
5	SP05	church rd ashford	506967	171562	31	50
6	SP06	goffs rd ashford	508763	170900	19	19
7	SP07	high st shepperton	508044	167237	33	23
8	SP08	the parade sunbury X	509829	170140	29	44
9	SP09	staines rd west	509166	170261	25	38
10	SP10	walton brdge rd shepperton	509125	166862	31	40
11	SP11	halliford bypass	509033	168169	19	33
12	SP12	stanwell new rd end	504538	172318	13	44
13	SP13	stanwell new rd school	504494	172098	8	29
14	SP14	flintlock cl stanwell moor	504228	175098	33	42
15	SP15	horton rd stanwell moor	504161	175123	33	21
16	SP16	oaks rd stanwell	505729	174496	x	25
17	SP17	oaks rd stanwell	505728	174496	x	29
18	SP18	oaks rd stanwell	505730	174496	x	27
19	SP19	bedfont rd stanwell	506850	174253	31	38
20	SP20	greenlands rd staines	504335	171845	50	29
21	SP21	lincoln way ashford	509131	169840	46	50
22	SP22	manor mead sch sheptn	507782	167525	8	21
23	SP23	greeno cresc sheptn	507525	167663	17	34
24	SP24	yeoveny cl staines	502577	172777	23	36
25	SP25	moor lane staines	503188	172063	19	36
26	SP26	st mary cres stanwell	505636	173949	11	25
27	SP27	church st staines	503287	171744	-	-
28	SP28	London rd Staines	504291	171926	-	-
29	SP29	London rd Staines	504382	171975	-	-
30	SP30	horton rd stanwell moor	504030	175272	-	-
31	SP31	Ashford hospital stanwell	506265	172681	-	-
32	SP32	feltham rd ashford	507349	171461	-	-
33	SP33	ford cl ashford	506340	170926	-	-
34	SP34	school rd ashford	507936	170518	-	-
35	SP35	vicarage rd sunbury	510028	170200	-	-
36	SP36	green st sunbury	510104	169509	-	-
37	SP37	abbeyfields sunbury	505444	167112	-	-
38	SP38	the broadway laleham	505289	168995	-	-
39	SP39	knowle green	504508	171200	-	-
40	SP40	knowle green	504508	171200	-	-
41	SP41	green st sunbury	510404	168679	-	-
42	SP42	trip			-	-
43	SP43	The Haven, Sunbury	510064	170201	-	-
44	SP44	The Haven, Sunbury	510064	170201	-	-
45	SP45	The Haven, Sunbury	510065	170200	-	-
46	SP46	The Elmsleigh Centre, Staines	503760	171424	-	-
47	SP47	Hadrian Way, Stanwell	506195	173445	-	-
48	SP48	Riverside Road, Stanwell	506010	174516		
49	SP49	Runnymede Cottages, Moor Lane, Staines	502605	173274		
50	SP50	(Waterside Close), Charlton Road, Shepperton	508364	169648		
51	SP51	Linden Place, Fairfield Avenue, Staines	504087	171832		

7

52	SP52	Staines Road East, Sunbury	510542	169997		
53	SP53	Chertsey Bridge Road, Chertsey	505791	166791		
54	SP54	Russell Road, Shepperton	508498	166850		
55	SP55	Green Lane, Shepperton	508954	167585		
	HA1	Moor Lane (for M25)	502605	173274	-	-
	HA2	Harrison Way (for M3)	507560	167607	-	-
	HA3	London Road (for A30/A308)	504438	171958	-	-

Mar-03	Apr-03	May-03	Jun-03	Jul-03	Aug-03	Sep-03	Oct-03	Nov-03	Dec-03	Jan-04	Feb-04
31	13	30	25	28	33	40	x	54	49	16	27
27	22	38	18	34	36	35	41	46	11	18	20
17	18	19	24	25	15	30	36	49	48	20	22
21	5	16	14	9	19	25	x	42	38	19	25
31	22	43	16	30	27	63	49	79	58	21	40
13	18	10	18	10	17	11	20	47	44	13	32
23	24	23	x	x	42	25	42	47	x	8	30
78	30	45	36	52	51	30	46	89	60	43	62
29	14	27	41	22	26	64	40	28	51	30	30
46	25	25	36	18	22	24	29	56	38	14	25
34	31	27	26	46	48	27	41	45	56	25	35
25	19	15	21	31	19	33	41	56	33	22	18
27	7	24	28	x	18	24	x	23	29	24	37
25	24	20	20	16	24	25	35	51	42	18	23
36	39	18	28	17	17	39	24	40	x	16	30
25	18	14	21	4	34	15	21	47	8	11	31
55	25	28	21	21	35	21	34	50	45	11	30
50	37	20	18	16	14	13	41	44	48	17	31
59	61	33	35	32	19	32	65	35	50	19	46
50	18	18	27	x	20	35	45	x	49	10	31
31	21	22	25	12	8	12	37	51	31	13	18
8	9	x	x	15	17	27	30	28	43	16	14
27	24	24	25	13	17	26	x	x	39	7	18
31	31	26	18	17	19	25	39	48	35	21	20
44	18	21	18	11	16	38	32	48	63	8	18
21	28	27	15	12	23	28	40	47	43	16	27
-	-	-	-	-	-	-	-	-	47	13	14
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-	-	-	-	-	-	-	-	-	58	5	16
-	-	-	-	-	-	-	-	-	35	16	24
-	-	-	-	-	-	-	-	-	41	25	23
-	-	-	-	-	-	-	-	-	59	33	28
-	-	-	-	-	-	-	-	-	32	26	17
-	-	-	-	-	-	-	-	-	47	32	16
-	-	-	-	-	-	-	-	-	41	27	11
-	-	-	-	-	-	-	-	-	51	38	32
-	-	-	-	-	-	-	-	-	33	19	19
-	-	-	-	-	-	-	-	-	34	20	21
-	-	-	-	-	-	-	-	-	40	11	19
-	-	-	-	-	-	-	-	-	42	15	36
-	-	-	-	-	-	-	-	Knowle Green	23	16	27
-	-	-	-	-	-	-	-	-	0	0	2
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-	-	-	-	-	-	-	-	-	-	-	-
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Mar-04	Apr-04	May-04	Jun-04	Jul-04	Aug-04	Sep-04	Oct-04	Nov-04
31	25	38	20	28	19	31	x	15
35	27	24	24	16	18	25	8	23
33	27	18	38	8	21	33	31	38
23	13	18	23	26	12	18	28	35
29	17	15	25	23	17	34	42	52
36	8	11	21	19	20	18	28	35
21	x	25	25	19	24	34	37	44
46	x	78	36	57	33	48	59	68
50	15	23	15	26	32	29	7	14
28	7	40	18	19	16	28	35	43
47	17	6	24	41	11	14	37	44
25	28	23	14	22	21	26	32	41
31	17	5	26	18	21	23	32	41
40	21	26	32	12	16	19	x	12
15	9	15	24	30	22	29	31	39
31	13	29	21	15	23	24	21	26
47	27	15	15	19	10	8	25	31
42	15	40	18	12	32	19	35	40
42	26	36	26	32	20	27	36	44
29	29	24	15	12	19	25	27	45
x	7	22	x	17	25	22	30	33
37	9	x	16	12	10	13	x	38
25	x	17	31	x	20	21	28	29
35	16	27	20	10	22	24	38	33
17	18	25	14	19	25	27	33	29
33	9	22	20	9	32	35	35	43
37	25	36	19	6	21	31	36	45
48	24	9	24	19	36	40	44	54
46	39	36	27	44	40	49	50	62
35	8	16	16	15	24	27	21	27
52	25	24	29	19	23	30	37	47
36	49	42	17	39	41	31	56	67
35	29	33	29	17	34	27	35	44
33	24	32	21	13	37	46	54	67
61	11	24	32	23	33	39	47	58
56	21	30	33	48	38	43	24	29
13	9	32	13	11	14	22	33	40
16	21	29	17	15	12	21	3	12
x	8	x	26	10	12	24	32	37
36	24	19	28	14	12	14	32	38
33	-> green st	23	22	12	19	28	32	40
31	29	15	19	16	1	0	9	13
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
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Dec-04	Jan-05	Feb-05	Mar-05	Apr-05	May-05	Jun-05	Jul-05	Aug-05
30	x	50	37	28	x	36	16	21
34	23	44	35	32	16	26	27	x
35	23	x	46	23	21	27	13	14
27	28	34	31	22	10	24	17	16
12	33	63	8	31	22	33	26	29
25	20	38	43	29	21	19	22	19
42	21	48	44	35	21	24	27	24
43	x	96	66	65	52	37	29	32
40	29	32	49	37	16	18	34	27
1	38	40	44	12	11	25	11	20
47	49	40	46	43	18	25	21	24
31	41	37	50	18	20	15	23	7
32	20	39	x	x	x	x	x	x
23	37	39	17	17	x	25	22	15
31	34	37	43	36	19	25	22	18
31	21	44	39	22	23	28	21	15
23	32	41	39	28	28	27	17	12
22	29	36	39	21	31	28	19	9
39	50	71	37	44	27	43	18	16
24	26	46	34	28	29	28	16	12
20	19	37	32	31	28	25	12	x
28	29	25	28	x	25	24	x	19
29	23	36	40	29	23	28	13	13
17	22	34	36	29	30	36	11	12
39	23	33	37	27	24	29	20	12
33	34	37	x	16	21	29	15	1
35	29	31	47	21	30	32	26	x
41	52	37	61	32	35	44	26	24
44	44	43	42	54	33	44	37	44
33	24	27	41	33	22	25	21	11
34	32	58	48	33	23	34	x	x
45	27	44	32	42	19	33	26	11
38	33	27	47	29	23	22	46	13
45	31	43	42	50	31	31	25	14
25	34	51	60	47	18	24	25	x
37	43	56	45	27	27	27	15	x
30	x	34	25	23	26	25	16	21
29	22	41	37	23	19	26	20	18
30	16	36	32	24	21	28	21	23
28	26	44	38	23	27	33	24	17
34	44	15	55	24	24	45	13	33
1	5	10	1	1	2	0	6	x
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
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Sep-05	Oct-05	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06
x	x	x	x	x	x	x	x	x
36	36	23	47	32	44	x	30	27
x	33	25	34	36	x	17	33	18
7	21	20	28	10	14	11	23	23
38	53	30	37	29	12	19	33	20
30	36	27	38	24	28	73	25	14
31	27	21	43	37	31	17	30	25
67	61	39	46	x	54	42	52	47
40	44	53	68	47	41	25	37	38
25	37	34	35	42	x	18	24	22
46	32	29	40	27	24	24	36	24
34	31	24	41	25	29	20	21	15
x	x	x	x	x	x	x	x	x
24	24	16	40	22	17	15	24	18
29	24	31	30	32	14	17	27	22
4	24	20	28	23	21	17	20	20
18	30	24	36	32	24	22	18	20
15	23	14	27	31	20	25	21	20
35	36	31	35	27	55	14	39	40
28	24	22	x	25	28	26	31	26
24	30	33	56	22	19	15	20	22
20	34	17	38	21	18	18	19	x
25	32	30	34	35	30	19	18	21
26	27	27	41	26	12	15	26	26
22	16	19	36	33	14	20	19	13
27	30	28	x	29	25	25	38	18
31	24	26	34	21	19	x	26	23
41	50	24	35	49	10	34	41	36
57	42	44	48	33	26	32	56	64
29	21	10	42	36	28	17	25	29
19	39	23	42	28	34	25	x	31
39	55	19	38	38	13	x	34	44
39	26	25	53	27	7	24	41	30
x	48	37	46	47	37	26	27	34
30	48	40	38	31	28	32	43	43
48	43	50	45	34	28	23	40	42
38	29	28	60	34	23	17	42	24
25	23	18	41	33	25	20	25	15
20	24	17	31	23	15	14	19	13
24	27	22	32	34	20	21	19	24
39	44	35	40	26	39	25	19	22
x	x	0	2	x	3	x	x	x
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
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Jun-06	Jul-06	Aug-06	Sep-06	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07
x	27	x	x	24	30	30	52	28
14	x	25	29	24	33	28	x	38
10	34	30	27	37	40	36	46	28
12	x	23	22	19	31	27	33	23
20	37	31	31	41	31	37	35	37
7	25	25	28	19	28	30	60	31
33	32	23	27	x	35	12	x	24
24	16	61	65	x	x	x	x	x
7	41	30	35	25	58	71	35	30
23	11	27	23	27	32	33	49	36
24	24	25	26	27	41	24	60	33
18	27	22	26	19	28	33	36	34
x	26	22	24	23	37	22	47	22
3	24	27	25	21	x	23	12	26
29	22	26	23	25	x	26	28	28
14	24	16	28	26	27	33	30	28
18	28	11	26	29	33	27	28	29
23	24	26	27	35	28	30	31	30
29	30	27	38	38	40	46	40	38
24	15	24	24	27	25	32	31	23
13	21	18	23	22	19	33	23	37
15	18	11	x	x	x	23	15	28
15	17	23	25	20	28	17	x	19
26	18	30	30	30	42	37	42	31
17	21	12	19	29	37	28	33	26
26	18	21	24	18	27	24	x	22
13	37	16	20	17	45	28	37	30
37	31	20	32	40	47	39	32	25
22	52	38	47	41	65	62	67	73
26	30	27	26	22	32	27	32	28
16	10	36	26	26	46	35	19	37
x	42	x	36	51	x	x	x	x
41	22	29	29	x	34	37	40	40
37	40	23	x	x	64	49	51	30
24	33	29	25	21	48	38	41	39
13	35	35	x	x	x	x	x	x
18	18	22	22	21	28	28	25	25
16	21	20	19	21	25	30	33	22
23	22	17	25	33	22	28	n	24
35	16	16	23	22	37	34	28	20
16	24	23	18	29	44	37	20	32
2	1	1	2	1	4	2	2	2
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
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Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08
40	21	23	23	25	26	33	44	29	44	27
38	17	24	30	27	27	35	39	38	46	28
40	40	29	31	32	35	44	47	35	49	33
33	11	22	27	29	32	34	32	41	43	67
48	22	26	41	34	38	51	53	43	62	46
31	18	16	31	32	27	35	49	31	48	30
31	x	25	27	26	38	40	44	50	53	33
63	14	24	40	46	47	51	57	58	68	49
39	29	28	33	30	42	39	55	53	3	42
31	24	21	33	37	37	40	31	49	44	36
44	14	34	21	25	32	48	9	43	53	45
40	16	22	35	34	36	34	47	49	52	45
34	20	12	34	35	36	31	47	46	51	33
32	18	x	0	34	38	37	38	37	38	28
x	12	22	32	30	35	30	46	42	47	43
32	20	23	30	35	37	37	45	42	40	29
45	x	20	30	36	38	37	39	40	49	23
39	36	20	28	34	33	36	46	47	52	25
54	55	29	28	32	35	42	55	40	63	39
31	13	22	24	26	29	28	38	41	50	34
38	13	12	23	28	29	31	32	43	47	31
30	12	18	24	23	32	38	32	40	39	23
33	21	18	25	23	33	31	x	44	46	28
42	14	20	25	26	32	33	31	44	48	40
26	22	17	x	30	34	34	36	33	43	32
33	27	26	26	30	38	41	41	44	51	26
39	24	17	28	34	x	35	45	31	55	47
43	23	26	30	32	40	44	56	44	67	43
64	31	41	23	26	46	43	61	43	x	62
32	14	23	27	31	39	44	43	53	56	31
36	33	29	40	39	42	41	41	51	51	34
41	25	24	35	40	38	44	45	48	49	36
35	26	25	35	42	37	39	44	42	52	37
45	36	33	36	43	42	42	55	43	65	52
44	30	24	33	35	39	42	48	42	55	54
x	27	38	24	26	32	42	48	46	58	74
40	11	16	21	26	32	29	33	44	52	28
37	18	17	21	27	28	33	34	54	42	22
18	18	21	23	26	28	27	35	53	42	36
34	16	23	24	30	x	29	29	41	43	27
32	13	22	22	22	28	35	47	37	57	35
2	2	1	1	1	2	1	2	2	1	x
-	-	-	-	-	-	27	39	38	51	48
-	-	-	-	-	-	33	40	40	49	45
-	-	-	-	-	-	32	43	41	54	35
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-

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Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08
45	30	34	44	27	24	20	37	32
48	34	40	41	29	21	18	39	30
48	38	38	53	36	28	28	39	37
39	36	24	33	27	18	21	30	34
44	49	42	54	40	36	40	52	48
46	33	31	36	26	23	18	33	29
47	39	32	40	34	25	25	43	41
72	67	51	77	28	38	35	63	63
62	40	61	48	47	38	35	45	56
48	41	28	46	36	27	25	31	42
57	50	48	38	35	31	35	41	42
43	40	40	44	29	20	23	41	42
46	36	40	40	58	25	22	38	32
50	40	39	56	30	x	18	34	32
47	29	33	54	30	22	21	26	28
55	35	44	62	29	22	17	37	29
53	32	40	63	30	22	16	43	31
52	37	43	69	30	15	19	40	30
58	49	65	81	42	31	23	61	42
41	33	42	48	29	23	18	36	34
39	25	33	37	24	19	14	37	31
39	36	27	35	22	17	16	30	33
46	28	39	x	23	19	25	49	30
48	50	42	36	34	27	25	28	42
39	30	35	39	21	21	18	40	30
47	40	51	55	26	23	18	36	35
51	40	38	49	32	31	30	41	42
67	53	x	87	46	x	30	56	-
69	59	x	63	58	47	45	48	75
38	39	45	47	36	25	20	38	30
49	x	54	56	39	27	26	36	40
49	43	45	45	33	28	25	42	43
51	40	55	47	33	29	29	42	39
61	50	31	x	42	34	38	45	55
60	33	x	48	46	38	38	43	51
53	46	29	48	46	26	29	44	46
40	32	45	37	26	19	17	33	30
42	24	41	35	27	19	17	30	28
40	35	42	x	24	19	19	32	30
discontinued at this location						-	-	-
51	44	42	45	x	31	31	x	32
1	2	2	1	1	2	1	1	3
48	38	26	24	32	29	31	36	41
47	36	26	49	30	25	28	43	37
53	40	55	51	29	30	29	38	35
47	65	x	x	60	43	x	x	46
43	31	72	36	19	19	16	23	28

-	-	29.4	42.1	52.3	40.7	22.8	-	46.7
-	-	12.9	36.7	46	22.1	20.4	11.9	61.9
-	-	49.2	36.8	47.3	32.6	40.5	34.9	47.6

Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09
39	41	37	44	37	30	25	27	21
40	36	38	42	33	35	19	26	19
38	39	40	56	35	33	32	30	26
37	33	30	45	36 -	-	-		20
50	42	54	56	50	39	39	35	36
39	37	37	-	33	31	24	23	18
42	45	39	58	38	33	27	39	28
56	56	55	66	58	48	55	59	41
47	49	49	67	49	43	39	46	35
42	28	31	61	39	28	27	39	26
51	41	50	60	42 -		30	35	27
51	42	37	48	32 -		26	16	19
44	41	40	53	39	34	24	31	20
37	28	32	49	34	30	29	35	19
36	34	32	48	36 -		22	33	20
43	33	45	49	33	25	30	34	19
41	32	44	42	38	31	30	30	18
37	40	44	46	35	27	31	34	19
48	44	47	65	45	45	45	46	28
48	29	38	48	35	22	29	21	19
36	34	42	44	23	34	26	30	3
36	26	33	42	33	29	21	26	15
37	-	38	38	25	22	32	25	16
44	31	41	46	39	30	30	26	29
39	27	32	40	27	30	27	26	17
37	45	45	43	41	32	29	32 -	
42	35	40	44	45	44	40	35	27
51	43	56	55	65	62 -		53	32
59	49	56	78	35	53	43	63	43
42	16	26	47	43	35	34	39	25
45	29	43	51	40	36	35	32	21
46	37	50	57	42	38	35	38	26
41	42	45	50	42	37	23	32	25
47	52	49	59	47	43	40	43	35
49	48	50	52	41	36	45	41	40
56	40	45	151	31	46	42	43	30
41	38	39	51	32	29	18	24	21
35	36	36	44	29	29	25	24	17
34	36	37	44	34	28	21	25	17
-	-	-	-	-	28 -	-	-	
43	17 -		52	3	37	32	38	25
2	3	3	4	40	4	4	4	3
41	39	45	49	39	37	41	32	30
41	40	48	47	41	41	37	28	30
42	37	49	42	36	34	32	38	31
56 -	-	-		31	37	34	40	30
38	39	36	45	40	26	23	26	14

42.9	42.5	66.9	41.5	34.5	52.9	23.6	51.4	36.5
45.2	52.1	48.3	51.2	33.7	36.2	21.7	26.2	17.3
48.2	50.4	57.5	60.4	46.8	51.1	40	33.5	32.5

Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10
23	35	14	34 -	-		35	40	28
19	39	15	36 -	-		42	40	x
29	36	23	29 -	-		46	36	32
19	32	20	33 -	-		40	33	26
34	40	27	48 -	-		57	42	46
17	27	19	37 -	-		37	47	31
26	34	19	32 -	-		45	45	41
42	53	29	51 -	-		61	52	56
27	43	32	44 -	-		53	48	49
21	33	16	34 -	-		45	34	38
25	38	19	34 -	-		43	44	36
22	31	25	33 -	-		47	32	30
22	32	20	31 -	-		47	36	33
16	29	20	30 -	-		44	32	34
20	28	22	27 -	-		53	33	31
18	28	21	30 -	-		45	38	33
17	38	19	27 -	-		56	41	31
15	38	18	30 -	-		46	42	40
22	46	11	35 -	-		66	50	51
19	33	20	33 -	-		41	37	33
14	26	21	34 -	-		43	36	30
18 -		21	25 -	-		44	43	29
20	29	20	31 -	-		42	32	33
23	31	18	37 -	-		38	35	32
21	24	21	26 -	-		35	30	25
17	35	18	30 -	-		40	33	35
30	36	21	42 -	-		45	45	36
31	50	28	43 -	-		65	47	55
45	48	33	61 -	-		63	57	44
23	31	20	29 -	-		28	36	26
24	38	27	37 -	-		50	38	38
24	39	22	34 -	-		57	39	35
28	39	25	39 -	-		48	39	34
29	41	28	44 -	-	-		58	49
41	41	29	48 -	-		67	50	40
35	38	25	42 -	-		51	49	42
20	29	18	33 -	-		39	36	31
17	28	21	26 -	-		34	31	28
18	29	14 -	-	-		37	30	26
-	-	-	-	-	-	-	-	-
30	34	27	36 -	-		38	30	30
2	8	2	4 -	-		4	3	4
1	65	20	43 -	-		43	46	31
28	30	22	39 -	-		52	43	43
-	28	22	38 -	-		41	46	31
26	22	23	32 -	-		35	46	41
17	26	18	29 -	-		39	32	29

36.1	34.3	42.7	42.3
20.4	26.3	31.1	30.2
36.6	39.8	48.8	38.8

May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11
28	23	x	x	27	33	38	45	38
30	28	23	28	29	33	46	48	37
34	28	24	27	38	42	52	54	48
27	43	19	21	29	29	55	42	43
34	39	34	34	44	42	65	50	51
22	29	17	21	28	31	49	49	34
37	31	x	29	x	43	46	46	52
58	16	39	37	54	59	63	62	67
40	43	33	36	51	44	60	65	56
28	30	21	23	39	37	51	52	46
34	28	34	31	34	39	47	46	49
27	29	17	22	33	42	50	45	108
24	23	20	19	30	33	40	47	44
22	24	x	17	34	36	46	47	43
28	20	17	19	32	36	-	50	40
28	27	14	20	28	36	47	54	45
30	30	16	29	31	40	53	58	43
32	24	17	25	31	36	54	59	46
42	40	23	31	34	45	47	64	60
32	x	14	35	27	37	45	44	45
24	23	16	14	22	33	45	51	-
25	21	17	23	24	32	39	41	44
24	22	16	14	28	32	49	-	40
x	x	23	27	33	36	41	50	47
22	19	12	19	29	26	49	44	38
36	x	16	24	30	39	40	54	42
29	33	27	25	35	45	57	48	53
39	41	28	20	49	51	68	64	59
51	46	45	37	53	62	46	64	69
23	29	23	24	33	34	47	44	45
31	31	23	30	33	36	53	54	52
32	29	23	24	27	44	48	49	44
33	30	25	28	34	40	54	51	50
42	40	36	32	42	48	57	48	57
33	21	31	30	38	48	67	44	49
37	23	28	37	39	50	45	62	54
28	21	19	28	28	30	38	38	48
25	20	16	17	22	x	-	42	38
25	23	15	19	23	31	42	44	33
						5		
31	35	x	x	37	40	49	50	49
3	5	3	3	3	3		4	3
31	27	28	24	39	40	47	46	46
30	30	26	23	39	41	47	44	43
27	30	23	21	37	40	40	28	45
32	35	24	29	34	36	43	46	48
x	15	x	x	25	x	-	42	44

Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
19 -		33	20	22	28	24	4	28
18	46	40	21	20	24	24	21	43
22	33	33	26	30	34	26	29	33
21	35	42	-	21	-	-	-	27
26	55	37	37	41	36	34	25	47
-	37	14	13	20	20	21	20	24
24	42	33	21	26	31	23	25	31
34	71	-	43	46	53	41	46 no sample	
32	55	36	30	40	30	37	36	46
24	48	26	26	29	-	-	42	33
23	43	27	20	31	29	23	26	31
26	42	32	20	23	21	27	26	28
26	40	28	20	23	22	27	28	28
23	47	35	19	21	22	20	23	26
23	40	26	20	18	23	26	23	24
22	44	33	14	18	26	19	22	23
25	52	40	20	20	24	21	20	23
23	53	36	19	7	26	22	21	26
-	63	43	34	29	40	30	27	35
21	47	31	18	21	24	26	22	24
-	46	27	9	20	18	20	22	25
17	42	27	16	19	19	19	18	22
22	-	-	-	19	21	19	23	25
22	34	34	21	29	25	26	27	28
22	41	26	0	19	19	23	16	24
24	49	-	0	19	25	28	23	24
29	48	42	26	30	26	33	34	33
38	75	46	36	36	45	30	36	45
41	64	52	36	52	41	46	56	49
22	35	36	26	24	26	28	23	28
28	53	41	15	33	6	31	27	31
25	46	29	24	25	23	27	26	29
29	43	38	25	34	31	33	33	36
35	53	40	35	-	40	37	40	46
33	53	31	27	39	29	38	43	40
32	51	-	33	36	29	33	37	42
20	40	27	16	18	22	23	23	25
20	41	24	14	16	18	22	-	22
22	39	26	15	18	26	22	22	25
24	47	34	29	-	27	32	32	32
3	5	4	3	2	5	6	5	2
28	48	35	26	29	29	32	37	16
28	45	37	28	31	28	30	35	33
26	44	38	25	32	28	29	37	30
27	49	36	26	30	27	31	27	39
19	38	29	-	18	19	20	21	24

Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12
30	25	33	39	No sample	28	23	23	24
44	No sample	-	-	-	-	-	-	-
44	28	37	46	40	35	36	29	28
36	25	32	40	28	22	No sample	24	29
59	36	49	no sample	56	18	39	no sample	21
35	20	32	36	37	27	20	18	20
38	17	48	49	30	31	28	23	28
60	no sample	54	67	52	39	56	35	42
58	32	29	52	49	31	39	37	35
45	34	38	50	53	45	no sample	no sample	30
40	33	36	41	33	25	29	26	32
41	23	36	42	35	25	29	24	26
32	27	-	-	-	-	-	-	-
44	23	35	42	31	22	29	25	23
43	25	-	-	-	-	-	-	-
45	20	33	38	31	24	35	27	21
40	19	29	37	42	24	33	25	21
51	17	29	38	30	26	28	22	28
50	30	50	66	47	40	41	34	26
34	22	40	42	40	25	28	21	18
37	22	30	43	37		25	16	20
33	21	25	38	29	25	23	14	17
37	23	30	32	40	19	26	23	18
37	33	41	43	37	26	24	21	20
33	22	-	-	-	-	-	-	-
44	24	29	46	35	28	30	25	38
42	27	37	45	39	37	34	30	23
64	29	45	47	54	34	50	34	25
41	57	43	68	4	77	47	39	29
32	27	-	-	-	-	-	-	-
40	33	48	57	40	39	31	32	51
46	23	39	41	39	32	25	22	28
48	14	44	48	28	40	31	29	45
54	36	42	22	47	30	33	35	33
53	35	no sample	no sample	21	34	34	37	34
45	26	46	54	40	38	32	36	No sample
32	25	-	-	-	-	-	-	-
33	20	32	39	34	21	23	19	46
35	21	27	37	26	28	12	17	18
41	35	43	no sample	40	43	31	28	19
3	4	3	3	4	5	3	5	6
47	34	39	46	37	33	27	34	31
49	36	45	34	42	27	31	29	31
41	33	41	47	47	32	30	28	32
38	26	35	36	33	31	30	28	27
36	19	26	61	31	24	29	18	20
		28	45	40	34	33	27	24
		no sample	36	38	29	32	35	36
		33	42	40	27	29	23	28
		no sample	56	34	34	48	36	42

35	46	35	32	35	27	25
46	36	36	30	33	29	30
37	47	40	36	29	29	29
46	49	46	32	33	31	31

	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13
	24	33	37	45	37	37	41	49	39
	-	-	-	-	-	-	-	-	-
	26	38	50	50	43	49	38	45	37
	28	37	no sample	no sample	36	42	39	41	33
	48	62	52	-	65	41	58	60	55
	20	29	38	30	34	44	38	44	37
	31	37	46	48	39	52	36	57	44
	51	52	72	no sample	56	72	30	72	55
	46	55	54	67	52	51	48	43	50
	32	43	47	55	47	45	no sample	88	45
no sample	no sample	no sample		52	40	47	24	41	39
	25	36	43	51	44	51	32	51	37
	-	-	-	-	-	-	-	-	-
	26	30	no sample	43	36	35	41	43	39
	-	-	-	-	-	-	-	-	-
	21	34	43	43	24	45	-	92	46
	32	33	39	40	34	38	52	70	47
	25	30	44	49	37	34	41	52	42
	29	no sample	33	48	42	55	45	68	44
	22	30	43	46	37	50	41	51	41
	27	35	41	40	34	45	33	46	34
	20	31	35	16	33	41	39	48	34
no sample		30	38	43	32	44	33	48	No sample
	23	41	19	38	30	32	37	44	37
	-	-	-	-	-	-	-	-	-
	35	32	45	44	34	48	39	57	43
	30	42	42	47	40	49	45	45	50
	39	51	57	59	47	58	42	59	no sample
	57	70	67	72	64	61	62	63	62
	-	-	-	-	-	-	-	-	-
	34	48	38	44	45	51	55	46	41
no sample		42	49	55	41	46	42	49	36
	33	44	no sample	41	42	50	46	41	46
	45	7	33	56	49	51	No sample	52	46
	34	52	52	68	52	62	44	46	45
	39	52	47	55	53	56	45	53	56
	-	-	-	-	-	-	-	-	-
	23	26	36	40	26	36	29	43	34
	20	27	29	38	33	35	35	45	34
	39	46	43	32	46	53	45	49	44
	5	6	4	6	5	5	7	7	8
	41	44	48	55	47	46	no sample	49	no sample
	48	41	47	53	44	44	43	41	50
	40	44	46	53	46	54	39	41	44
	29	41	42	36	39	45	24	52	43
	19	29	36	42	32	31	31	45	31
	27	30	46	49	46	33	22	70	42
	42	35	50	56	35	39	37	52	53
	33	45	46	50	43	45	44	46	46
	45	59	7	61	25	60	no sample	50	66

7

27	46 no sample	62	46	57	21 no sample	40		
33	31	49	44	33	55 no sample	47	41	
29	49	41	29	44	53	45	46	44
37 no sample	no sample	60	44	50	39	57	46	

May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13
25	31	31	29	36	29	43	37
-	-	-	-	-	-	-	-
34	40	41	29	46	39	46	42
27	28	32	17	34	30	No sample	-
37	31	no sample	no sample	no sample	41	57	59
24	26	23	20	36	30	41	35
32	40	33	30	43	33	43	44
39	59	61	46	60	no sample	73	61
32	40	46	42	46	50	64	58
36	40	48	56	88	67	89	102
32	30	35	36	42	37	56	48
27	28	30	27	30	33	44	45
-	-	-	-	-	-	-	-
29	29	33	27	36	28	42	29
-	-	-	-	-	-	-	-
28	32	33	26	27	-	44	33
28	37	32	25	33	21	39	33
28	32	36	22	28	23	38	30
37	44	38	38	47	35	42	38
24	40	42	26	39	29	45	40
22	24	27	29	-	56	41	38
24	25	28	24	34	25	43	30
17	24	27	22	32	28	38	36
26	42	28	24	36	32	44	44
-	-	-	-	-	-	-	-
26	39	33	29	45	32	44	35
29	35	43	36	47	39	43	52
27	no sample	32	24	45	40	56	72
37	52	57	60	58	64	74	66
-	-	-	-	-	-	-	-
34	43	41	33	52	42	53	46
30	37	33	No sample	No sample	34	46	39
27	36	45	34	45	36	54	48
39	39	42	41	47	-	82	55
30	38	43	45	47	39	57	66
No sample	47	46	44	52	45	48	44
-	-	-	-	-	-	-	-
25	no sample	26	22	31	24	35	28
24	27	29	41	35	28	36	32
no sample	37	35	39	45	38	49	50
5	6	no sample	6	7	6	5	4
33	35	no sample	29	43	40	42	53
29	38	no sample	28	43	37	43	55
43	38	no sample	30	40	39	49	50
31	34	33	35	47	34	52	45
23	28	30	22	36	28	42	45
29	42	44	29	38	37	41	43
27	31	44	33	45	36	34	62
25	no sample	40	31	145	38	36	44
46	51	61	45	53	41	56	52

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	36	35	43	31	45	36	44	41
no sample		40	37	32	42	29	48	no sample
29	no sample		45	33	37	42	52	41
29	35	43	29	44	40	52	37	

Site Ref	Location	2002		2003		2004	
		Ave*	%**	Ave*	%**	Ave*	%**
SP1	Staines High Street	44.6	83	43.8	92	35.6	92
SP2	Market Square, Staines	32.7	75	39.5	100	31.7	100
SP3	Wraysbury Road	38.3	83	37.6	100	37.8	100
SP4	Benwell Centre, Sunbury	29.7	100	29.7	92	31.2	100
SP5	Church Street, Ashford	52.2	100	51.4	100	37.9	100
SP6	Goffs Road, Ashford	31.3	100	25.5	100	30.8	100
SP7	Common	41.6	100	38.8	75	39.0	92
SP8	High Street, Shepperton	74.1	100	61.1	100	72.4	92
SP9	The Parade, Sunbury	41.2	92	41.8	100	36.0	100
SP10	Sunbury	36.9	100	40.3	100	31.7	100
SP11	Walton Bridge Road	45.0	100	44.7	100	40.3	100
SP12	Halliford Bypass	34.9	83	36.2	100	35.1	100
SP13	Stanwell New Road, Stanwell North	41.0	100	26.8	83	35.6	100
SP14	Shortwood County Infant School, Stanwell North	42.2	100	36.8	100	30.6	92
SP15	Flintlock Close, Stanwell	36.6	92	35.2	92	33.7	100
SP16	Horton Road, Stanwell Moor	30.0	92	26.3	92	32.0	100
SP17	Oaks Road/Russell Drive, Stanwell South	30.8	92	41.1	92	30.2	100
SP18	Oaks Road/Russell Drive, Stanwell South	29.5	92	37.0	92	37.4	100
SP19	Oaks Road/Russell Drive, Stanwell South	46.8	100	50.6	100	45.5	100
SP20	Bedfont Road/Long lane, Stanwell South	33.5	100	42.2	83	33.6	100
SP21	Greenlands Road, Staines	34.7	100	35.7	100	28.8	83
SP22	Lincoln Way, Ashford	27.8	92	25.5	83	26.8	83
SP23	Manor Mead School Shepperton	27.6	92	30.6	83	31.3	83
SP24	Greeno Crescent, Shepperton	43.0	100	35.9	100	32.8	100
SP25	Yeoveney Close, Staines	33.5	100	37.7	100	31.5	100
SP26	Moor Lane, Staines	32.1	100	33.1	100	36.4	100
SP27	St Mary's Crescent, Staines					36.8	100
SP28	Church Street, Staines					45.8	100
SP29	London Road, Staines					53.1	100
SP30	London Road, Staines Horton Road, Stanwell Moor					30.3	100
SP31	Ashford Hospital, Stanwell					42.6	100
SP32	Feltham Road, Ashford					56.1	100
SP33	Ford Close, Ashford					42.2	100
SP34	School Road, Ashford					48.7	100
SP35	Vicarage Road, Sunbury					45.3	100
SP36	St Ignatius School, Sunbury					49.7	100

SP37	Nr Abbeyfields, Thames Side, Laleham		29.5	100
SP38	Laleham CofE primary, Laleham		25.0	100
SP39	Knowle Green, Staines		29.1	83
SP40	Knowle Green, Staines		34.3	100
SP41	Green Street, Sunbury		36.1	75
SP43	The Haven, Sunbury			
SP44	The Haven, Sunbury			
SP45	The Haven, Sunbury			
SP46	Elmsleigh Centre			
SP47	Hadrian Way, Stanwell			
SP48	Riverside Road, Stanwell			
	Runnymede Cottages, Moor Lanes, Staines-upon-Thames			
SP49				
	Waterside Close, Charlton Road, Shepperton			
SP50	Linden Place, Fairfield Avenue, Staines-upon-Thames			
SP51	Staines Road East, Sunbury			
SP52	Chertsey Bridge Road, Russell Road, Shepperton			
SP53	Green Lane, Shepperton			
SP54				
SP55				
* Ave = Annual average NO2 results (bias adjusted)				
** % = % of data captured				

2005		2006		2007		2008		20
Ave*	%**	Ave*	%**	Ave*	%**	Ave*	%**	Ave*
45.1	50	38.0	33	34.3	100	33.3	100	31.2
45.2	92	39.2	83	34.6	92	33.7	100	30.6
37.3	83	39.6	92	40.3	100	37.9	100	35.2
31.0	100	26.8	92	31.8	100	33.3	100	30.8
48.4	100	38.9	100	43.3	100	45.3	100	43.7
41.0	100	37.2	100	36.1	100	31.8	100	27.9
43.9	100	37.6	92	37.9	83	37.2	100	35.6
77.2	92	61.8	67	49.6	83	54.6	100	53.2
53.6	100	51.9	100	39.8	92	47.5	100	45.2
39.8	100	35.1	92	38.2	100	35.8	100	33.9
49.6	100	37.2	100	36.7	100	42.8	100	37.8
40.9	100	32.3	100	38.4	100	38.3	100	30.3
42.5	17	35.2	50	36.7	100	37.9	100	33.0
36.1	92	27.3	92	32.9	83	35.6	100	30.8
41.8	100	32.8	92	33.9	92	33.6	100	30.2
34.7	100	30.7	100	35.2	100	36.3	100	31.7
39.8	100	32.9	100	37.7	92	35.5	100	31.9
34.9	100	35.4	100	38.2	100	36.4	100	32.2
53.2	100	48.3	100	45.1	100	48.6	100	41.5
38.4	92	35.0	100	31.4	100	34.6	100	30.3
42.8	92	28.2	100	31.4	100	30.0	100	28.4
37.3	92	24.5	67	29.2	100	28.3	83	27.6
39.1	100	30.6	100	31.1	83	32.4	100	28.3
39.7	100	36.3	100	34.3	83	37.3	100	33.4
35.8	100	29.9	100	32.2	92	30.9	100	27.8
34.3	83	33.5	100	36.5	92	36.6	100	33.8
43.3	92	33.0	92	36.1	92	39.8	100	38.6
55.3	100	47.5	100	40.8	100	52.9	75	49.9
63.8	100	61.4	100	49.9	92	57.6	92	53.3
36.7	100	37.1	100	37.3	100	33.9	100	33.6
50.5	83	39.0	92	40.5	100	39.5	92	36.7
46.2	100	50.5	58	41.2	83	39.3	100	38.7
46.0	100	40.0	92	40.4	100	40.4	100	36.8
52.1	92	52.6	83	46.0	100	46.1	92	43.7
54.3	92	45.1	100	41.7	100	46.2	92	44.3
55.8	92	42.8	67	40.2	75	44.8	100	39.6

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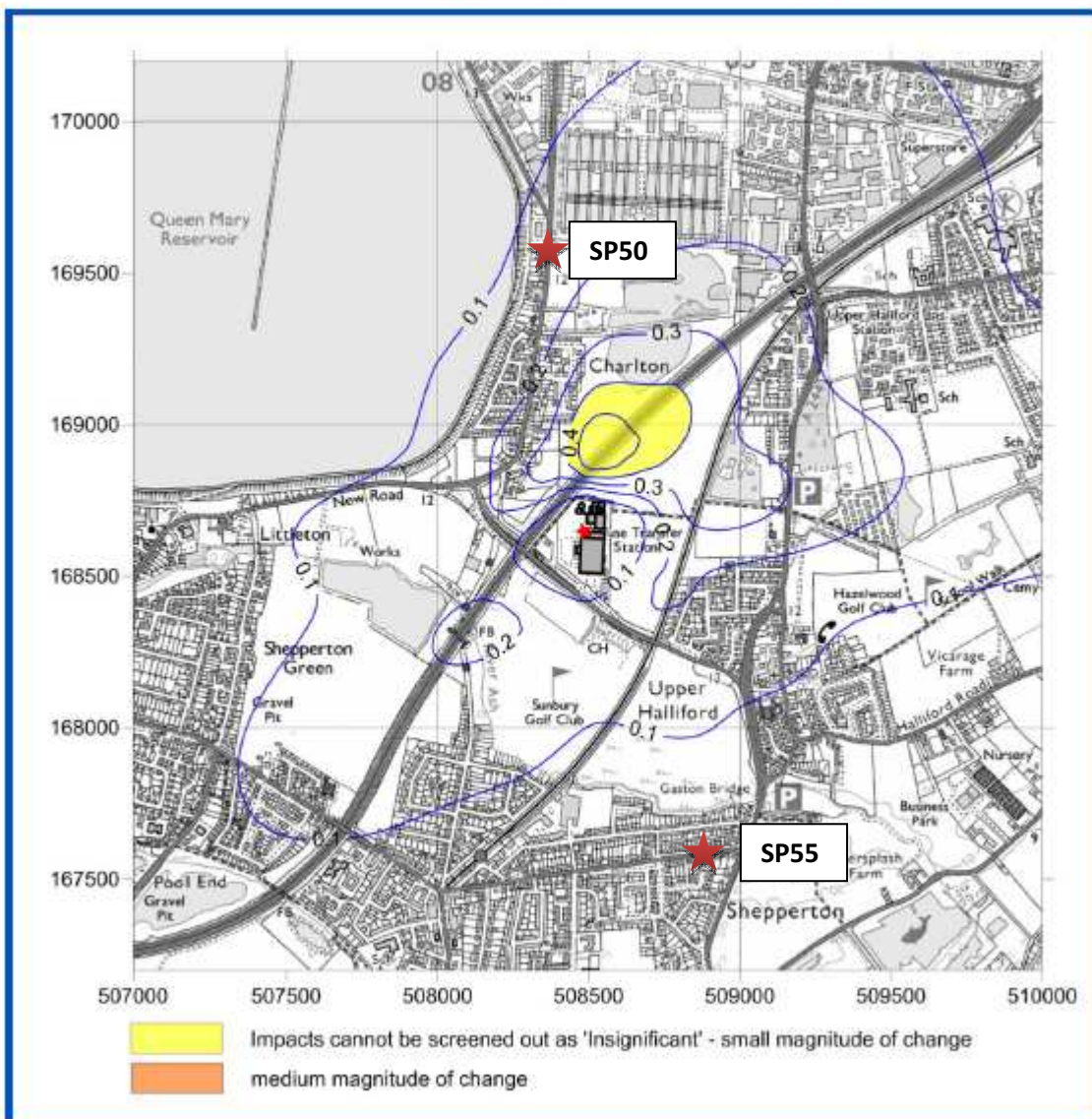
42.5	92	33.9	100	31.3	100	32.2	100	30.0
37.6	100	30.8	100	32.3	100	29.7	100	28.2
35.2	100	29.0	100	30.4	92	31.5	92	28.0
40.4	100	34.4	92	30.5	83	27.0	N/A	
49.3	100	36.8	100	32.4	100	37.1		36.3
						36.1	100	42.1
						37.3	100	37.3
						39.5	100	36.8
						52.8	50	32.1
						33.1	92	28.6

09	2010		2011		2012		2013	
	Ave*	%**	Ave*	%**	Ave*	%**	Ave*	%**
92	32.7	75	25.6	92	29.3	92	34.2	100
92	34.4	83	31.9	92	-		-	-
92	37.1	92	33.5	100	35.5	100	38.9	100
67	32.7	92	32.5	67	28.5	75	31.0	92
92	43.8	92	41.9	100	42.4	83	46.8	75
83	32.5	92	24.4	92	26.4	100	31.8	100
92	39.9	75	31.5	100	33.9	100	39.0	100
92	50.1	92	53.2	75	48.7	92	54.8	92
92	46.9	92	42.3	100	42.3	100	45.6	100
92	35.7	92	36.7	83	40.9	83	61.4	92
83	37.4	92	32.5	100	32.4	75	37.4	100
83	33.7	92	36.1	100	32.2	100	34.8	100
92	31.7	92	30.0	100	0.0		-	-
92	33.3	83	30.0	100	28.9	92	32.9	100
83	31.6	83	28.7	100	-		0.0	-
92	33.3	92	28.7	100	29.0	100	39.0	100
92	37.3	92	30.1	100	30.1	100	36.4	100
92	36.5	92	30.1	100	29.9	100	32.5	100
92	44.4	92	41.7	92	38.6	92	42.5	100
92	34.2	83	29.0	100	30.4	100	37.4	100
92	30.3	92	25.6	83	29.4	92	34.5	100
83	30.4	92	25.7	100	23.7	100	31.6	100
92	28.9	83	26.5	75	28.0	92	30.5	92
92	34.7	75	31.5	100	28.1	100	34.1	100
92	27.8	92	24.5	100	-		-	-
83	34.4	83	28.5	92	32.6	100	37.6	100
92	38.2	92	36.7	100	34.6	100	41.0	100
83	47.4	92	46.7	100	42.0	100	43.7	83
92	51.1	92	52.3	100	49.4	100	57.3	100
92	31.2	92	30.5	100	-		-	-
92	37.5	92	33.8	100	39.3	100	43.0	100
92	36.6	92	31.8	100	34.9	92	37.6	83
92	37.4	92	35.9	100	35.9	92	40.6	100
92	44.7	83	44.7	92	33.5	100	47.4	92
92	42.2	92	40.7	100	38.9	83	45.0	100
83	41.7	92	39.5	92	41.6	92	46.8	92

7

92	30.2	92	27.6	100	-		0.0	-
92	25.8	75	25.3	92	28.3	100	29.1	92
83	28.3	92	26.3	100	24.2	100	32.1	100
					-		0.0	
75	37.3	75	36.1	92	34.7	92	42.2	92
83	36.1	92	35.3	100	37.4	100	39.5	75
92	37.6	92	36.7	100	36.6	100	39.4	92
83	32.8	92	35.4	100	37.7	100	40.8	92
75	36.0	92	38.1	100	31.5	100	38.0	100
92	28.9	58	27.1	92	28.4	100	31.4	100
					33.2	100	37.6	100
					35.8	92	39.4	100
					34.0	100	47.1	100
					37.8	92	50.7	92
					35.2	92	37.4	92
					33.3	100	39.6	92
					34.0	100	40.8	92
					38.0	83	40.1	100

Figure A.5: Annual Mean Nitrogen Dioxide Process Contribution – 2006



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TO: PLANNING & REGULATORY COMMITTEE DATE: SEPTEMBER 2014
 BY: PLANNING DEVELOPMENT CONTROL TEAM
 MANAGER
 DISTRICT(S) WAVERLEY BOROUGH COUNCIL ELECTORAL DIVISION(S):
 Waverley Eastern Villages
 Mrs Young

PURPOSE: FOR DECISION GRID REF: 499154 135398

TITLE: MINERALS/WASTE WA/2014/0939

SUMMARY REPORT

Chiddingfold Storage Depot, Chiddingfold Road, Dunsfold, Godalming, Surrey, GU8 4PB.

Retention of 4 containers for storage purposes in connection with existing waste facility.

The application site related to the four storage containers is a long-standing industrial site and an existing waste management facility which is not located within the Metropolitan Green Belt. The waste management facility comprises industrial scale buildings and a large open concrete yard all used in connection with the importation, deposit, storage, processing and transfer of discarded automotive parts.

Officers consider that the siting and use of the storage containers within and in connection with the existing waste management facility amounts to “ancillary development” which would not ordinarily require the benefit of planning permission¹. However, condition 2 of planning permission Ref. WA/2013/1223 prevents the siting and erection of buildings without the prior approval of the CPA.

In this context, the applicant is perfectly entitled to choose to store materials, plant or machinery in the open yard area of the existing waste management facility without the benefit of planning permission subject to that storage not impeding upon the approved layout of the facility or those storage activities leading to a breach of any of the planning conditions imposed upon planning permission Ref. WA/2013/1223.

Indeed ancillary storage activities, over and above those associated with the storage containers, already take place along the south-eastern boundary of the facility as shown in the photographs accompanying this report. The only difference between what is being proposed and what can legitimately take place on site in terms of storage is the fact that the applicant is seeking permission to site and use storage containers in accordance with condition 2 of planning permission Ref. WA/2013/1223 for security purposes.

The storage containers are to be located within the existing confines of the waste management facility and along its south-eastern boundary between previously approved vehicle parking spaces². The storage containers have been cited on this boundary and used in conjunction with the existing waste management facility since before October 2013 but, for whatever reason, were not included in the WA/2013/1223 proposal.

¹ The Encyclopaedia of Planning Law and Practice at P55.39

² Ref. WA2014/0056

The total storage space to be provided by the storage containers do not represent a material increase of floorspace over that which currently exists within the permanent and substantially constructed buildings located on the wider site. Moreover, the storage containers would certainly not occupy a materially larger area of the waste management facility than the existing buildings.

The adjacent residential property's ³ curtilage is located approximately 40m away with intervening established woodland extending from the boundary of the waste management facility which is defined by a 2m (6ft) high close boarded fence. The waste management facility's northern boundary adjacent to Chiddingfold Road is defined by established hedgerows and trees. Part of Building A and B's facades and roof profiles, existing fencing and security access gate can be seen from Chiddingfold Road and this has been the case since before the applicant commenced occupation of the site. However, Officers do not consider that the storage containers would be visible for any public vantage point despite their current colour and intended location.

In the context of the scale and nature of the existing waste management facility Officers consider that the storage containers are modest and well related to the permitted use of the land concerned. Officers also consider the proposal to be proportionate and reasonable in the circumstances. However, so as to provide some degree of visual mitigation, as suggested by local residents, Officers consider that the painting the containers matt black would be appropriate and reasonable as this colour is likely to be absorbed into the shadows of the adjacent woodland. Any planning condition to this effect would be enforceable by the CPA.

Handling of materials, plant and equipment for storage purposes within an existing waste management facility, and specifically the open yard area, will create a degree of noise. This would be no different to the storage of materials in the proposed storage containers. Accordingly, Officers do not consider that the proposal amounts to an increase in site activity or an intensification of the permitted use of the land.

The waste management facility is subject to a range of planning conditions which seek to control hours of operation, site activities and noise arising from such activities in the interests of local amenity. Should planning permission be granted for the retention and use of the storage containers the planning conditions imposed upon planning permission Ref. WA/2013/1223 would apply equally to the use of the storage containers.

The recommendation is GRANT planning permission Ref. WA/2014/0939 subject to conditions.

APPLICATION DETAILS

Applicant

Refine Metals (UK) Ltd.

Date application valid

14 May 2014

Period for Determination

13 August 2014

Amending Documents

None

³ Larchwood

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Principle of the Development	Yes	35 - 52
Noise, Visual and Landscape Impact	Yes	53 - 74

ILLUSTRATIVE MATERIAL

Site Plans

Drawing: 100/03 Block Plan Location Plan Rev. G dated December 2012

Drawing: 100/05 Plan 2 Rev. B dated 10 December 2013

Aerial Photographs

Aerial 1

Aerial 2

Site Photographs

Figure 1 – Storage containers along south-eastern boundary 1

Figure 2 – Storage containers along south-eastern boundary 2

Figure 3 – South-eastern boundary screening

Figure 4 – Eastern boundary screening

Figure 5 – Close up photograph of storage containers

BACKGROUND

Site Description and Planning History

1. The application site measures some 0.68ha and is situated approximately 1.9km east of Chiddingfold and some 1.7km south-west of Dunsfold. It comprises two existing buildings ("Buildings A and B") and an open concrete yard with existing open-sided storage sheds.
2. Building A measures 2,747m² and includes mezzanine flooring of 560m². This building is used to sort, catalogue and store discarded automotive parts and houses a number of ancillary office, technical, and staff-welfare facilities. A small converted boiler room (some 35.08m²) protrudes from Building A's south-eastern façade which is used for ancillary office accommodation.
3. To the south-east of Building A is the smaller Building B which measures 220m² and is used to process (cutting and decanting) discarded catalytic converters. The open yard comprises concrete hardstanding and open-sided storage sheds located to the west of Building A and along the application site's south-western boundary. The application site is accessed off Chiddingfold Road via security gates between Buildings A and B.
4. The application site is located within an Area of Great Landscape Value ("AGLV") which has been designated a candidate area for inclusion in the Surrey Hills Area of

Outstanding Natural Beauty (“AONB”). It is not situated within the Metropolitan Green Belt.

5. In respect of local dwellings, Wetwood and Millmead cottages are located immediately east of the application site’s north-eastern boundary beyond Chiddingfold Road. Larchwood abuts the application site to the south-east beyond a small block of woodland. Woodside Cottage (designated by Waverley Borough Council as a building of Local Merit) and a horse riding stable establishment are located some 190m to the northwest of the application site along Chiddingfold Road. Several large agricultural sheds associated with Wetwood Farm are situated about 100m to the north-east of the application site beyond Wetwood Cottage and Millmead Cottage respectively. Further dwellings are clustered around the junction of Chiddingfold Road, Plaistow Road, Wrotham Hill and Dunsfold Common Road some 1km to the south-west.
6. In October 2013 Surrey County Council granted planning permission Ref. WA/2013/1223 for *“the importation, deposit, storage and transfer of discarded automotive parts (class B8); importation, deposit, storage and processing of discarded catalytic converters; together with external alterations to the former boiler room, additional vehicle parking spaces and installation of passive infrared lighting.”*
7. This decision notice was followed by notice Ref. WA2014/0056 dated April 2014 which approved details of a scheme for the parking and turning of vehicles and a delivery management plan, and a scheme for repair and maintenance of the concrete yard surface. These details were submitted pursuant to conditions 13, 14, and 15 of planning permission ref: WA/2013/1223.
8. In April 2014 the applicant submitted an application (Ref. WA/2014/0863) to vary a number of planning conditions relating to planning permission Ref. WA/2013/1223. At the time of writing this report application Ref. WA/2014/0863 remains undetermined.

THE PROPOSAL

9. Condition 2 of planning permission Ref. WA/2013/1223 states that, *“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that Order with or without modification), no plant, buildings, structures or machinery (other than those expressly authorised by this permission), whether fixed or moveable, shall be stationed, erected, or constructed on the application site without the prior written approval of the County Planning Authority.”*
10. Consequently, the proposal subject to this report seeks planning permission for the retention and continued use of four storage containers located within the application site in accordance with condition 2 of planning permission Ref. WA/2013/1223 as set out in the preceding paragraph.
11. The applicant explains that the four storage containers are required so as to provide secure storage of materials associated with the lawful use of the land and buildings concerned i.e. the existing waste management facility.
12. The storage containers have been located, and used for the purposes applied for, on the application site since before planning permission Ref. WA/2013/1223 was granted in October 2013. The proposal includes their continued positioning along the south-eastern boundary of the waste management facility as shown on Drawing Ref. 100/05 Plan 2 Rev B dated 10 December 2013.
13. The storage containers each measure 12m x 2.2m and are currently painted orange.

CONSULTATIONS AND PUBLICITY

Consultees (Statutory and Non-Statutory)

14. Waverley Borough Council

- Object "as it has not been satisfactorily demonstrated that the proposal would not adversely affect the residential amenities of the area, in particular in relation to the noise impact."
-

Parish/Town Council and Amenity Groups

15. Dunsfold Parish Council

- Object as "these are four very large, very high and very bright orange shipping containers. These containers are intrusively and unacceptably visible for the residents of Larchwood in this rural landscape.
- Furthermore their location on the boundary of Larchwood garden means that any noise relating to filling and emptying of these containers has a serious adverse effect on the amenity and quiet enjoyment of the residents of Larchwood."

Summary of publicity undertaken and key issues raised by public

16. The application was publicised by the posting of a single site notice and an advert was placed in the Surrey Advertiser on 30 May 2014. A total of 10 owner/occupiers of neighbouring properties and other interested parties were directly notified about the proposal by way of letter dated 30 May 2014.

17. Three public objections have been raised with regards to the proposal. A summary of the material points raised by objectors is as follows:

- For what storage activity will these shipping containers be used?
- We appreciate that the applicant erected partial fencing around some of the perimeter of the site but unfortunately it is not high enough and we can still see the containers
- Driving a forklift up a metal ramp into the shipping containers currently produces a metallic booming noise which echoes around the yard and the perimeter fence does not reduce this noise
- The applicant places loose metal, crates and sundry items on top of the containers exacerbating the noise issue
- The applicant has a huge high security building similar to an aircraft hangar in size, why does it need any more storage capacity?
- The additional storage capacity proposed is excessive and unjustified
- The retention of four large luminously bright orange storage containers is at odds with any planning guidelines or rules whether local or national
- Local residents enjoy significant protection from unauthorised or inappropriate development as outlined in policies C2, C3, RD1, D1, D2, D3, PPG24, NRM7, NRM10 and DC3
- The presence of the containers has and continues to have a significant impact on the residential amenity and conflicts with the character of the area

THE DEVELOPMENT PLAN

18. Surrey County Council, as the County Planning Authority ("CPA"), has a duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
19. Section 70(2) of the Town and Country Planning Act 1990 ("the 1990 Act") requires the CPA, in determining planning applications, to have regard to (a) the provisions of the Development Plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations. At present in relation to the development proposed the Development Plan comprises the Surrey Waste Plan 2008 ("SWP") and the saved policies of the Waverley Borough Local Plan 2002 ("WLP").
20. The National Planning Policy Framework ("the Framework") was adopted in March 2012. This document provides national guidance to local planning authorities in making decisions in respect of planning applications. The Framework is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The guidance document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors.
21. The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved whilst refusals should only be on the basis of conflict with the Development Plan and other material considerations.
22. The Framework states that policies in local plans should not be considered out of date simply because they were adopted prior to publication of the Framework. However, the policies in the Framework are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework - the closer the policies are to the policies in the Framework, the greater the weight they may be given.
23. One local resident and objector has made reference to policies of the South East Plan 2009 ("SEP")⁴. However, In May 2010 the Government announced its intention, through the Localism Bill, to abolish this Regional Spatial Strategy. By letter dated 6 July 2010 the Secretary of State revoked the SEP. Accordingly, the SEP no longer forms part of the Development Plan and is not a material consideration in respect of any planning application to be determined by Surrey County Council or any other local planning authority in the south-east of England.

PLANNING CONSIDERATIONS

Metropolitan Green Belt

24. The application site is not located within the Metropolitan Green Belt and therefore there is no need for the applicant to demonstrate that there are one or more factors which amount to 'very special circumstances' that clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, and any other harm, in accordance with Green Belt planning policy and guidance.

Surrey Hills Area of Outstanding Natural Beauty and Areas of Great Landscape Value

⁴ Policies NRM7 and NRM10

- 25. The application site is however located within “land beyond the Green Belt” and in an Area of Great Landscape Value (“AGLV”) and therefore, in considering the proposal, Officers will have regard to any relevant planning policies in these respects.
- 26. Further, the application site is located within a designated Candidate Area that will be considered by Natural England for inclusion within the Surrey Hills Area of Outstanding Natural Beauty (“AONB”) during the period 2014 to 2019⁵. However, Natural England will be undertaking a boundary review of the Suffolk Coast and Heaths AONB (starting in early 2014/15) and has indicated to the Surrey Hills AONB Board that it will not run two boundary reviews concurrently on the basis that it will want to draw on the experience with the Suffolk Coast and Heaths variation order work to inform the Surrey Hills AONB approach⁶. Accordingly, the best estimate is therefore that Natural England will be in a position to progress the work on the Surrey Hills AONB review in approximately 12-20 months⁷.
- 27. Consequently the Surrey Hills AONB Board has advised that, for planning purposes, the Candidate Areas proposed for inclusion within the AONB do not currently carry any weight in respect of their candidate status in so far as the protection afforded to the AONB by the National Planning Policy Framework 2012 and the relevant policies of the Development Plan are concerned⁸.

Ancient Woodland and Designated Sites

- 28. The waste management facility abuts Birchen Copse (Ancient Semi Natural Woodland) which includes the Chiddingfold Forest Site of Special Scientific Interest (SSSI) some 60m from the western boundary of the application site. However, having regard to the scale and nature of the proposal, considering the well defined and contained existing waste management facility, and recognising that the proposal would not lead to development being undertaken outside of these confines, Officers do not consider that these designations are material to the determination of the proposal.

Flooding and Surface Water Drainage

- 29. The waste management facility is located within Flood Zone 1 (land with the lowest probability of flooding). The storage containers would occupy a total surface area of 114m² and are to be located on an existing concrete surface which makes up the facility’s open yard area. In considering applications Refs. WA/2013/1223, WA2014/0056 and WA/2014/0863 the Environment Agency did not raise any concerns with regards to flooding or surface water drainage issue. Similarly, the Borough Council and local objectors have not raised concerns about the waste management facility or the proposed storage containers in relation to flooding or surface water drainage. Consequently, Officers do not consider flooding or surface water runoff to be material considerations in respect of the proposal.

Highways, Traffic and Access

- 30. The continued siting and use of the storage containers is unlikely to lead to an increase in vehicle movements associated with the existing waste management facility as it is unlikely that any vehicles would frequent the site specifically in relation to the storage containers. The storage containers have been cited on the south-eastern boundary of the facility and used in conjunction with the authorised land use since before October

⁵ Surrey Hills AONB Board Minutes of meeting held on 16 April 2014
⁶ Surrey Hills AONB Board Minutes of meeting held on 16 April 2014
⁷ Surrey Hills AONB Board Minutes of meeting held on 16 April 2014 (timescale adjusted to take account of time elapsed since April 2014)
⁸ Report by Rob Fairbanks to AONB Board dated 16 April 2014

2013. Planning permission for the facility was granted in October 2013 whilst the applicant's Delivery Management Plan was approved by Surrey County Council in April 2014. Accordingly, Officers consider that the vehicle movements associated with the waste management facility as a whole, including the storage containers, have already been assessed by the CPA in conjunction with the County Highway Authority. Given the low volume of vehicle movements associated with the existing waste management facility there are no planning conditions imposed upon planning permission Ref. WA/2013/1223 which limits the numbers of vehicles that may frequent to the site. Consequently, Officers do not consider that highway, traffic or access issues are material to the determination of this proposal.

Other Matters

31. English Heritage's National Heritage List for England does not show any Listed Buildings within close proximity to the waste management facility and no Registered Parks and Gardens, Local or National Nature Reserves, Special Protection Areas ("SPA"), Sites of Nature Conservation Importance ("SNCI"), or Special Areas of Conservation ("SAC") appear to surround the waste management facility.
32. Objectors have raised concerns with regards to the visual and noise impact of the storage containers and therefore Officers will also give consideration to any such impacts likely to result as a consequence of the proposal.
33. Decisions relating to planning applications are limited by law to "material planning considerations". Any issues which are not considered material will be set aside by Officers in making their recommendation to Surrey County Council's Planning and Regulatory Committee. By way of example the following matters are not considered material planning considerations: boundary disputes, covenants or other property rights issues; effect on local property values; the applicant's conduct, private affairs, or other civil matters; and the future development intentions of the applicant.
34. The Parish Council and some local residents have raised concern with regards to the retrospective nature of the proposal. Whilst Officers acknowledge that undertaking development without first obtaining planning permission is not recommended, it is not an offence to do so. Government advice is that the fact that a development has already taken place should make no difference to the CPA's considerations of its merits. For this reason Officers do not consider that the retrospective nature of the proposal is material to the determination of the planning application.

PRINCIPLE OF THE DEVELOPMENT

National Guidance

Planning Policy Framework 2012

Planning Policy Guidance 2014

Development Plan Policy

Waverley Local Plan 2002

Policy IC1 – Design and Layout

Policy IC4 – Existing Industrial and Commercial Premises

Policy IC5 – Existing Bad Neighbour Uses

Policy C2 – Countryside Beyond the Green Belt

Policy Context

35. Paragraph 14 of the National Planning Policy Framework ("the Framework") explains that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

36. For decision-taking this means: (a) approving development proposals that accord with the development plan without delay; and (b) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
37. In this respect the Planning Practice Guidance (“the Practice Guidance”) stresses the importance of having a planning system that is genuinely plan-led. Accordingly, the Practice Guidance echoes the Framework in that where a proposal accords with an up-to-date development plan it should be approved without delay.
38. Paragraph 17 of the Framework goes on to state that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin decision-taking.
39. The principles considered relevant to the proposal are that planning should: (1) be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency; (2) not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; (3) proactively drive and support sustainable economic development to deliver the business, industrial units and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the business and other development needs of an area, and respond positively to wider opportunities for growth; (4) always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; (5) take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; (6) contribute to conserving and enhancing the natural environment and reducing pollution; and (7) encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
40. Paragraph 19 of the Framework stresses that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and explains that planning should operate to encourage and not act as an impediment to sustainable growth. Accordingly, the Framework advocates that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 20 of the Framework expands on this by stating that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
41. Policy IC1 of the Waverley Borough Local Plan 2002 (“WLP”) states that proposals for industrial and commercial development will be permitted where the proposed development complies with other policies in this Plan. In considering such proposals the Council will have regard to whether any net loss of residential, leisure, shopping, community or other uses which contribute to the character or function of the locality would arise from the development and, if so, the importance of retaining those uses.
42. Policy IC4 of the WLP states that other than where Policies IC6 to IC11 apply, the Council will support proposals for the development of existing industrial and commercial premises where they do not conflict with other policies in this Plan, particularly D1 and IC1, and where: (a) the proposals do not detract from the amenities or privacy of nearby residents; and (b) the proposals are specifically designed for light industrial, research,

offices and, in appropriate locations, general industrial uses, storage and distribution. The policy goes on to explain that where sites are located in or close to environmentally sensitive or residential areas, conditions may be attached to any planning permission restricting external storage, hours of use, external lighting, vehicle movements, etc. Policy D1 of the WLP is discussed in the Noise, Visual and Landscape Impacts of this report at paragraphs 53 to 74 below. Officers do not consider that policies IC6 to IC11 are relevant to the proposal.

43. Further, where proposals relate to an existing industrial and commercial site outside a settlement, the Council will support proposals which meet the above criteria and which: (i) do not involve a material increase in bulk or floorspace over that which currently exists within permanent and substantially constructed buildings on the site; (ii) do not occupy a materially larger area of the site than the existing buildings; (iii) do not materially extend beyond the existing principal buildings into open land; and/or (iv) do not have a materially adverse effect on the appearance of the countryside or the amenities of nearby properties.
44. Policy IC5 of the WLP advocates that where existing industrial and commercial sites are considered to be suitably located, but the specific activities taking place cause undue disturbance or loss of amenity to neighbouring residential areas or environmentally sensitive areas, permission will not normally be granted for intensification or expansion. Such uses will be encouraged to move to the Coxbridge site at Farnham. It goes on to state that the Council will encourage the redevelopment of these sites for appropriate alternative industrial and commercial development which meets the criteria in Policy IC1 and other policies in this Plan. Where these sites are located in or close to environmentally sensitive areas or residential development conditions may be attached to any planning permission restricting external storage, hours of use, external lighting, vehicle movements etc.
45. Policy C2 of the WLP is clear that in the countryside beyond the Green Belt and outside rural settlements identified in Policy RD1, the countryside will be protected for its own sake. Building in the open countryside away from existing settlements will be strictly controlled.

The Development

46. Although the storage containers do not represent “buildings” in the traditional sense, for planning purposes, section 336 of the Town and Country Planning Act 1990 defines “buildings” as *“including any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building”*.
47. The applicant has explained that the four storage containers⁹ are required to provide sufficient secure external storage of materials relating to the existing waste management facility. The storage containers are to be located within the existing confines of the waste management facility and along its south-eastern boundary between previously approved vehicle parking spaces¹⁰. Their continued siting and use would not result in the loss of residential, leisure, shopping, community or other uses which contribute to the character or function of the locality and therefore the proposal satisfies policy IC1 of the WLP.
48. The storage containers have been cited on this boundary and used in conjunction with the existing waste management facility since before October 2013. The Parish Council and some local residents have raised concerns about what the storage containers are to be used for. However, it is clear to Officers that the storage containers can only be

⁹ Each measuring 12m x 2.2m

¹⁰ Ref. WA2014/0056

legitimately used in connection with the authorised use of the land concerned¹¹ of which one of the primary uses is “storage”. Moreover, the applicant has plainly described the development proposed as, “retention of 4 containers for storage purposes in connection with the existing waste facility”.

49. Officers consider that the siting and use of the storage containers within and in connection with the existing waste management facility amounts to “ancillary development” which would not ordinarily require the benefit of planning permission¹². However, condition 2 of planning permission Ref. WA/2013/1223 prevents the siting and erection of buildings without the prior approval of the CPA. In this context, the applicant is perfectly entitled to choose to store materials, plant or machinery in the open yard area of the existing waste management facility without the benefit of planning permission subject to that storage not impeding upon the approved layout of the facility or those storage activities leading to a breach of any of the planning conditions imposed upon planning permission Ref. WA/2013/1223. Nevertheless, condition 2 of planning permission Ref. WA/2013/1223 stipulates that the erection of a building to securely store materials in the open requires the prior approval of the CPA.
50. The storage containers occupy a total area of no more than 114m² of land already developed and used for waste management purposes including storage and distribution activities. In the context of the existing waste management facility, which occupies a total area of land measuring 6,800m², this figure is negligible¹³. The total storage space to be provided by the storage containers do not represent a material increase of floorspace over that which currently exists within the permanent and substantially constructed buildings located on the wider site. Moreover, the storage containers would certainly not occupy a materially larger area of the waste management facility than the existing buildings. Accordingly, subject to amenity considerations, Officers consider that the proposal satisfies policy IC4 of the WLP.
51. In respect of policy IC5 of the WLP Officers recognise that the proposal is related to an existing waste management facility located within a long-standing industrial site established before the Second World War. The waste management facility is subject to a range of planning conditions which seek to control hours of operation, site activities and noise arising from such activities in the interests of local amenity. Should planning permission be granted for the retention and use of the storage containers the planning conditions imposed upon planning permission Ref. WA/2013/1223 would apply equally to the use of the storage containers. Given the ancillary nature of the proposal Officers do not consider that the retention and continued use of the storage containers would lead to an intensification of existing permitted activities for the reasons explain in paragraph 49 above. Accordingly, Officers consider that the proposal satisfies policy IC5 of the WLP.
52. Whilst the storage containers, by definition, are considered to be “buildings”, Officers do not consider that the proposal concerns building in the open countryside. The containers are to be located on and used in association with an existing waste management facility located on previously development and well established land. Accordingly, and having regard to the fact that the planning conditions imposed upon planning permission Ref. WA/2013/1223 would apply to the use of the storage containers should planning permission be granted, Officers consider that the proposal satisfies policy C2 of the WLP.

NOISE, VISUAL AND LANDSCAPE IMPACTS

National Guidance

Planning Policy Framework 2012

¹¹ The use of land described by planning permission Ref. WA/2013/1223

¹² The Encyclopaedia of Planning Law and Practice at P55.39

¹³ Less than 2% of the total area of occupation

Development Plan Policy

Surrey Waste Plan 2008

Policy DC3 – General Considerations

Waverley Local Plan 2002

Policy D1 – Environmental Implications of Development

Policy D4 – Design and Layout

Policy C3 – Area of Great Landscape Value

8

Policy Context

53. Paragraph 56 of the Framework discusses good design and states that the Government attaches great importance to the design of the built environment. It goes on to explain that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. In this respect paragraph 57 asserts that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.
54. Paragraph 59 of the Framework states that Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. In this respect paragraph 60 explains that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, it would be proper to seek to promote or reinforce local distinctiveness.
55. Paragraph 61 elaborates on paragraphs 59 and 60 by stating that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. However, paragraph 64 of the Framework is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
56. Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes; and (b) preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.
57. Paragraph 120 goes on to explain that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.
58. Paragraph 123 of the Framework states that planning decisions should aim to: (a) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; (b) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; (c) recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and (d) identify and protect areas of tranquillity which have

remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

59. Policy DC3 of the Surrey Waste Plan 2008 states that planning permission for waste related development will be granted provided it can be demonstrated by the provision of appropriate information to support a planning application that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources.
60. Policy D1 of the WLP states that the Council will have regard to the environmental implications of development and will promote and encourage enhancement of the environment. Development will not be permitted where it would result in material detriment to the environment by virtue of: (a) harm to the visual character and distinctiveness of a locality, particularly in respect of the design and scale of the development and its relationship to its surroundings; (b) loss of general amenity, including material loss of natural light and privacy enjoyed by neighbours and disturbance resulting from the emission of noise, light or vibration; and (c) potential pollution of air, land or water, including that arising from light pollution and from the storage and use of hazardous substances.
61. Policy D4 of the WLP states that the Council will seek to ensure that development is of a high quality design which integrates well with the site and complements its surroundings. In particular development should: (a) be appropriate to the site in terms of its scale, height, form and appearance; (b) be of a design and materials which respect the local distinctiveness of the area or which will otherwise make a positive contribution to the appearance of the area; (c) not significantly harm the amenities of occupiers of neighbouring properties by way of overlooking, loss of daylight or sunlight, overbearing appearance or other adverse environmental impacts; (d) pay regard to existing features of the site such as landform, trees, hedges, ponds, water courses and buffer zones, walls or buildings; (e) protect or enhance the appearance of the street scene and of attractive features such as landmark buildings, important vistas and open spaces; (f) incorporate landscape design suitable to the site and character of the area, of a high standard and with adequate space and safeguards for long-term management; and (g) provide adequate amenity space around the proposed development.
62. Policy C3 of the WLP explains that the Council will protect and conserve the distinctiveness of the landscape character areas within the Borough. Management and enhancement of landscape features to conserve landscape character and retain diversity will be promoted. Development appropriate to the countryside will be expected to respect or enhance existing landscape character by appropriate design. Landscapes designated as Areas of Great Landscape Value make a valuable contribution to the quality of Waverley's countryside and the setting of the towns. Strong protection will be given to ensure the conservation and enhancement of the landscape character.

The Development

63. The storage containers are to be retained and used on the south-eastern boundary of the existing waste management facility. The adjacent residential property's ¹⁴ curtilage is located approximately 40m away with intervening established woodland extending from the boundary of the waste management facility which is defined by a 2m (6ft) high close boarded fence. The waste management facility's northern boundary adjacent to Chiddingfold Road is defined by established hedgerows and trees. Part of Building A and B's facades and roof profiles, existing fencing and security access gate can be seen from Chiddingfold Road and this has been the case since before the applicant commenced occupation of the site. However, the storage containers would not be visible for any public vantage point despite their colour and intended location.

¹⁴ Larchwood

Accordingly, Officers do not consider that the storage containers would lead to a loss of natural light or privacy, harm the distinctiveness of the locality (which includes the long-standing storage depot), or harm the character of the AGLV designation applicable.

- 8
64. The storage containers are to be used for secure storage associated with the existing waste management facility. As discussed in paragraph 49 above, the applicant is entitled to choose to store materials, plant or machinery in the open yard area of the existing waste management facility without the benefit of planning permission. Indeed ancillary storage activities, over and above those associated with the storage containers, already take place along the south-eastern boundary of the facility as shown in the photographs accompanying this report. The only difference between what is being proposed and what can legitimately take place on site in terms of storage is the fact that the applicant is seeking permission to site and use storage containers in accordance with condition 2 of planning permission Ref. WA/2013/1223 for security purposes.
 65. Some objectors have said that they can see the storage containers and that is adversely affecting their visual amenity. Although this may be the case for the owners/occupiers of Larchwood if they were to venture into the woodland between their residential curtilage and the waste management facility Officers do not consider that it would detract from their enjoyment of existing visual amenity. The storage containers are to be located within a waste management facility which primarily comprises industrial buildings and concrete hardstanding. Additionally, waste receptacles and various items of plant, machinery and equipment along with vehicles are located around the open yard area of the facility. If the storage containers were not located on the south-eastern boundary of the facility, and the owners/occupiers of Larchwood were to venture into the woodland between their residential curtilage and the waste management facility, they would continue to see the waste management facility and its associated activities and infrastructure. Consequently, although Officers acknowledge that the storage containers may be visible to a degree and with effort it is not considered that they would undermine visual amenity in any way.
 66. Moreover, in the context of the scale and nature of the existing waste management facility Officers consider that the storage containers are modest and well related to the permitted use of the land concerned. Accordingly, Officers consider the proposal to be proportionate and reasonable in the circumstances. However, so as to provide some degree of mitigation, as suggested by local residents, Officers consider that the painting the containers matt black would be appropriate and reasonable as this colour is likely to be absorbed into the shadows of the adjacent woodland much more than a green colour would. Any planning condition to this effect would be enforceable by the CPA.
 67. Waverley Borough Council has not objected to the proposal on visual amenity or landscape grounds.
 68. For the reasons discussed in paragraphs 63 and 67 above, and in relation to landscape impact and visual amenity, Officers consider that the proposal satisfies policies D1, D4 and C3 of the Waverley Local Plan 2002 and policy DC3 of the Surrey Waste Plan 2008.
 69. In respect of the noise impact of the proposal the Framework advocates that planning decisions recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them. The existing waste management facility is subject to a range of controls imposed in the interests of local amenity. One of these controls is an average limit on noise emanating from site operations over a 30 minute period.
 70. Condition 4 of planning permission Ref. WA/2013/1223 states that the level of noise arising from any operation, plant or machinery permitted or required by this planning permission shall be limited to, when measured at least 3.5m from the facade of Wetwood

Cottage or Larchwood, 42 LAeq after correction for the characteristics of the noise as defined in BS4142 paragraph 8.2 during any 30 minute period.

71. At the time planning permission Ref. WA/2013/1223 was granted in October 2013 the owners/occupiers of Wetwood Cottage were provided with the contact details for the County's Noise Consultant. They were invited, should they have had any concerns that noise being generated by site activities, to contact the noise consultant and request that he undertake noise measurements to establish whether condition 4 was being breached. The County's records show that no such contact was made with the County's noise consultant.
72. The Borough Council has objected to the proposal on the basis of the adverse impact on the residential amenities of the area as a result of the increased activity in this part of the site and the absence of any additional Noise Impact Assessment to address the use of the metal storage containers. Local objectors have raised similar concerns.
73. However, it needs to be borne in mind that the applicant can store materials, plant or machinery in the open yard area of the existing waste management facility without the benefit of planning permission. Handling of materials, plant and equipment for storage purposes within an existing waste management facility will create a degree of noise. This would be no different to the storage of materials in the proposed storage containers. Accordingly, Officers do not consider that the proposal amounts to an increase in site activity or an intensification of the permitted use of the land. The only reason the applicant has submitted this application is because of the restrictions placed on the development by condition 2 of planning permission Ref. WA/2013/1223. This condition requires the applicant to seek the prior approval of the County Planning Authority in terms of the design and siting of any new structure or buildings. It does not require the applicant to justify their proposal with a Noise Impact Assessment given that the waste management facility is already the subject of noise controls in the interest of local amenity.
74. Having regard to paragraphs 69 to 73 above, Officers consider that the proposal satisfies policy DC3 of the Surrey Waste Plan 2008 and policies D1 and D4 of the Waverley Local Plan 2005.

HUMAN RIGHTS IMPLICATIONS

75. 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.
76. The Officer's view is that this application does not engage any of the articles of the Convention and has no human rights Implications.

CONCLUSION

77. The applicant seeks planning permission to continue to site and use four storage containers within an existing waste management facility located on long-standing and well established industrial land. The waste management facility is well screened on its south-eastern and northern boundaries by existing and established trees and hedgerows and an existing established woodland respectively. Officers do not consider that the storage containers can be seen from any public vantage point and Officers do not consider, having regard to the nature and scale of the existing waste management facility and existing visual screening, that the storage containers would undermine local visual amenity of the AGLV landscape designation applicable to the wider area.

78. Officers have considered the principle of the development proposed and consider this to be reasonable and proportionate in the circumstances. Moreover, Officers consider that the continued siting and use of the storage containers is akin to ancillary storage activities which the applicant has and continues to undertake within the open yard area of the existing waste management facility.
79. Officers recognise that the waste management facility as a whole, including ancillary storage activities, would create a degree of noise. However, this can be expected given the nature and scale of the facility. The planning permission associated with the facility already controls, amongst other matters, the average noise generated from site activities and therefore the continued use of the storage containers would be controlled in this respect. In all other respects Officers consider the proposal to be well related to the existing land use and proportionate to the nature and scale of the existing facility.
80. Having regard to the above, Officers do not consider that this planning application can be reasonably and justifiably refused in accordance with Development Plan policy.

RECOMMENDATION

81. Officers recommend that planning application Ref. WA/2014/0939 be **GRANTED** subject to conditions:

Conditions:

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

Drawing: 100/03 Block Plan Location Plan Rev. G dated December 2012
Drawing: 100/05 Plan 2 Rev. B dated 10 December 2013
- Within 1 month of the date of this permission the storage containers shall be painted matt black and thereafter be maintained in this colour for the duration of the development hereby permitted.

Reasons:

- For the avoidance of doubt and in the interests of proper planning.
- In the interests of local visual amenity in accordance with Policy DC3 of the Surrey Waste Plan 2008.

CONTACT

Dustin Lees

TEL. NO.

020 8541 7673

BACKGROUND PAPERS

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

Government Guidance

National Planning Policy Framework 2012

National Planning Policy Practice Guidance 2014

The Development Plan

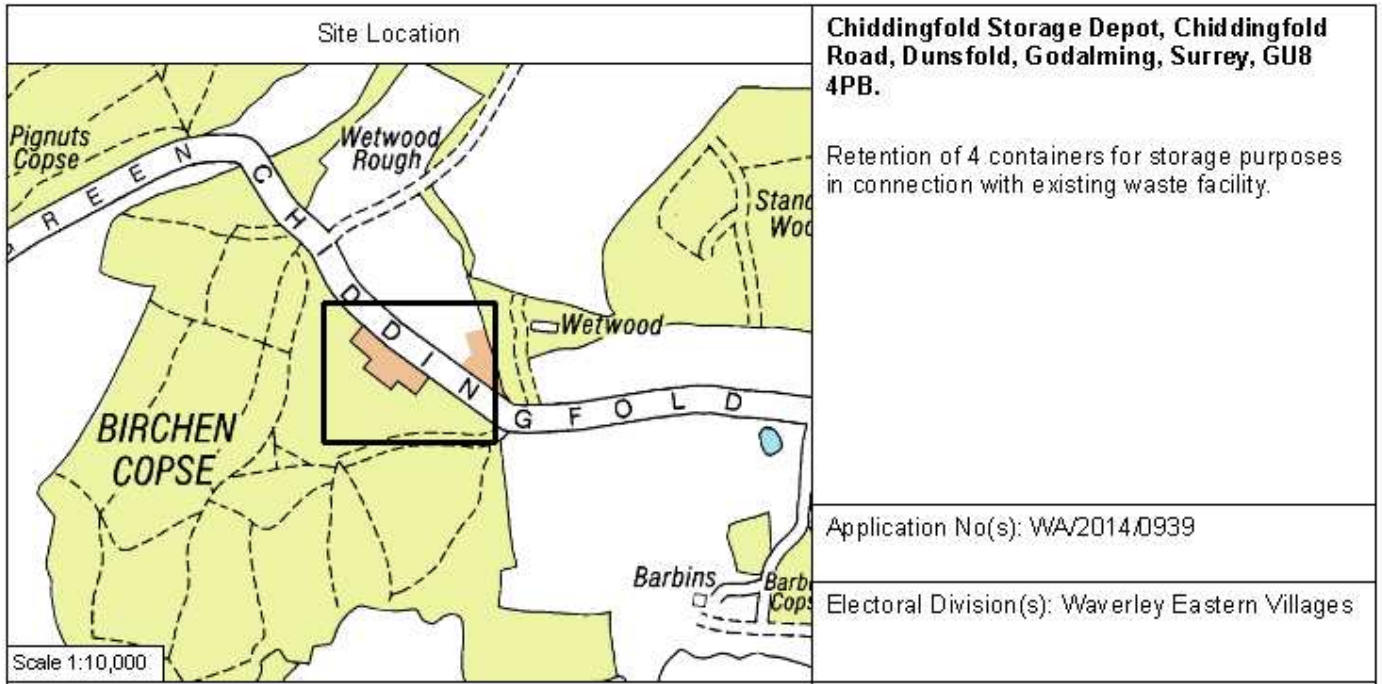
Surrey Waste Plan 2008

Waverley Local Plan 2002

Other Documents

None

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Chiddingfold Storage Depot, Chiddingfold Road, Dunsfold, Godalming, Surrey, GU8 4PB.

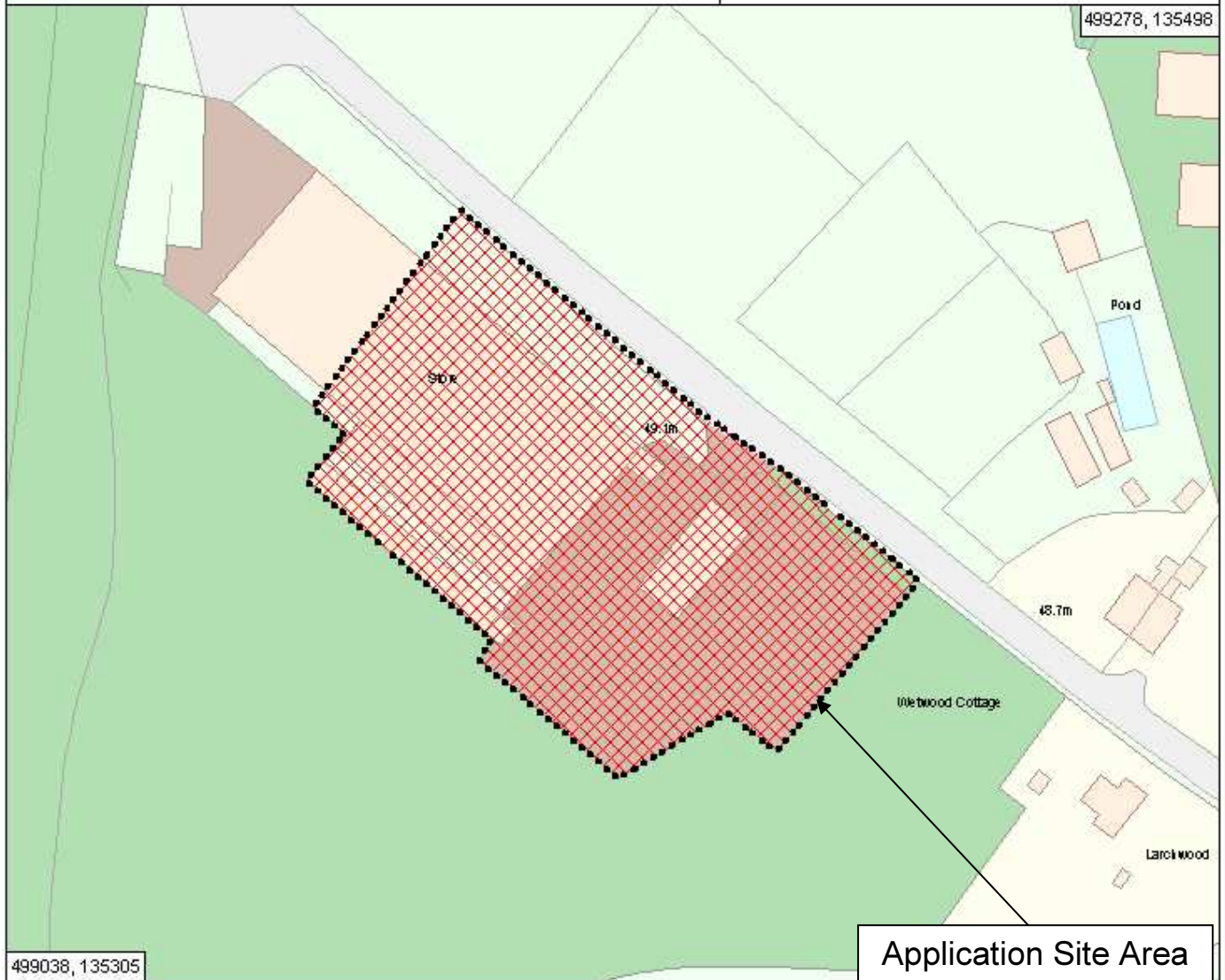
Retention of 4 containers for storage purposes in connection with existing waste facility.

Application No(s): WA/2014/0939

Electoral Division(s): Waverley Eastern Villages

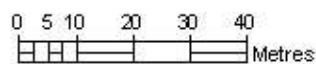
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This plan is for indicative purposes only



Ref No: SCC Ref 2014/0077

Date printed: 09/09/2014



Scale
1:1,250

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Aerial 1 : Chiddingfold Storage Depot



Aerial 2 : Chiddingfold Storage Depot



Fig 1 : Storage Containers along South-eastern Boundary 1



Fig 2 : Storage Containers along South-eastern Boundary 2



Fig 3 : South-eastern Boundary Screening



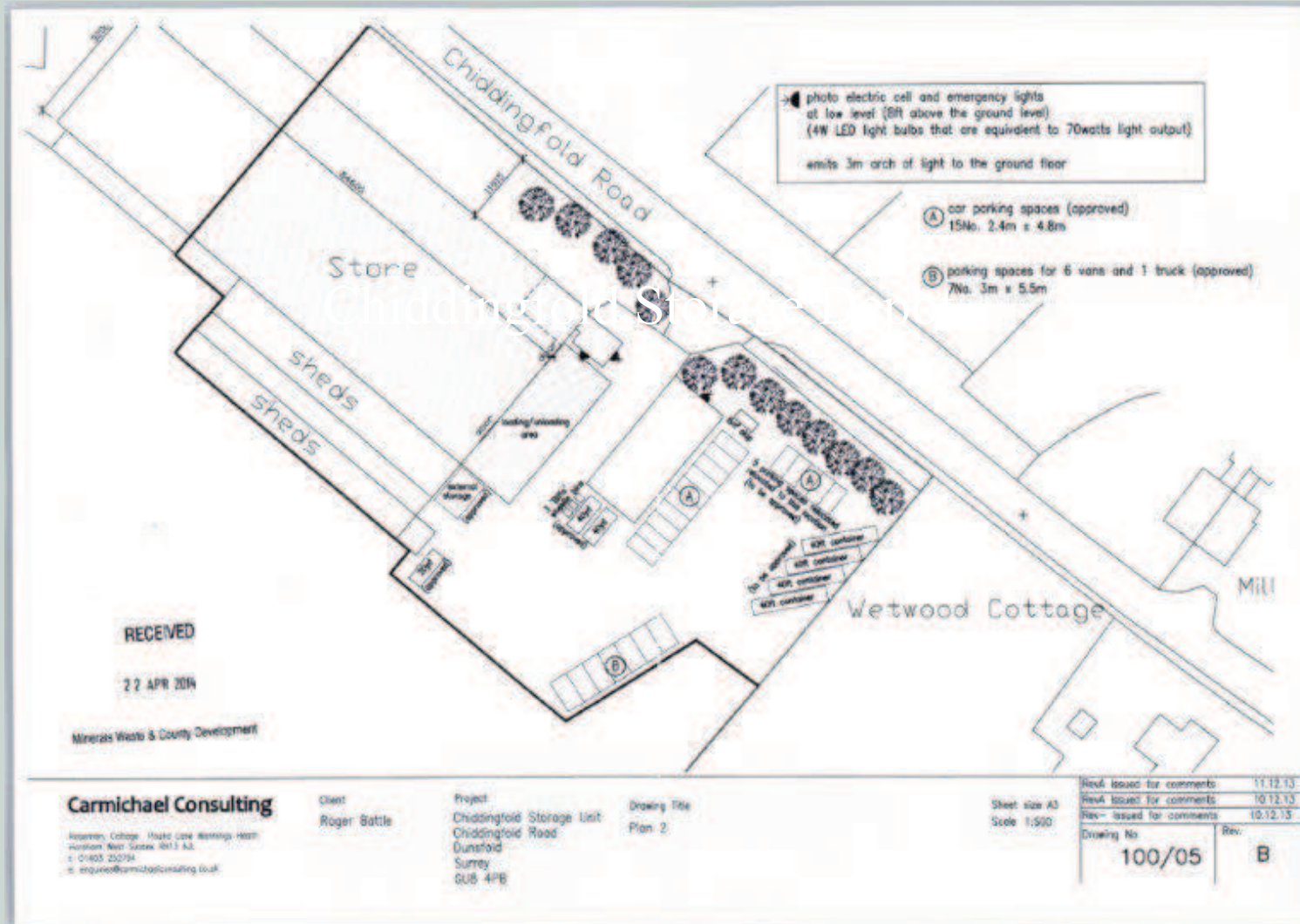
Fig 4 : Eastern Boundary Screening



Fig 5 : Close Up of Storage Containers



Fig 7 : Drawing: 100/05 Plan 2 Rev. B dated 10 December 2013



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TO: PLANNING & REGULATORY COMMITTEE **DATE:** 24 September 2014

BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER

DISTRICT(S) ELMBRIDGE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**
West Molesey
Mr Mallett

PURPOSE: FOR DECISION **GRID REF:** 514075 167826

TITLE: SURREY COUNTY COUNCIL PROPOSAL EL/2014/2424

SUMMARY REPORT

Land at St Albans Catholic Primary School, Beauchamp Road, East Molesey, Surrey KT8 2PG

Construction of a two storey, 8 classroom detached teaching block with associated hard standing, following demolition of existing double demountable building; provision of PV panels on south facing area of existing small teaching block; alterations to internal fencing; widened access for emergency vehicles; provision of external canopy to south east of existing main building; increase in cycle/scooter parking.

St Alban's is a Roman Catholic Primary School lying within the urban area of Molesey. It has a single access point, from Beauchamp Road. The County Council is seeking to provide accommodation enabling it to expand from one form of entry (1FE) to 2FE. This would result in the number of pupils rising from 210 to 420. The two storey classroom block proposed to affect this would be built on the corner of the school's playing field on the site of an existing single storey demountable classroom unit, but with a larger footprint. The location is remote from the school's eastern, southern and western boundaries but is close to the northern boundary of the field, with St Joseph's House of Prayer, a religious retreat house.

The application has attracted twelve objections, mainly on grounds of traffic impacts on amenity and safety; the impacts of the proposed building on surrounding

properties and, in particular, on the House of Prayer in terms of privacy and noise, both during construction and in the long term.

The proposal is for the provision of additional faith based school places, addressing both the overall number of places and choice of places on a site within the urban area. It is therefore acceptable in principle under national and local planning policies. Potential traffic impacts have been identified and mitigations proportionate to the nature of surrounding roads and the scale of impacts have been proposed. The development can be made acceptable in highways terms. The proposed building is acceptable in terms of design and its relationship to nearby properties. The development would not have any significant adverse environmental or amenity impacts. All relevant development plan policies have been satisfied and subject to the imposition of appropriate conditions, the development can be permitted.

The recommendation is to PERMIT subject to conditions.

APPLICATION DETAILS

Applicant

Estates Planning and Management

Date application valid

13 June 2014

Period for Determination

8 August 2014

Amending Documents

Brick and cladding samples received 26/08/14

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Principle of Development	Yes	21 - 22
Design and Impact on Visual Amenity	Yes	23 - 28
Impact on Residential Amenity	Yes	29 - 37
Traffic Impacts on Residential Amenity and Safety	Yes	38 - 48
Impact on Playing Fields	Yes	49 - 51
Sustainable Construction	Yes	52 - 53
Impact on Trees	Yes	54 - 55

ILLUSTRATIVE MATERIAL

Site Plan

Plan

Aerial Photographs

Aerial

Site Photographs

Figure 1 Site of proposed classroom block looking west, showing existing demountable classroom and northern site boundary

Figure 2 Site of proposed classroom block looking north, showing existing demountable classroom with House of Prayer beyond

Figure 3 View towards eastern site boundary from proposed location of classroom block

Figure 4 Site for proposed canopy on existing building

Figure 5 Beauchamp Road, looking east towards school entrance

Figure 6 Seymour Road looking south along eastern site boundary

Figure 7 Junction of Seymour Road with Molesey Park Road at southern end of school site

BACKGROUND

Site Description

- 1 St Albans Catholic Primary School accommodates children aged 4-11 years and is a 1FE (form entry) school with capacity for 210 pupils. The application site is located within the urban area of East Molesey. The existing school buildings are located in a backland position to the rear of houses on the south side of Beauchamp Road. Vehicular and pedestrian access to the site is via an access road running between the flanks of nos. 22b and 24 Beauchamp Road. To the west of the school are the rear gardens of houses in Nightingale Road. To the east is a large, three storey 19th century building, the St Joseph's House of Prayer. This sits in extensive grounds, but the buildings, which are three storeys high, extend right up to the school's boundary alongside its access road. This is a retreat house offering a 7 day a week retreat programme, with residential accommodation and offering spiritual help and counselling.
- 2 To the south of the school buildings are the school's hard play areas and games courts. To the south east is the school's playing field, which is bounded to the north by the House of Prayer, to the east by Seymour Road and to the south by Molesey Park Road. There is a line of mature conifers along the northern boundary in the grounds of the House of Prayer, and a belt of mainly deciduous trees along the other two boundaries. There is no access to the site from either Seymour Road or Molesey Park Road. The northern part of Seymour Road, as far as the entrance to the House of Prayer, has a tarmac surface. The southern part is an unmade, private road.
- 3 There are three principal existing buildings on the site. The main school building is of panel construction dating from the 1960s/70s, single storey (although the school's hall is taller than a typical single storey), and with flat roofs. Immediately to the south east is a detached single storey classroom building which is finished in brick with a shallow pyramidal roof with artificial pan tile roof sheets. To the east of that, in the north west corner of the playing field and about 7m. from the northern boundary, is a demountable classroom building comprising two classrooms.
- 4 The school is currently a one form of entry (1FE) primary school, for children aged 4 to 11, so provides for 210 pupils.

Planning History

- 5 EL 2013/3823 Construction of a children's' adventure play space on the school playground

EL2008/2047	New 1.8 metre high entrance gates and railings to replace existing wooden fence.
EL2006/2860	Retention of steel storage shed.
EL2006/1595	Retention of steel storage shed permitted for five years under planning permission 2001/1497.
EL2001/1497	Renewal of planning permission 2000/1502 for a steel storage shed for a period of 5 years.
EL2000/1502	Steel storage shed,
EL 1998/1081	Single storey extensions to form additional classrooms and new main entrance,
EL1998/1080	Single storey mobile classroom for a period of 7 years to accommodate increase in pupil numbers,
EL1997/1484	Two storey linked extension to form additional classrooms and two single storey side extensions to form classroom extension school and head teacher's office,

THE PROPOSAL

- 6 The proposed development is to facilitate the expansion of the school from 1FE (210 places) to 2 FE (420 places) in response to rising demand for school places in the Molesey area and in particular, demand for catholic places in the eastern part of Elmbridge Borough. To achieve this, 7 new classrooms and additional hall space are the main accommodation requirements. It is proposed to achieve this by converting an existing classroom block into a secondary hall space and to construct a new classroom block containing 8 classrooms.

- 7 The proposed classroom building would be sited in the north west corner of the playing field, in approximately the same position as the existing demountable classroom unit, which would be removed. The new building would have a larger footprint than the existing and be slightly closer to the northern boundary. It would have two storeys, incorporating four classrooms, junior resource room, WCs and store rooms on the ground floor and four classrooms, staff room, WCs and store rooms on the first floor. The building would have approximately 890m² over two storeys and would be finished in brick at lower levels with horizontal, weatherboard – type cladding above and a mono pitched standing seam metal roof sloping down to the north. Additional hard standing is proposed around the new building.

 - 8 Vehicular access is proposed to be maintained from Beauchamp Road with the provision of new cycle / scooter parking. It is also proposed to alter some of the internal fencing to allow for widened access within the site for emergency vehicles.

 - 9 Solar PV panels are proposed on the south facing roof pitch of the pyramid roofed teaching block and a small canopy is proposed to the south east of existing main building.

 - 10 The application is accompanied by an Environmental Noise Survey, Arboricultural Assessment and Method Statement, Transport Assessment, School Travel Plan and Construction Management Plan.
-

CONSULTATIONS AND PUBLICITY

District Council

- 11 Elmbridge Borough Council: Object unless Sport England are satisfied there is no loss of playing field.

Consultees (Statutory and Non-Statutory)

- 12 County Highway Authority

(Transport Development Planning):
secure

No objection subject to conditions to

provision of onsite cycle parking and off site highway works to junction of Seymour Road and Beauchamp Road identified in application documents; implementation of proposed construction traffic management measures; and updating of School travel Plan

13 County Arboriculturalist:

No views received (04/09/14)

14 County Environmental Noise Consultant:

Considers limits proposed on noise emissions from proposed building to consistent with relevant guidance.

Parish/Town Council and Amenity Groups

15 None.

Summary of publicity undertaken and key issues raised by public

16 The application was publicised by the posting of 2 site notices and direct notification of 126 surrounding mainly residential properties. Twelve representations have been received, raising the following points:-

- Existing traffic conditions in Beauchamp Road and Nightingale Road, and at Beauchamp/Nightingale and Beauchamp/Seymour Road junctions; poor and inconsiderate parking behaviour; obstruction of drives and junctions
- Additional traffic congestion arising from significant enlargement of school; pupils at faith schools more likely to travel by car; pupils at all local primary schools should be encouraged to attend schools local to them to reduce travel
- The planning decision should be informed by a traffic assessment

- Unlike other local schools, St Alban's does not have a secondary pedestrian access point. There needs to be one, and the application makes no provision for one
- No provision made for controlled /patrolled school crossing points
- No provision made for parents parking
- Provision should be made for parking restrictions at junctions and across driveways
- Object to provision of an emergency access from Seymour Road; increased use by parents and construction vehicles of unpaved and privately maintained Seymour Road, and increased use of House of Prayer driveway as a turning point
- More pupils means more litter
- Visual impact of two storey building on amenity; loss of light to House of Prayer
- Loss of privacy to houses in Seymour Road as a result of two storey building
- House of Prayer is a public resource with particular qualities as a place of retreat; impact on amenities through noise from 8 proposed classrooms, electricity supply kiosk and construction works; House of Prayer would be unable to function during construction period with consequent loss of income, especially at weekends; hours of working should be restricted to weekdays only
- Noise from children at break times
- Noise and dust from construction activities
- Impact on privacy of House of Prayer of existing lighting on demountable classroom unit; greater impact if similar lighting is proposed on new 2 storey building
- Proposed protection for boundary trees may not be sufficient
- Alternative locations within site should be considered to reduce impact on House of Prayer; existing school is coming to the end of its life and should be rebuilt now within existing footprint
- Permission would be inconsistent with reasons given for recent refusal of permission for dormers on House of Prayer, that they would "not sufficiently take account of existing visual characteristics or the identifiable style of this 19th century property. It would not integrate sensitively and would detract from the appearance and character of the building and surrounding area"
- School has failed to act on requests to remove trees on western boundary
- The development is a money-making exercise by the church

PLANNING CONSIDERATIONS

- 17 The County Council as County Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities when determining planning applications to “have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations”. At present in relation to this application the Development Plan consists of the Elmbridge Core Strategy 2011 and the saved policies within the Replacement Elmbridge Borough Local Plan 2000.
- 18 The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.
- 19 The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. However, the guidance contained in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).
- 20 In this case the main issues are: whether development is acceptable in principle ; the quality of design proposed; the impact of the development on the visual amenity of the existing site and surrounding area, including impacts on trees; whether there would be significant impacts on residential amenity as a result of the size and location of buildings proposed or the traffic generated by the proposal; whether the development would adversely affect highway safety; and whether there would be any adverse impact on resources for sport and recreation.

Principle of Development

Elmbridge Core Strategy 2011

Policy CS1 – Spatial Strategy

Policy CS7 – East and West Molesey

21 Core Strategy Policy CS1 directs new development towards previously developed land within the existing built up areas. Policy CS7 identifies the need for the Borough and County councils to work together to address the needs for education provision in the area, though with particular reference to secondary schools. Para 72 of the NPPF highlights that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It continues by stating that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It states that Local Planning authorities should *inter alia* give great weight to the need to create, expand or alter schools.

22 The information submitted in support of the application includes the following assessed of need for Catholic school places;

“Surrey County Council (SCC), as the Local Education Authority, has a duty to provide a sufficiency of school places. The SCC School Commissioning Team uses forecast data which broadly comprises of live births, new housing development trajectories and historic patterns of preferences for schools.

Generally, primary school places are planned in smaller primary planning areas within a borough or district and secondary places are calculated on a borough wide basis. Demand for primary school places has been rising steadily in the Moleseys over the past five years; and demand for catholic primary school places is equally high across the whole of Elmbridge Borough. This increased demand is due to the rise in the birth rate locally, some is due to housing development and the specific need for catholic places can be attributed to a mixture of births and the inward migration of catholic families from within the European Community into the borough. Catholic baptisms have increased in the Weybridge deanery by 10% over the past five years with the average number being 35 baptisms higher than the number for previous years.

There are four Catholic primary schools in Elmbridge: Cardinal Newman (Hersham parish), St Charles Borromeo (Weybridge parish) and St Paul’s (Thames Ditton parish). All are oversubscribed and all three have ‘space-restricted’ sites. St Alban’s is the only school that has the space to expand and is in the right location to meet the local demand for catholic places in the Moleseys and further afield.

In terms of Catholic school provision, the Weybridge deanery can be split into eastern and western halves. On the eastern side, the Catholic schools of St Alban’s (Molesey), St Paul’s (Thames Ditton) and Cardinal Newman (Hersham) serve the parishes of Molesey, Thames Ditton, Walton, Hersham, Esher and Cobham. The current combined published admission number of these three schools is 150 – a shortfall against the number of baptisms in the eastern half of the deanery (which has averaged 185 [per year] over the last five years). There is a similar shortfall of places on the western side of the deanery.

The requirement to meet this demand will be addressed by SCC commissioning a new eight classroom block at St Alban’s Primary School along with some internal adaptations to existing Early Years provision. A direct grant from the Department for Education has been obtained for this project through the Schools’ Targeted Basic

Need programme 2013. Under this scheme the new provision is required to be open for September 2014. The expansion will admit up to 30 additional Reception pupils in September 2014 and in every subsequent year until the school has incrementally expanded to two forms of entry in every year by September 2020.”

There is a clear need for additional school places, and the provision of catholic places widens educational choice. In accordance with the NPPF. This is a factor which should be given substantial weight. The proposal is for expansion of an existing school within a built up area and is therefore consistent with the spatial strategy for Elmbridge. There is therefore substantial support in principle for the proposed development.

Design and Impact on Visual Amenity

Elmbridge Core Strategy 2011

Policy CS1 – Spatial Strategy

Policy CS7 – East and West Molesey

Policy CS14 – Green Infrastructure

Policy CS17 – Local Character, Density and Design

Replacement Elmbridge Borough Local Plan 2000

Policy ENV2 – Standard of Design

- 23 Core Strategy Policy CS1 requires that new developments be of high quality, well designed and locally distinctive. They should be sensitive to the character and quality of the area, respecting environmental and historic assets and where appropriate introduce innovative contemporary designs that improve local character. Core Strategy policy CS14 gives a high level of protection to green infrastructure assets. Core Strategy Policy CS17 requires that new development delivers high quality and inclusive sustainable design which maximises efficient use of urban land whilst responding to the positive features of individual locations integrating with locally distinctive townscape and landscape. Policy CS7 states that all new development will be expected to enhance local character.
- 24 Policy ENV2 states that in order to protect and enhance the appearance of the area and the local amenity, all new development should achieve a standard of design which is sensitive to the surrounding area. The policy includes criteria for new developments that they should respect its existing context in terms of plot and frontage sites, building alignments, views and space around the buildings; respect the surrounding environment in terms of scale, massing and height; and in terms of form and design should reinforce existing visual characteristics of the existing structures.

- 25 The existing school buildings are predominantly single storey, but the prevailing character of the immediate area is of two storey residential development, rising to the three storeys of the House of Prayer. The mass and height of the building would be consistent with the scale of surrounding development and officers do not consider there to be any reasons of design context to restrict the new building to a single storey. Single storey development also limits the sprawl of school buildings on to the schools playing field which is an important element of the green infrastructure of the immediate area.
- 26 The existing school buildings are a mixture of styles and there is no clear design cue to be taken from them in terms of maintaining local distinctiveness. The proposal is for a building clad in facing brick at ground floor level with blue weatherboard cladding above, using bricks which match the nearest existing school building. There is similar cladding on the existing main building around the entrance, although other parts of the building have beige / orange panels. This is considered to be sufficient to ensure compatibility of design with any identifiable local character. The applicants have provided samples of two alternative bricks – Olde Henfield Multi and Anglian Red Rustic. The applicant’s preference is for the Olde Henfield, but officers consider that either would be a suitable match.
- 27 The school’s backland location, the proposed location for the new building close to the existing group of buildings and the nature of the screening on the site’s undeveloped boundaries mean that the proposal would have no significant impact on the street scene and townscape.
- 28 This proposal differs in nature from the Borough Council’s refusal of permission for the addition of dormers into the House of Prayer referred to in representations. The latter involved alterations to the fabric of the building, which is a prominent one in the local landscape, directly affecting its architectural character. This application involves a building which is separate from the House of Prayer and because of its scale, location remote from surrounding roads and the nature of the site boundary does not impact on the character of the older building or its contribution to townscape. Officers do not therefore consider there would be any inconsistency if the current application were permitted.

Impact on Residential Amenity

Elmbridge Core Strategy 2011

Policy CS17 – Local Character, Density and Design

Replacement Elmbridge Borough Local Plan 2000

Policy COM4 – Provision of Education Facilities

Policy HSG23 – Non-residential development in residential areas

Policy HSG16 – Design and Layout of residential development

- 29 Core Strategy Policy CS17 requires that new development delivers high quality and inclusive sustainable design which maximises efficient use of urban land whilst responding to the positive features of individual locations and protecting the amenities of those within the area. Local Plan Policy COM4 supports the expansion of education facilities subject to several criteria, including that there would not be a significant adverse impact on local residents.
- 30 Policy HSG23 states that when considering proposals for non-residential development within predominantly residential areas, the council will apply the same criteria as contained in policy HSG16 which states that new development should avoid overlooking and an unreasonable loss of privacy or amenity.

Day lighting, Overlooking and Privacy

- 31 The proposed classroom block would be in approximately the same position as the existing demountable classroom block, but would have a larger footprint and as a two storey building would be significantly taller. The use of a single pitch sloping down towards the north would result in a building 6.3 m high nearest the northern boundary with the House of Prayer, rising to 7.7m on the south elevation, facing the school's playing field. The building would be approximately 5m from the boundary and a minimum of 23m from the nearest part of the facade south of the House of Prayer, which is a large 19th century building three storeys high with pitched roof. It would be 20m from the eastern site boundary and 45m from the front elevations of the houses on the far side of Seymour Road. Officers consider that without any intervening landscape features, and taking these dimensions into account, the proposed classroom would not be dominant in the local townscape or have an overbearing physical impact on the nearest buildings. There are in fact substantial trees on these boundaries. The northern boundary is marked by a line of tall conifers in the grounds of the House of Prayer which form a nearly continuous screen along the northern boundary. These trees are a minimum of about 5m high, taller than the proposed building. Several are substantially taller, approximately 7-8m high. The trees on the eastern boundary are mostly limes, large and deciduous. In winter these would break up, rather than completely block any distant views of the building.
- 32 The height and density of the conifers is such that any loss of sunlight for the House of Prayer is attributable to the trees. The building would have no impact on sunlight if these trees remain.
- 33 The classroom building is arranged such that the four classrooms on each floor are on the south side facing the playing field, with ancillary accommodation on the north side. The larger windows of the classrooms therefore face south, while the windows on the north elevation are mainly those of WCs, stores and stairwells. The one exception among the first floor windows is a staff room. Taking into account the existence of the conifer trees, officers consider that this arrangement would not result in any material loss of amenity for neighbouring properties as a result of overlooking and loss of privacy. At ground level, the conifers have been trimmed back to the chain link fence marking the boundary, such that the screen has some gaps in it.

However, these gaps are present for existing users of the demountable building and path which runs alongside it. The new classroom block would not make the grounds of the House of Prayer any more susceptible to overlooking than at present.

Noise

- 34 The application is accompanied by a noise assessment which identifies noise sensitive locations around the site in residential properties, and calculates from on site measurements the background noise levels in the vicinity. The main components of background noise are identified as traffic noise and a variety of domestic noise, but teaching noise from existing classrooms is also a component. The assessment proposes setting noise emission limits from the new building, made up of noise from plant and teaching activities, at no more than 5dBA above existing background during the day, and 5dBA below background at night. This is compatible with limits set by BS4142: 1997, 'Rating industrial noise affecting mixed residential and industrial areas'. The building could rely on natural ventilation, without plant providing mechanical ventilation, and meet those criteria. A condition requiring adherence to those limits would provide sufficient protection against unacceptable noise impacts from the building.
- 35 The noise assessment does not cover the potential noise impacts of children playing. Officers consider that this aspect of noise impact is best considered on a subjective level. The proposal does not involve any alterations to the areas on this school site which are used for outdoor play. These are the main hard play area, which is in the south west part of the site, directly adjoining houses in Nightingale Road and Molesey Park Road. These properties are already subject to the long established peaks of noise at break and lunchtimes from outdoor play activities and PE lessons. The school's expansion is unlikely to cause significant extension to the duration of these existing noise impacts, The impact of noise from children playing is based on the contrast between break times and intervening quiet periods, and the peaks generated by the larger number of pupils are not considered to be so much higher than existing peaks as to significantly affect the overall experience of noise levels.

Construction Impacts

- 36 The Construction Management Plan (CMP) submitted with the application indicates that no temporary access points are proposed, and that the existing access to the school will be used for construction purposes, with appropriate safeguards to separate the construction site and access from the normal movements to and from the school. The CMP deals principally with traffic management, but does indicate that proposed working hours would be 07.30 – 18.00 on weekdays, 07.30 – 13.00 on Saturdays and that working on Sundays or public holidays would only take place with the prior agreement of the County Council. The noise assessment does not explicitly address construction noise, but it would be normal for excessive construction noise to be dealt with under environmental health controls.
- 37 It is accepted that the construction phase of a project will result in short term noise impacts and this is normally dealt with in planning decisions by regulating hours of

working. The hours proposed in the CMP closely reflect the limits which would normally be imposed through a planning condition, albeit that Saturday start time is often set by condition slightly later at 08.00. A condition would exclude Sunday working, and the County Planning Authority's explicit approval in advance would be needed any Sunday working. Officers consider that this offers an appropriate level of protection in most cases and do not consider that the nature of the project, or its relationship to adjoining properties would be so substantial as to justify more stringent limits.

Traffic Impacts on Residential Amenity and Safety

Replacement Elmbridge Borough Local Plan 2000 Policy COM4 - Provision of Educational Facilities

- 38 Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment; safe and suitable access to the site should be achieved for all people. Paragraph 35 states that development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Paragraph 36 states that a key tool to facilitate sustainable transport modes will be a Travel Plan and all developments which generate significant amounts of movement should be required to provide a Travel Plan.
- 39 Local Plan Policy COM4 allows extension of existing educational facilities provided the existing road network is capable of absorbing traffic generated, the site is accessible by a choice of means of transport and adequate provision is made for stopping and parking.
- 40 St Albans Catholic Primary School is currently 1 form entry with a total of 210 pupils. This proposal will double the size of the school to make it 2 form entry with 420 pupils. The additional children would be introduced incrementally at a rate of 30 per year until the school reaches full occupation, which will not be before 2022, assuming occupation commences in 2015. 40% of children have at least one sibling in the school. 21% walk, 4% cycle and 12% scoot with 61% arriving by car. This is a relatively high proportion of pupils travelling by private car, but not untypical for faith schools, which tend to draw from a wider area than community schools - 60% of pupils live more than 1km from the school. There are currently 28 staff members at the school. The staff car park has space to accommodate approximately 24 cars. When the applicant's consultants surveyed this car park, there was a minimum of 18 spaces free during the surveyed period in the morning. This would appear to indicate that there is adequate capacity on site already to accommodate the additional staff members. A parking beat survey was undertaken which determined that there were 268 on-street parking spaces within 5 minutes walk of the school and 308 slightly further afield. The parking beat survey further identified that there were 146 spaces available at peak times.

- 41 Using the current modal split applied to the increased number of children, the worst case scenario future trip generation shows that the number of cars arriving at the school during peak times could increase from 128 to 256. In view of the available 146 spaces (186 if those spaces further afield are included), this can be accommodated on local roads. This is very much a worst case scenario as it assumes that all cars arrived simultaneously. There is little scope for park and stride in the vicinity of the school and therefore there will be reliance on on-street parking. Officers do not consider this to have significant impact on highway safety or amenity. The local road network is such that trips to the school can be made without the need for turning. The roads in the immediate vicinity are through roads, not cul de sac. Beauchamp Road in particular is a bus route and is relatively wide with most residents having off street parking, especially to the east of its junction with Seymour Road, so can accommodate on street parking with relatively little disruption to the free flow of traffic. In officers' experience, this is a site where, relative to many other schools, the short term impacts on amenity caused to neighbours from traffic at the beginning and end of the school day is less severe.
- 42 Nevertheless it is appropriate for any proportionate measures to be taken to mitigate the impacts caused by a substantial increase in the numbers of pupils and parents cars attending the site. No suitable sites for 'park and stride' in the vicinity of the school have been identified and therefore there will be a total reliance on on-street parking and measures to encourage non car modes of transport.
- 43 In many instances where a school has more than one frontage, it would be desirable to open up additional points of access to spread the burden of picking up and dropping off by car. On the face of it, opportunities exist on this site given that the school site is bounded by Seymour Road and Molesey Park Road. There is a disused and overgrown pedestrian gate into the site in the south east corner at the junction of these two roads. In this instance officers do not consider that the promotion of a secondary access on the south side is desirable or necessary. It would not be supported by the Highway Authority.
- 44 The sight line visibility egressing from Seymour Road onto Molesey Park Road is very poor due to the approaching bend. A traffic calming scheme implemented by the highway authority on Molesey Park Road introduced a priority island to help mitigate this problem, slightly increasing visibility and limiting traffic movements. Parking by parents on this section of road should not therefore be encouraged. This southern end of Seymour Road is an unmade private road in poor condition and its use by parents should not be encouraged by reopening of the pedestrian access

- 45 In any event, an analysis of the home postcode locations of the children currently attending the school indicates that there would be little or no benefit in reopening this access since the vast majority live to the north and west of the school.
- 46 A speed survey was undertaken as part of the submission and the 85th%ile speed from traffic on Beauchamp Road immediately adjacent to the school is between 20 and 25 miles per hour which indicates that speed is not a particular issue on this stretch of the road. There are no designated crossing points on Beauchamp Road and pedestrians have been observed to cross in numerous locations. Officers' observations suggest that whilst parents seem in the main to park courteously, some poor parking behaviour takes place on the north side of the junction of Seymour Road with Beauchamp Road, resulting in visibility issues for vehicles exiting the junction. In order to address these and other issues, the applicant has proposed the following transport mitigation measures in conjunction with the application:-
- Raised table pedestrian crossing on Beauchamp Road;
 - Junction markings to deter parking at the junction of Beauchamp Road and Seymour Road;
 - Realignment of the school warning sign on Beauchamp Road;
 - The provision of an additional 12 cycle and 10 scooter spaces for pupils and 4 spaces for staff and visitors on site;
 - School Travel Plan.
- 47 The design and detail of the raised table and associated measures, including those to deter/prevent parking at the junction of Seymour Road and Beauchamp Road have not yet been finalised. A Stage 1 Safety Audit has recently been completed and the comments of the Local Highways Service and Parking Team forwarded to the applicant. The final design will be expected to have taken these into account.
- 48 Officers consider that the mitigation measures proposed are proportionate to the potential traffic impacts created by the proposed development, taking into account the nature of the surrounding road network and the scale of additional traffic likely to be generated. They are acceptable in principle to the Highway Authority. Implementation of detailed proposals can be secured by conditions.

Impact on Playing Fields

Elmbridge Core Strategy 2011

Policy CS14 – Green Infrastructure

- 49 Core Strategy Policy CS14 seeks to protect a diverse network of accessible multi-functional green infrastructure and requires that new development involving open space be assessed against PPG17 'Planning for Open Space, Sport and Recreation'. PPG17 has been superseded by the NPPF. Para 74 of the NPPF states that existing open space, including playing fields, should not be built on unless certain criteria are met, including that where a loss of playing fields is involved there is equivalent or better provision in terms of quality or quantity
- 50 The proposal involves a new building in the corner of the school's playing field. This part of the field is already occupied by the demountable classroom building. However, the proposed building has a larger footprint than the existing one, extending approximately 3m further south and 12m further east than the existing. The application drawings show an indicative layout for a full oval running track and extended straight on the playing field, although in fact the field is more typically laid out with football pitches which cover a smaller area of the field, as evidenced by aerial photos of the site. Neither the existing building nor the proposed one encroach on this layout. There is therefore no practical loss of playing field and officers do not therefore consider it necessary to consult Sport England on the application. The policy requirement to make alternative provision is not engaged.
- 51 The school's playing field also has a contribution to make as an open space to visual amenity. The field's existing character is of an open field with a building in one corner, albeit one which is largely obscured from public view by the fences and screening on its public boundaries (those on the south and east sides). Officers consider that the proposal does not alter that essential character of the open space.

Sustainable Construction

Elmbridge Core Strategy 2011

Policy CS27 – Sustainable Buildings

- 52 Core Strategy Policy CS27 states that all developments should consider the use of sustainable construction techniques that promote the reuse and recycling of building materials. All applications for new development should include a completed copy of the Council's Climate Neutral Checklist. Paragraph 95 of the NPPF states that to support the move to a low carbon future, local planning authorities should, inter alia; plan for new development in locations and ways which reduce greenhouse gas emissions, and which actively support energy efficiency improvements to existing buildings.

- 53 The application is accompanied by the Climate Neutral Checklist required under Core Strategy Policy CS27, along with an efficiency report which proposes use of energy efficiency best practice in accordance with Part L2A of the Building Regulations, 'Conservation of Fuel and Power'. It also proposes the installation of a roof mounted photovoltaic system on the south facing of the new building. There is no requirement within the Elmbridge development plan policies to achieve a specified BREEAM rating. The information provided by the applicants meets development plan requirements and officers do not consider conditions relating to BREEAM can be required.

Impact on Trees

Elmbridge Core Strategy 2011

Policy CS14 – Green Infrastructure

Replacement Elmbridge Borough Local Plan 2000

Policy ENV12 – Retention of Trees on Development Sites

- 54 Core Strategy Policy CS14 seeks to ensure that new development protects and enhances local landscape character and takes account of intrinsic character and amenity value. It also seeks to strengthen the network of green infrastructure by safeguarding important trees and woodlands and securing provision of soft landscaping in new development focussing on native species. Local Plan Policy ENV12 resists development which results in loss of trees which make, or are capable of making, a significant contribution to character or amenity of the area. Conditions should be imposed to where appropriate to protect retained trees during construction.
- 55 The application does not involve the felling of any trees. The existing trees on northern boundary within grounds of House of Prayer are ornamental conifers of little individual merit. However, they have a collective importance as a screen along the boundary. Their importance is recognised by the application, and the arboricultural assessment and method statement submitted with it identifies an appropriate root protection area (RPA) for those trees. On the school side of this boundary, this is mainly occupied by the existing path running parallel to the boundary between it and the existing demountable building. Also proposes installation of protective fencing along the edge of the path which would separate the RPA from the works site. Officers therefore consider sufficient measures are proposed to protect these trees and the implementation of those measures can be secured by conditions. Officers therefore consider the development is acceptable in relation to development plan policies relating to trees.

HUMAN RIGHTS IMPLICATIONS

- 56 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.
- 57 In this case, the Officer's view is that while the potential for impacts on amenity caused by construction noise, noise from use of the site as a primary school, the proximity of buildings to residential properties and traffic are acknowledged, the scale of such impacts is not considered sufficient to engage Article 8 or Article 1 of Protocol 1. Their impact can be mitigated by the use of conditions. As such, this proposal is not considered to interfere with any Convention right.

CONCLUSION

- 58 The proposal is for the provision of additional faith based school places, addressing both the overall number of places and choice of places on a site within the urban area. It is therefore acceptable in principle under national and local planning policies. Potential traffic impacts have been identified and mitigations proportionate to the nature of surrounding roads and the scale of impacts have been proposed and can be secured by conditions. The development would not have any significant adverse environmental or amenity impacts. All relevant development plan policies have been satisfied and subject to the imposition of appropriate conditions, the development can be permitted.

RECOMMENDATION

That, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. EL2014/2424 be PERMITTED subject to the following conditions;

Conditions:-

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

14-1-1044 A-200 rev C Site Location Plan dated 09/06/14

A-201 rev C Existing Site Plan dated 09/06/14

A-202 rev C Proposed Site Plan dated 09/06/14

A-290 rev C Tree Constraints and Tree Protection Plan dated
09/06/14

A-300 rev B Existing Building Floor Plans dated 04/06/14

A-301 rev B Existing Roof Plans dated 04/06/14

A-310 rev B Proposed Building Floor Plans Sheet 1 dated 04/06/14

A-311 rev B Proposed Building Floor Plans Sheet 2 dated 04/06/14

A-312 rev B Proposed Roof Plans dated 04/06/14

A-400 rev A Existing and Proposed Elevations dated 19/05/14

A-500 rev A Existing and Proposed Site Sections dated 19/05/14

unnumbered Utility Survey dated 25/04/14

3. In carrying out the development hereby permitted, no construction activities shall take place, nor shall there be any deliveries to the site nor shall any plant or equipment be operated on the site except between the hours of 07.30 and 18.00 between Mondays and Fridays and 08.00 and 13.00 on Saturdays. There shall be no working on Sundays or Bank or public holidays.
4. The development hereby permitted shall not be occupied unless and until details of a raised pedestrian crossing and measures to prevent parking at the junction of Seymour Road and Beauchamp Road as generally shown in Figure 6-1 Proposed Physical Measures in the Transport Statement dated June 2014 accompanying the application, and any other ancillary matters arising, have been submitted to and approved in writing by the County Planning Authority, and the scheme has been implemented in accordance with the approved details.

5. The development hereby permitted shall not be occupied until the additional 16 cycle and 10 scooter parking spaces have been provided in accordance with the details shown on Proposed Site Plan number NPS-SI-PL A-202 Revision C.
6. The development hereby permitted shall not be occupied unless and until the Interim School Travel Plan submitted with the application has been updated in accordance with details for its review which have first been submitted to the County Planning Authority within 6 months of this permission and the details have been approved by the Authority. The School Travel Plan shall thereafter be implemented from the first occupation of the development hereby permitted and shall thereafter be maintained, monitored and developed in full accordance with the details approved.
7. Subject to the provision of condition 3 above, the development hereby permitted shall be carried out in all respects strictly in accordance with the Construction Traffic Management Plan Planning Stage Document stamped as received on 11 June 2014.
8. In carrying out the development hereby permitted, no HGV movements to or from the site shall take place between the hours of 08.15 and 09.15 and 14.30 and 15.30 nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Beauchamp Road, Nightingale Road, Seymour Road or Molesey Park Road during these times.
9. Noise emissions from the building hereby permitted and any associated plant shall not exceed 5dB LA90 above daytime background level (07.00 - 23.00) or 5dB LA90 below night time background level (23.00 - 07.00) when measured at a distance of 1m from the facade of any residential property.
10. a.) Before any equipment, machinery or materials are brought onto the site for the purposes of carrying out the development hereby permitted, protective fencing in accordance with the details contained in Appendices 2 and 4 of the Arboricultural Impact Assessment and Method Statement submitted with the application and stamped as received on 11/06/14 shall be installed and shall thereafter be maintained until all equipment, machinery and surplus materials have been removed from the site. For the duration of works on the site no materials, plant or equipment shall be placed or stored within the protected area.

b.) The development shall be carried out in all respects in full accordance with all other measures to protect trees during construction set out in Appendices 4 and 5 of the above Arboricultural Method Statement.

11. The solar PV panels hereby permitted shall only be installed if either

a.) they meet the criteria for an installation to constitute permitted development under Part 43, Class A (Installation of Non-domestic Microgeneration Equipment) of Schedule 2 of the Town and Country Planning General Permitted Development Order, or

b.) the details of the panels have first been submitted to and approved in writing by the County Planning Authority and the installation is carried out in accordance with the approved details

Reasons:-

1. To comply with Section 91 (1) (a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the residential amenities of the area, pursuant to policy COM4 of the replacement Elmbridge Borough Local Plan 2000 and Policy CS17 of the Elmbridge Core Strategy 2011.
4. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users pursuant to saved Policy COM4 of the Replacement Elmbridge Borough Local Plan 2000.
5. To encourage the use of sustainable modes of transport in order that the development should not prejudice highway safety nor cause inconvenience to other highway users pursuant to saved Policy COM4 of the Replacement Elmbridge Borough Local Plan 2000.
6. To encourage the use of sustainable modes of transport in order that the development should not prejudice highway safety nor cause inconvenience to other highway users pursuant to saved Policy COM4 of the Replacement Elmbridge Borough Local Plan 2000.
7. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users pursuant to saved Policy COM4 of the Replacement Elmbridge Borough Local Plan 2000.
8. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users pursuant to saved Policy COM4 of the Replacement Elmbridge Borough Local Plan 2000.

9. In the interests of the residential amenities of the area, pursuant to policy COM4 of the replacement Elmbridge Borough Local Plan 2000 and Policy CS17 of the Elmbridge Core Strategy 2011.
10. In the interests of the visual and residential amenity of the site and area pursuant to Policies CS14 and CS17 of the Elmbridge Core Strategy 2011 and saved Policies COM4 and ENV12 of the Replacement Elmbridge Borough Local Plan 2000.
11. In the interests of the visual amenities of the site and area pursuant to Policy CS17 of the Elmbridge Core Strategy 2011 and Policy ENV2 of the Replacement Elmbridge Borough Local Plan 2000.

Informatives:-

1. The attention of the applicant is drawn to the requirements of Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 and to Building Bulletin 102 'Designing for disabled children and children with Special Educational Needs' published in 2008 on behalf of the Secretary of State for Children, Schools and Families, or any prescribed document replacing that note.
2. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purposes of any other statutory provision whatsoever.
3. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates; unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present

CONTACT

Mr C Northwood

TEL. NO.

020 8541 9438

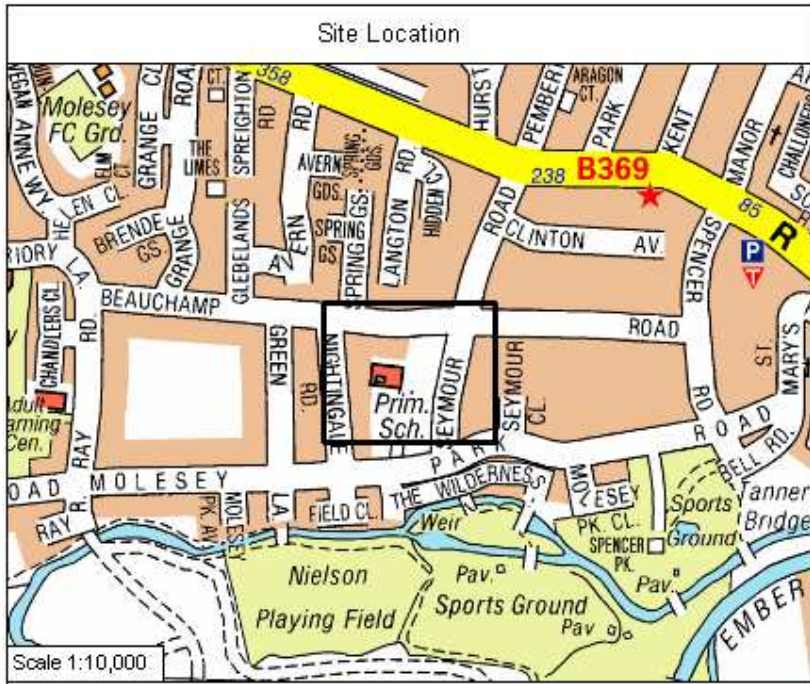
BACKGROUND PAPERS

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

Government Guidance; National Planning Policy Framework 2012

The Development Plan: Elmbridge Core Strategy 2011 and saved policies of the Replacement Elmbridge Borough Local Plan 2000

Other Documents: BS4142:1997, 'Rating industrial noise affecting mixed residential and industrial areas'



Land at St Albans Catholic Primary School, Beauchamp Road, East Molesey, Surrey KT8 2PG

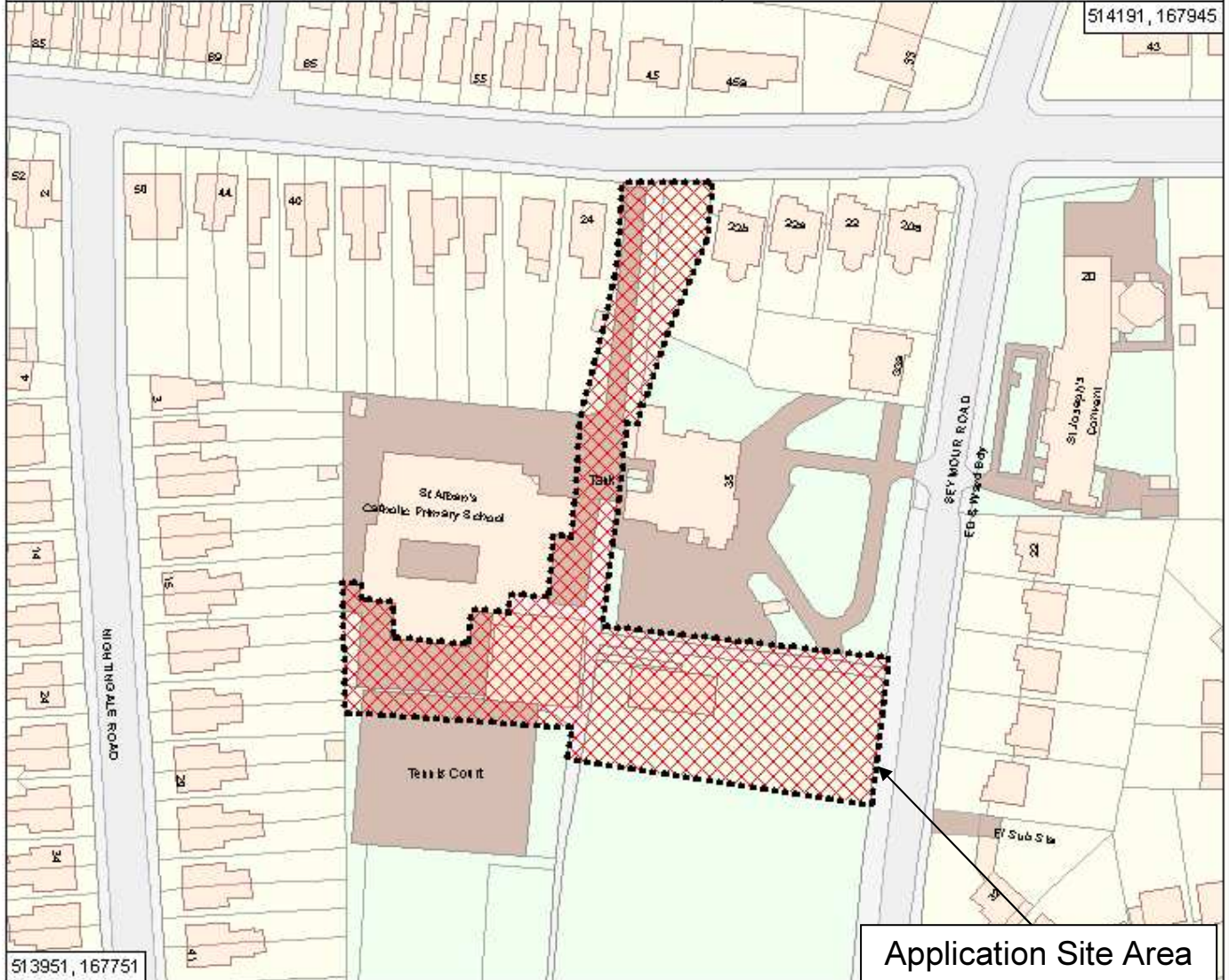
Construction of a two storey, 8 classroom detached teaching block with associated hard standing, following demolition of existing double demountable building; provision of PV panels on south facing area of existing small teaching block; alterations to internal fencing; widened access for emergency vehicles; provision of external canopy to south east of existing main building; increase in cycle/scooter parking.

Application No(s): EL/2014/2424

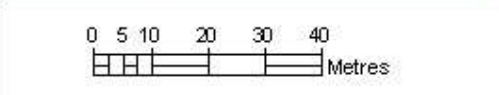
Electoral Division(s): West Molesey

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This plan is for indicative purposes only



Ref No: SCC Ref 2014/0114
Date printed: 09/09/2014



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Aerial 1 : Land at St Albans Catholic Primary School



Aerial 2 : Land at St Albans Catholic Primary School



Fig 1 : Site of proposed classroom block looking west, showing existing demountable classroom and northern site boundary



Fig 2 : Site of proposed classroom block looking north, showing existing demountable classroom with House of Prayer beyond



Fig 3 : View towards eastern site boundary from proposed location of classroom block



Fig 4 : Site for proposed canopy on existing building



Fig 5 : Beauchamp Road, looking east towards school entrance



Fig 6 : Seymour Road looking south along eastern site boundary



Fig 7 : Junction of Seymour Road with Molesey Park Road at southern end of school site



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TO: PLANNING & REGULATORY COMMITTEE

DATE: 24th September
2014

BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER

DISTRICT(S) MOLE VALLEY DISTRICT COUNCIL

ELECTORAL DIVISION(S):

Ashtead

Mr Townsend

PURPOSE: FOR DECISION

GRID REF: 517393 157311

TITLE: SURREY COUNTY COUNCIL PROPOSAL MO/2014/0778/SCC

SUMMARY REPORT

Land at St Peters Catholic Primary School, Grange Road, Leatherhead, Surrey KT22 7JN.

Construction of new classroom block comprising six classrooms and WCs.

St Peter's Catholic Primary School occupies a site within the Green Belt and is currently a 1 Form of Entry (1FE) Primary School catering for children aged from 5 to 11 years old. The yearly intake of the school is 30 pupils which gives them a capacity for up to 210 pupils. The current proposal is for the construction of a single storey building which would provide space for six additional classrooms and associated WC's. The proposed building is required in order to expand the school from a 1FE primary school (30 pupils per year group) to a 2FE primary school (60 pupils per year group) resulting in a total of 420 pupils.

To date three letters of representation have been received raising concerns which largely relate to traffic issues and which are set out in detail in the report.

Officers consider that the design and scale of the building is acceptable to the site and will not have any adverse impact on neighbouring residential dwellings. There is no

significant impact on trees, some trees will be lost but these do not have significant value and can be replaced elsewhere.

The proposal will give rise to a significant increase in vehicle movements and the impact of this on the surrounding area has been considered in detail and mitigation measures sought to alleviate the impact. The overall conclusion is that there is capacity within the local area to accommodate the increase in traffic without compromising highways safety subject to the applicant securing a number of measures to mitigate the impact including off-site highways improvements.

The proposal will cause harm to the Green Belt by virtue of the fact that it represents inappropriate development within the Green Belt but the applicant has submitted very special circumstances which clearly outweigh the harm caused by virtue of that inappropriateness and other harm to the open character of the Green Belt. The factors which constitute very special circumstances amount to the need to provide school places in this area and the lack of alternative suitable sites within the urban area to meet the need. Officers consider that very special circumstances do therefore exist in this case and the proposal can be considered acceptable having regard to Green Belt Policy.

The recommendation is to permit the application subject to conditions.

APPLICATION DETAILS

Applicant

Estates Planning and Management

Date application valid

14 May 2014

Period for Determination

9 July 2014

Amending Documents

Traffic Management Plan dated May 2014 Received 26/06/14

Outline Logistics Proposal March 2014 Received 26/06/14

Indicative programme – SIPs Option Received 04/06/14

Revised Travel Plan dated July 2014 Received 30/07/14

Revised Transport Assessment dated July 2014 Received 30/07/14

Location Plan, drawing number AI-01 Rev C dated Feb 14 Received 30/07/14

St Peters school – Proposed Scheme (Sheet 1 of 5) drawing number FS/0001 Received 30/07/14

St Peters school – Proposed Scheme (Sheet 2 of 5) drawing number FS/0002 Received 30/07/14

St Peters school – Proposed Scheme (Sheet 3 of 5) drawing number FS/0003 Received 30/07/14

St Peters school – Proposed Scheme (Sheet 4 of 5) drawing number FS/0004 Received 30/07/14

St Peters school – Proposed Scheme (Sheet 5 of 5) drawing number FS/0005 Received 30/07/14

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Design and Visual Amenity	Yes	18-20
Development on Playing Field	Yes	21-22
Impact on Residential Amenity	Yes	23-25
Highways Considerations	Yes	26-36
Impact on Trees	Yes	37-38

Impact of Existing Noise Sources	Yes	39-41
Impact upon the Green Belt	No	42-49
Very Special Circumstances	Yes	50-57

ILLUSTRATIVE MATERIAL

Site Plan

Plan

Aerial Photographs

Aerial

Site Photographs

Figure

BACKGROUND

Site Description

1. St Peter’s Catholic Primary School occupies a site within a largely residential area, north east of Leatherhead and west of Ashted. The school is bordered by the M25 and Right of Way 51 adjacent to the west, the Barnett Wood Lane Sports Field to the north, residential properties and Grange Road to the east and Linden Pit Path (a public Right of Way) to the south. Beyond the Linden Pit Path are the grounds of St Andrew’s Catholic Secondary School. The site is located within the Green Belt and there are trees covered by a Tree Preservation Order located to the far east of the site. The existing school

buildings are single storey with a mixture of pitched and flat roofs. The site slopes down towards the north west of the site.

2. St Peter's is currently a 1 Form of Entry (1FE) Primary School catering for children aged from 5 to 11 years old. Their yearly intake of 30 pupils gives them a capacity for up to 210 pupils; however there are currently 216 pupils on roll.

Planning History

3. There have been a number of previous planning applications at this site determined by both Surrey County Council and the District Council. The most notable of these are as follows:-

MO/88/1529 Single storey extension to library Permitted November 1988

MO/99/1030 Single storey extension to library Permitted September 1999

MO/2012/0473 Glazed canopy and amphitheatre Permitted May 2012

THE PROPOSAL

4. The current proposal is for the construction of a single storey building which would provide space for six additional classrooms and associated WC's. The proposed building is required in order to expand the school from a 1FE primary school (30 pupils per year

group) to a 2FE primary school (60 pupils per year group) resulting in a total of 420 pupils. There is a need for additional school places within the local area due to an increase in birth rates and families moving to the area.

5. The building would be constructed of bricks and would have a flat roof with roof lights. The proposed block would abut the existing school building and would form a new 'wing' projecting from the west to the east. The building would measure a maximum width of 32m and a maximum depth of 18m, with a height of approximately 3.7m.
6. Following negotiations a package of highways mitigation measures are now being proposed as part of this proposal which comprises the following:-
 - a) Measures to deter and prevent parking on verges and footways on Ottways Lane, Grange Road and Grange Mount and to improve pedestrian facilities (as generally shown on Atkins Drawings FS/0001, FS/0003, FS/0004 and FS/0005)
 - b) Measures to deter parking on the school access road and at the junction with Duckworth Drive (as generally shown on Atkins Drawing number FS/002 and cfp architects drawing 1581/AL-01 revision C)
 - c) The widening of the footway between Duckworth Drive and Grange Road (as generally shown on Atkins Drawing number FS/002)
 - d) The widening of the pedestrian access to Linden Pit Path and the provision of a parent waiting shelter

CONSULTATIONS AND PUBLICITY

District Council

6. Mole Valley District Council

Raise objection on original submission and on amended proposal which include highways improvement measures stating "*St Peters has a wide catchment and therefore a considerable number of its pupils travel to school by car. It is noted that there will be various steps taken to deter parking close to the school and that a TP will be implemented. However, MVDC considers that traffic and congestion will continue to be an issue on the local road network and near to the school despite the proposed mitigation.*"

Consultees (Statutory and Non-Statutory)

7. County Arboriculturalist No comments received
8. Environmental Noise No objection. The school is in a noisy

location (near M25) and steps will need to be taken to control internal noise and measures have been suggested by the applicant in respect of mechanical ventilation. Details of this have not been submitted so a condition requiring compliance with BB93 and BB101 will be needed. The actual location of the extension will improve external noise for the play area.

9. Transport Development Planning

No objection to amended submission subject to conditions relating to

1. Installation of measures to deter and prevent parking on verges and footways on Ottways Lane, Grange Road and Grange Mount
2. Installation of measures to deter parking on the school access road and at the junction with Duckworth Drive
3. Widening of the footway between Duckworth Drive and Grange Road
4. Widening of the pedestrian access to Linden Pit Path and the provision of a parent waiting shelter
5. The Interim School Travel Plan to be updated
6. Construction shall be strictly in accordance with the Traffic Management Plan May 2014
7. No construction vehicle movements to or from the site between the hours of 08.15am and 09.15 am and 2.45pm and 3.45pm.
8. The development shall not be occupied unless and until a scheme for the phased introduction of an additional 50 cycle parking spaces has been submitted

10. Sport England

No objection. The location of the classroom is such that it is not considered to prevent the ongoing use of the remaining playing field as it is located on an area incapable of forming part of a playing pitch.

Parish/Town Council and Amenity Groups

11. Ashtead Residents Association
- No objection in principle but ask that the case officer is totally satisfied with the management of the traffic in the locality of Grange Road that is already well recorded as a problem area for residents due to intensity of school within a relatively small radius.

Summary of publicity undertaken and key issues raised by public

12. The application was publicised by the posting of 2 site notices and an advert was placed in the local newspaper. A total of 44 owner/occupiers of neighbouring properties were directly notified by letter. To date three letters of representation have been received raising the following concerns:-
- There are three schools on Grange Road and the parking situation is currently untenable during school drop off and pick up
 - The double yellow lines have had a knock on effect and parents now park on the bend where Grange Road leads to Ottways Lane and the Lane itself
 - Parents also park in the entrance road to St Peters School on both sides and also in the entrance to Duckworth Drive frequently blocking the entry and exit to cul de sac
 - Parents are abusive when asked to move
 - There are no double yellow lines therefore have little recourse
 - Parking problem will double if school doubles
 - Not viable to increase unless consideration is given to parking issues and potential remedies
 - One option to provide an additional entry / exit route via Harriots Lane to alleviate this and introduce double yellow lines to the access road to the school
 - Ideal to have a single entry and exit route and drop-off within the school
 - No interest in managing traffic just to focus on getting children to walk / cycle
 - Irresponsible parking and traffic congestion are a constant problem
 - Local infrastructure already massively strained and to effectively add another school would make the situation unbearable for residents.

PLANNING CONSIDERATIONS

13. The County Council as County Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities when determining planning applications to “have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and

(c) any other material considerations”. At present in relation to this application the Development Plan consists of the Mole Valley Local Plan 2000 and the Mole Valley Local Development Framework Core Strategy 2009.

14. The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.
15. The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. However, the guidance contained in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).
16. The NPPF highlights in paragraph 72 that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It continues by stating that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. The NPPF further states that local planning authorities should, inter alia, give great weight to the need to create, expand or alter schools.
17. In this case, the main issues are whether there are very special circumstances which clearly outweigh the harm caused by inappropriate development in the Green Belt. The design of the development will be assessed to ensure it is acceptable in terms of visual amenity and residential amenity; and whether there would be unacceptable impacts on highway safety or the residential amenities of surrounding properties as a result of additional traffic generated by an enlarged school. The impact upon trees as well as the loss of the playing field will be assessed.

DESIGN AND VISUAL AMENITY

National Planning Policy Framework (NPPF) 2012

Paragraph 17 - Core Planning Principles

Chapter 7 – Requiring Good Design

Mole Valley Local Development Framework Core Strategy 2009

Policy CS14 – Townscape, Urban Design and the Historic Environment

Mole Valley Local Plan 2000

Policy ENV22 – General Development Control Criteria

18. The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Chapter 7, paragraph 56 states that good design is a key aspect of sustainable development. Paragraph 64 goes on to say that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
19. Core Strategy Policy CS14 resists development of a poor quality of design and requires all new development to respect and enhance local character. Local Plan Policy ENV22 requires the design and layout of development to satisfy several criteria including being appropriate to the site in terms of its scale, form and appearance and external building materials; and respecting the character and appearance of the locality. Respect for the setting of development is also expressed in Local Plan Policy ENV23, which requires that development proposals consider the scale, character, bulk, proportions and materials of the surrounding built environment. Local Plan Policy CF2 requires that proposals for community facilities should not detract from the character and appearance of the property and surrounding area.
20. The proposed new building in this case lies adjacent to and extends out from the north eastern end of the school and would form a courtyard effect around the existing school playground. The proposed building is of linear form under a flat roof and this reflects elements of the existing school building. The proposed extension would have external brickwork to match the existing school. Officers consider that the proposed extension respects the scale and form of the existing school and is appropriate to the site in terms of scale, appearance and external detailing. The proposal therefore complies with Development Plan policy in this regard.

DEVELOPMENT ON PLAYING FIELD

Mole Valley Core Strategy 2009

Policy CS16 – Open Space, Sports and Recreation Facilities

- 21 Policy CS16 states that open space, sports and recreation facilities will be safeguarded from development. This reflects the Policy stance of Sport England in their document entitled 'A Sporting Future for the Playing Fields of England' which resists the loss of existing playing fields.
- 22 The proposed classroom building would be sited on an area of open land on the edge of the formal playing pitches on this site and officers consider that the location of the classroom will not prevent the ongoing use of the remaining playing fields as it is located on an area incapable of forming part of the playing pitch due to its configuration and proximity to existing buildings. This view has been supported by Sport England who has been consulted on the proposal and who have no objection to it. The proposal therefore accords with Development Plan Policy in this regard.

IMPACT ON RESIDENTIAL AMENITY

National Planning Policy Framework (NPPF) 2012 Core Principles

Chapter 11 Conserving and enhancing the natural environment

Mole Valley Local Plan 2000

Policy ENV22 – General Development Control Criteria

Policy CF2 – Provision of New Community Facilities

- 23 NPPF identifies that within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision making. These 12 principles include that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 109 of chapter 11 states that the planning system should contribute to and enhance the natural and local environment by *inter alia* preventing both new and existing development from contributing to or being put a unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 24 Local Plan Policy ENV22 requires development not to significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking or its overpowering effect, noise, traffic or other adverse environmental impact. Local Plan Policy CF2 requires that development for community facilities satisfies a number of criteria including not detracting from the character and appearance of the property and the surrounding area; it has no adverse impact on the amenities of the locality, especially those of neighbouring properties; and traffic generated by such development has no adverse affect on local residential amenity.
- 25 The proposed extension in this case lies in the centre of the school site and a significant distance from the school boundaries. The nearest residential properties are in Kingfisher Close and are some 85m from the proposed building. There will not therefore be any impact arising from this proposal on any residential dwellings and the proposal therefore accords with Development Plan policy in this regard. The residential amenity issues arising from the traffic arising from the proposal is considered in the following section.

HIGHWAYS CONSIDERATIONS

National Planning Policy Framework (NPPF) 2012

Chapter 4 – Promoting Sustainable Transport

Mole Valley Local Plan 2000

Policy MOV2 – The Movement Implications of Development

Policy MOV5 – Parking Standards

PolicyCF2 – Provision of New Community Facilities

- 26 Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport

Assessment; safe and suitable access to the site can be achieved for all people. Paragraph 35 states that development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Paragraph 36 states that a key tool to facilitate sustainable transport modes will be a Travel Plan and all development which generate significant amounts of movement should be required to provide a Travel Plan.

- 27 Local Plan Policy MOV2 states that development will only be permitted where it can be made compatible with the transport infrastructure and the environmental character in the area and where appropriate developers will be required to contribute to transportation initiatives and highways improvements. Policy MOV5 applies the County Council's parking standards as maxima, having regard to the developer's own requirements and subject to road safety or traffic management implications. The specific criteria applied to development of community facilities under Policy CF2 include that parking and access requirements can be satisfactorily accommodated and that the amount of traffic generated would not adversely affect highway or safety of residential amenities in the locality.
- 28 The applicants have submitted a Transportation Assessment in support of this application which has been amended during the consideration of the proposal. This examines the existing highways conditions in the area and arising from the school and identifies the additional implications arising from this proposed development. In order to examine the existing position a 'hands up' pupil survey was undertaken looking at modes of travel to school both existing and preferred for both pupils and staff at the school and it also identified the catchment area of the school to look at how far people travel. A review of the existing footway and cycleway networks was undertaken, as well as the frequency of bus provision. In addition a parking survey was undertaken to assess the existing demands for parking at school drop off and pick up times and the road network was examined in terms of the volume and speed of existing traffic.
- 29 The proposal will result in an increase in capacity of the school from a 1 form entry primary school (210 pupils) to 2 form entry (420 pupils), with an increase from 36 to 45 staff. There are two on-site car parks with a combined capacity of around 35 spaces, although one is unsurfaced and is not used as efficiently as it could be. The school currently has a cycle shelter for 20 cycles and a scooter shed for 20-30 scooters and it is proposed that there is a phased increase of at least 50 additional cycle parking spaces for pupils and 13 for staff.
- 30 The school is located on the Leatherhead/Ashted borders, to the east of the M25. It is accessed from Grange Road, along with two other schools, St Andrews Catholic Secondary School and Downsend School, an independent preparatory school. The main access to Downsend School is from the A24 Leatherhead Road but both St Andrews and St Peters only have vehicular access from Grange Road. Grange Road is accessed directly from the A24 which carries around 2000 vehicles per hour during the school morning and afternoon peaks. Start and finish times at St Peters and St Andrews are staggered so that the two schools do not start and finish at the same time. There are 3 sets of 'school keep clear' markings on Grange Road with double yellow lines along much of the eastern side of the road. There is a public footpath which runs alongside St Peters, known as Linden Pit Path, which has a footbridge across both the M25 and the Leatherhead Bypass. It links Grange Road with St John's Close/Linden Gardens. Some parents park in St John's Close/Linden Gardens and then use Linden Pit Path to access

the school. There is a pedestrian only gate into the school from Linden Pit Path. 38% of those pupils that arrive by car, park in Linden Gardens and then walk along Linden Pit Path to access the school.

31 As St Peters is a faith school, it has a broader catchment than secular community schools. 45% percent of children live within a kilometre/15 minute walk of the school, although only 7% of these live within half a km, with 19% living more than 2km away from the school. The existing pupil mode share for St Peters reflects this, as follows:-

- 48% come by car
- 27% walk
- 5% cycle
- 6% scooter
- 2% come by bus
- 12% come by other modes (taxi/school transport)

49% of pupils at St Peters have a sibling in the school and 20% have a sibling at either St Andrews or Downsend. Having regard to the above it is apparent that significant number of pupils will travel to school to this site with a sibling. Applying the mode shares set out above to the expanded school will result in around 199 cars taking children to and from school. This is a worst case scenario as it takes no account of siblings in the school or the successful implementation of measures in the travel plan.

32 The parking survey shows that there are 125 spaces available within a 5 minute walk of the school and providing parents do not all arrive simultaneously, there is sufficient spare capacity for the additional vehicles from the school expansion to be accommodated on local roads. Parking will be approaching capacity, with 92% of spaces occupied in the am peak and 83% in the pm peak. Parking availability will be tight and measures are proposed to prevent parking on footways and verges which will be more attractive to parents when spaces become more difficult to find. It is clear from the survey that there is already an issue as parents are already parking illegally (over driveways, on footways and verges and on keep clear/double yellow lines). Parking on footways and verges reduces capacity for pedestrians and can force them, particularly if they have pushchairs or wheelchairs, to walk in the road which is unacceptable. As it is essential that child safety is not compromised, the consultants conclude that parents will be required to park further afield or the peak 15 minute arrival/departure period will be extended over a longer period. The implementation of measures in the Travel Plan will be key to managing the impact of parent parking and travel to school.

33 The A24 Leatherhead Road is operating close to capacity during the school peaks morning and afternoon. The consultants were asked to consider the likely impact of the increase on this to see if it was material. The expansion of the school will see an increase in queuing on the A24/Grange Road/Ermyrn Way junction and similarly on the A24/A243 Knoll Roundabout junction on the Leatherhead Bypass. The increase in signal controlled delay will only be minor and is calculated on the basis of a worst case scenario. It should be noted however, that if the children do not attend this school, they will need to attend an alternative and there is a high likelihood that this additional traffic will be on the highway network travelling to school in any case, just not to this particular school. The increase in traffic and thus delay may occur, irrespective of whether it is this school that is expanded or another. It is therefore concluded that the impact of the

proposal is acceptable and that there is no proportionate and appropriate mitigation that can be introduced to reduce the increase in delay at these two important junctions.

- 34 The staff car park is currently around 75% utilised according to the school. Around 20 of the 27 spaces were occupied. The proposals will increase the capacity of the staff car park by 3 spaces to 30. This will not accommodate all of the additional staff that are expected to drive to the school but it will accommodate around two-thirds. Staff may be able to 'double park' to increase the capacity, but this will need to be managed by the school.
- 35 Transportation Development Planning was consulted on the application and following negotiations with the applicants have secured agreement to a number of on and off site highways improvements to mitigate the impact of the development on the local highways network – these are set out in paragraph 5 above. TDP now have no objection to the proposal subject to conditions relating to matters as set out under 'Consultations' (paragraph 9) above. TDP comments that although there is a minor impact on traffic queuing and delay, the main impact in respect of this proposal is the additional parking demand that will be generated. There are a number of physical measures that are now being proposed to dissuade dangerous and inconsiderate parking but the school will need to actively promote responsible parking and other measures, such as park and stride, walking buses etc in order to manage the impact of the proposal. The parking impacts largely affect resident amenity and convenience but there are some potential highway safety implications and these will be addressed by the physical measures which are required to be installed by way of planning conditions. TDP also comment that it is hoped that St Peters and St Andrews will work together to manage the impact of travel to school in this location as currently there are no joint initiatives between the two schools. TDP concludes that although this is a finely balanced case, the impact of the proposal has been mitigated as far as is possible by the applicants.
- 36 Having regard to the conclusions of TDP Officers consider that the highways issues in respect of this proposal have been satisfactorily assessed and proportionate measures to mitigate against the impact arising from the proposal have been proposed and can be secured by planning conditions. As such the proposal accords with Development Plan Policy and is acceptable in this regard

TREES

Mole Valley Local Plan 2000

Policy ENV22 – General Development Control Criteria

- 37 Local Plan Policy ENV22 requires the design and layout of development to satisfy several criteria including having regard to attractive features such as trees that contribute to the amenity of the area.
- 38 Five small trees will need to be removed on the site to facilitate the development. None of these trees are protected by a Tree Preservation Order and a full tree assessment has been submitted with the application. Out of the five trees shown to be removed (as they lie within or adjacent to the footprint of the proposed building) 3 are Grade C trees, one is Grade U and one is Grade B. The trees are relatively small in stature and generally of poor structure. Officers consider that the loss of these trees will have a very limited impact to the visual amenity of the area and the applicant has proposed replacement

planting elsewhere on the site which will mitigate against the impact and can be controlled by a condition on the planning permission. In addition tree protection measures are proposed for the remainder of the trees on the site. Officers therefore consider that the proposal is acceptable in this regard and complies with Local Plan Policy.

IMPACT OF EXISTING NOISE SOURCES

National Planning Policy Framework 2012: Para 137

Mole Valley Local Plan 2000

Policy ENV22 – General Development Control Criteria

- 39 Policy ENV22 of the Local Plan requires, inter alia, that new development provides a satisfactory environment for its occupiers. Para 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Detailed guidance on appropriate noise levels for new development affected by existing noise sources formerly contained in PPG24 'Planning and Noise' have not been included in the NPPF and the National Planning Guidance on Noise contains no specific guidance for schools. Previously PPG24 stated that school development located in noisy environments should take account of Department for Education design guidance on internal noise levels in schools, which suggests noise levels in classrooms should not exceed 35dB LAeq. In addition Building Bulletins 93 and 101 reiterate this figure as being appropriate. In the absence of any new guidance within the NPPF officers consider that the advice contained in Building Bulletins 93 and 101 remains an appropriate starting point for assessing the noise climate of this proposal, and this view is shared by the County's Noise Advisor.
- 40 In this case the school lies in close proximity to the M25 and it already suffers a degree of noise intrusion from that road. The applicant has advised that in drawing up these proposals the noise impact arising from the M25, particularly on the new classroom block which would lie closest to the road, has been considered in the design. The applicants acoustic advisors conclude that in order to achieve satisfactory noise levels within the new classrooms (in accordance with BB 93 and 101) noise attenuating passive ventilators will be required in all classrooms facing the M25 so that windows can be kept closed at all times. The proposal in this case is to provide a full building mechanical ventilation system with heat recovery within the new classroom block, though the details of such a scheme have not been submitted with the application.
- 41 The County Council's Noise Advisor has reviewed applicant's submissions on noise and confirms that the approach taken is an appropriate one and has no objection to the proposal subject to a condition that the noise levels set out in Building Bulletin 93 and 101 are achieved. Officers consider that subject to such a condition the proposal accords with the Development Plan Policy and is acceptable in this regard.

IMPACT ON THE GREEN BELT

National Guidance

National Planning Policy Framework 2012: Chapter 9; Protecting Green Belt Land

The Mole Valley Core Strategy 2009

Policy CS1 – Where Development Will Be Directed

Harm due to Inappropriateness

- 42 Paragraph 87 of the National Planning Policy Framework 2012 states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 states that Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt except in specific circumstances which include 1) where the proposal would be for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces and 2) For the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building.
- 43 Policy CS1 of the Mole Valley Core Strategy 2009 states that in the countryside, development will be considered in the light of other policies within the Core Strategy and the provisions of PPG2 'Green Belts'. PPG2 has now been superseded by the National Planning Policy Framework (NPPF).
- 44 Extensions to existing buildings can be considered to be appropriate development in the Green Belt provided they do not amount to disproportionate additions over the existing building. Generally extensions above a 30% increase (though sometimes this can be extended up to 50%, depending on the circumstances in each case) are likely to be considered 'disproportionate'. In this case officers consider that the proposal is a 'disproportionate' extension' in view of the proposed increase in floor space (which for the current proposal is 31% though it is also noted that the school has been previously extended so cumulatively this figure will be greater) but also because of the form of the extension which forms a large new wing of development on the site. The proposed development would not therefore fall within any of the above categories and therefore would be considered as inappropriate development within the Green Belt. In these circumstances it is for the applicant to then demonstrate very special circumstances exist in order to justify the inappropriate development. The NPPF states that '*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*' (para 88).

Other Harm to the Green Belt

- 45 In accordance with paragraph 88 of the NPPF the impact of the development needs to be assessed in terms of any other harm to the Green Belt in addition to the inappropriateness of the proposal as discussed above in paragraph 42 above. The extent of harm to the Green Belt, and in particular the impact the proposal has on the purposes of including land in Green Belts through its impact on openness is influenced by the scale and location of the proposed development. Also in this case the school lies within a 'strategic gap' between Ashted and Leatherhead and Green Belt policy seeks

to maintain the openness of such gaps to prevent the coalescence of towns. The prevention of towns merging into one another remains a key purpose of the Green Belt as stated in the NPPF.

- 46 In this case the proposal is for a sizeable extension to the existing school. Having regard to openness the school complex occupies a large curtilage which is secluded, and the school buildings themselves are distant from nearby dwellings. The site is also well screened with existing trees on all of its boundaries. The proposed extension has been designed to be sympathetic to the style and design of the existing school and would be single storey with a flat roof. In this setting and against the existing school buildings the massing of the extension would be minimal and when viewed from the south and southwest it would be screened by the existing school buildings. The well established trees on the site boundaries would help to screen the extension from public views from the east and northeast but the extension may still be visible from vantage points in those directions, and from the west. In particular the extension would be visible from the Public Right of Way (Footpath 51) which exists along the western boundary of the site and from the rear of the residential dwellings which lie to the north east (in Harriots Lane).
- 47 In view of the size of the proposed building and its location to the rear of the school officers consider that it will give rise to a loss of openness and it will therefore cause harm to the Green Belt in this location. The loss of openness is considered to be moderately significant given the scale of the proposal.
- 48 In respect of impact on the strategic gap, the proposed extension has a relatively compact footprint and will form a new wing to the existing school building. The proposal does not extend the built form of the school onto the open areas of the site and therefore officers do not consider that the visual amenity of the existing gap in this location will be diminished or give rise to the coalescence of towns..
- 49 In conclusion officers consider that the impact on the gap has been ameliorated by the design of the proposal in this case and the scale of the extension is proportionate to the need and the development cannot be located elsewhere to meet the need identified for the locality. Accordingly officers consider that while the size of the building will give rise to a moderately significant loss of openness, they attach moderate weight to other harm overall.

Need for the Development

- 50 St Peters' Catholic Primary School is currently a 1 form of entry Primary School catering for children aged 5 to 11 years old. Their yearly intake of 30 pupils gives the school capacity for 210 pupils however there are currently 216 pupils on the school roll. The proposal seeks to expand the school to form a 2FE Primary School with a yearly intake of 60 pupils and to accommodate this increase 6 new classrooms are required.
- 51 There are insufficient places in the existing school accommodation within the Ashtead/Leatherhead area of Mole Valley. This is in part due to an increase in birth rates and an increase in numbers of people choosing state education as opposed to private education. The following table provides historical information on the total number of reception school places in Ashtead/Leatherhead (the PAN), compared with the actual number of pupils since 2007.

Year	PAN	Pupils in Reception Year	Spare reception places
2007/8	240	230	10
2008/9	240	238	2
2009/10	240	232	8
2010/11	240	223	17
2011/12	240	246	-4
2012/13	240	286	-44
2013/14	240	269	-27

- 52 In 2012 the Ashtead/Leatherhead area had a shortfall of 44 reception places and as a result the Education Authority provided temporary accommodation at two schools (The Greville Primary and West Ashtead Primary). In 2013 there was another shortfall of 27 and the LEA again provided temporary accommodation at The Greville Primary School. There is now a need to find a long term solution to the need for additional places as this looks to continue into the future.
- 53 In addition to the general need for places in the area, the shortage of Catholic places is particularly acute in the Ashtead/Leatherhead area. This is demonstrated in the number of baptisms in the parishes that St Peter's School serves. The increase in catholic baptisms across the parishes served by St Peter's School between 2007 and 2013 was up by 67% and the actual number of baptisms in 2013 at 70 is significantly above the existing 30 reception places available at St Peters Catholic School, which is the only Catholic School serving this area.

Alternative Sites

- 54 Notwithstanding the above the LEA did look at other options for providing the additional school places required in the area and the results of this are summarised below.

The Greville Primary School The LEA is consulting on expanding this school by 1 FE from 450 to 660 places and if this succeeds the school will be operating at capacity. However the Greville School alone cannot meet the need for all of the additional places forecast as required in the Ashtead area.

St Giles Infant School Only offers infant places and does not have a site big enough to expand

West Ashtead Primary The school has significant highways issues and expansion was deemed inappropriate

Barnett Wood Infant School Only offers infant places and does not have a site big enough to expand

Leatherhead Trinity School Not in the area of demand and does not have a site suitable for expansion

St Peters Catholic Primary School Has site big enough to accommodate expansion by 1FE also meets faith requirements as is the only Catholic School in the area.

- 55 In conclusion the applicant states that of all of the schools in the area only The Greville Primary and St Peters Catholic Primary can be expanded to meet the demand. Both the expansions are needed to meet the overall levels of need identified as the Greville site is not large enough to provide for all of it. This situation constitutes very special circumstances why planning permission should be granted for the development which lies within the Green Belt.

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Whether need for additional school places constitutes very special circumstances

- 56 Officers consider that a robust case has been made by the applicants demonstrating a need to increase the number of primary school places within this area as summarised above and given the location, there are limited alternatives available. Paragraph 72 of the NPPF also lends additional weight to this proposal, this state's *'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:-*
- *Give great weight to the need to create, expand or alter schools; and*
 - *Work with schools promoters to identify and resolve key planning issues before applications are submitted.'*
- 57 Officers consider that the need set out above coupled with the lack of suitable alternative sites constitutes very special circumstances.

Conclusions on Green Belt

- 58 The new building proposed as part of this scheme constitutes inappropriate development in the Green Belt. Officers consider that the proposal causes harm to the Green Belt by virtue of its inappropriateness but also the size of the proposed extensions also cause harm to the open character of the Green Belt in this location. Notwithstanding this, officers are satisfied that the applicant has demonstrated that there is a clear need to increase this school from a one form of entry (1FE) primary school to a two form of entry (2FE) primary school. It has been demonstrated that this is the most suitable site within the local area and indeed is the only school able to address choice through the provision of Catholic Places. The accommodation therefore needed cannot be located within the urban area given the specific need in this area. The proposal would provide additional school places given the shortfall in the local area. Officers consider that the very special circumstances of need for additional school places to meet the clear demand within the local area which cannot be accommodated on another site clearly outweighs the harm

caused to the Green Belt by virtue of inappropriateness and other harm. Officers therefore consider that the proposal can be supported as an exception to Green Belt policy.

HUMAN RIGHTS IMPLICATIONS

- 59 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.
- 60 In this case, the Officers' view is that while impacts on amenity caused by traffic movements at the start and end of the school day are acknowledged, the scale of such impact is not considered sufficient to engage Article 8 or Article 1 of Protocol 1. Their impact can be mitigated by conditions. As such, this proposal is not considered to interfere with any Convention right.

CONCLUSION

- 61 The development constitutes inappropriate development in the Green Belt. Officers consider that the very special circumstances of the need for additional school places within the area which cannot be accommodated elsewhere amount to factors which constitute very special circumstances which clearly outweigh the harm due to inappropriateness and the loss of openness. Officers are satisfied that the scale of the proposal is proportionate to the need and the harm to the Green Belt has been limited by locating the new building close to the existing buildings coupled with the sympathetic design of the building and appropriate use of materials .
- 62 Officers consider that the development can be permitted as an exception to Green Belt policy and that otherwise potential harm can be ameliorated by the imposition of planning conditions.

RECOMMENDATION

- 63 That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, that application MO/2014/0778/SCC be PERMITTED subject to the following conditions:

Conditions:-

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in all respects strictly in accordance with the following plans/drawings:-
 - 1581 AL-01 rev C Location Plan dated 25/06/14
 - 1581 AL-02 rev C Site Plan Existing dated 22/04/14
 - 1581 AL-03 rev B Site Plan Proposed dated 22/04/14

1581 AL-05 rev B Plan Proposed dated 22/04/14
1581 AL-06 Roof Plan Proposed dated April 2014
1581 AL-11 Sections dated April 2014
1581 AL-31 rev A Elevations Existing dated 22/04/14
1581 AL-32 rev A Elevations Proposed dated 22/04/14
1097-SK4 rev P2 Drainage General Arrangement dated 22/04/14
St Peters school – Proposed Scheme (Sheet 1 of 5) drawing number FS/0001
St Peters school – Proposed Scheme (Sheet 2 of 5) drawing number FS/0002
St Peters school – Proposed Scheme (Sheet 3 of 5) drawing number FS/0003
St Peters school – Proposed Scheme (Sheet 4 of 5) drawing number FS/0004
St Peters school – Proposed Scheme (Sheet 5 of 5) drawing number FS/0005

3. The materials to be used on the external elevations of the building hereby approved shall match the existing building.
4. The building hereby approved shall be designed to achieve noise levels within the classrooms which accords with the guidance set out in Building Bulletins 93 and 101.
5. The measures set out in the Arboricultural Implication and Assessment and Method Statement by Babcock dated April 2014 shall be fully implemented prior to and during the construction of the development.
6. No later than six months after the commencement of the development hereby permitted a scheme to provide replacement trees for those trees to be removed on the frontage of the site shall be submitted to and approved in writing by the County Planning Authority. Such scheme shall include the size, location and species of the proposed replacement trees and measures for the landscaping to be maintained for a period of five years. Such maintenance shall include the replacement of any tree or shrub which is removed, uprooted or destroyed or dies or becomes in the opinion of the County Planning Authority seriously damaged or defective. The replacement shall be of the same species and size and in the same location as that originally planted.
7. The development shall not be occupied unless and until detailed schemes for the following has been submitted for approval by the County Planning Authority and have been implemented in full accordance with the details approved:
 - a) Measures to deter and prevent parking on verges and footways on Ottways Lane, Grange Road and Grange Mount and to improve pedestrian facilities (as generally shown on Atkins Drawings FS/0001, FS/0003, FS/0004 and FS/0005)
 - b) Measures to deter parking on the school access road and at the junction with Duckworth Drive (as generally shown on Atkins Drawing number FS/002 and cfp architects drawing 1581/AL-01 revision C)
 - c) The widening of the footway between Duckworth Drive and Grange Road (as generally shown on Atkins Drawing number FS/002)
 - d) The widening of the pedestrian access to Linden Pit Path and the provision of a parent waiting shelter

8. Prior to the occupation of the development hereby permitted the Interim School Travel Plan shall be updated and submitted for approval to the County Planning Authority. The approved Travel Plan shall be implemented upon first occupation of the development hereby permitted and thereafter maintained, monitored and developed.
9. Subject to the provisions set out in Condition 10 below the development shall be implemented strictly in accordance with the 'Traffic Management Plan' dated May 2014 and stamped as received 26 June 2014
10. In carrying out the development hereby permitted, no HGV movements to or from the site shall take place between the hours of 8.15 and 9.15 am and 2.45 and 3.45 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Grange Road, Ottways Lane and Harriots Lane during these times.
11. The development shall not be occupied unless and until a scheme for the phased introduction of an additional 50 cycle parking spaces has been submitted for approval to the County Planning Authority and the approved scheme has been implemented in full accordance with the details approved.
12. In carrying out the development hereby permitted, no construction activities shall take place except between the hours of 8.00 and 18.00 between Mondays and Fridays and between 8.00 and 13.00 on Saturdays. There shall be no working on Sundays or bank and public/national holidays.

Reasons:

1. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure a satisfactory form of development having regard to the visual amenity of the area in order to comply with policy CS14 of the Mole Valley Local Development Framework Core Strategy 2009 and policies ENV22, ENV23 and CF2 of the Mole Valley Local Plan 2000
4. To ensure satisfactory conditions for the occupiers of the building in accordance with Policy EVV22 of the Mole Valley Local Plan 2000
5. In the interest of the visual amenity of the site and the area in accordance with policy ENV22 of the Mole Valley Local Plan 2000
6. In the interest of the visual amenity of the area in accordance with policy ENV22 of the Mole Valley Local Plan 2000
7. To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies MOV2, MOV5 and CF2 of the Mole Valley Local Plan 2000
8. To manage and mitigate the highways implications of the development hereby permitted in accordance with Policies MOV2, MOV5 and ENV22 of the Mole Valley Local Plan 2000
9. To manage and mitigate the highways implications of the development hereby permitted in accordance with Policies MOV2, MOV5 and ENV22 of the Mole Valley Local Plan 2000
10. In the interests of the amenity of the residential dwellings in the vicinity of the site in accordance with Policy ENV22 of the Mole Valley Local Plan 2000

11. To manage and mitigate the highways implications of the development hereby permitted in accordance with Policies MOV2, MOV5 and ENV22 of the Mole Valley Local Plan 2000
12. In the interests of the amenity of the residential dwellings in the vicinity of the site in accordance with Policy ENV22 of the Mole Valley Local Plan 2000

Informatives:

1. The attention of the applicant is drawn to the requirements of Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 and to Building Bulletin 102 'Designing for disabled children and children with Special Educational Needs' published in 2008 on behalf of the Secretary of State for Children, Schools and Families, or any prescribed document replacing that note.
2. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purposes of any other statutory provision whatsoever.
3. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
4. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge. There will be a charge.
5. The Highway Authority would wish to see the predominant use of double height kerbs and fewer bollards than shown on the initial drawings to deter parking as these have less long-term maintenance liability.
6. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
7. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

CONTACT

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020 8541 9435

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 Guidance 2012

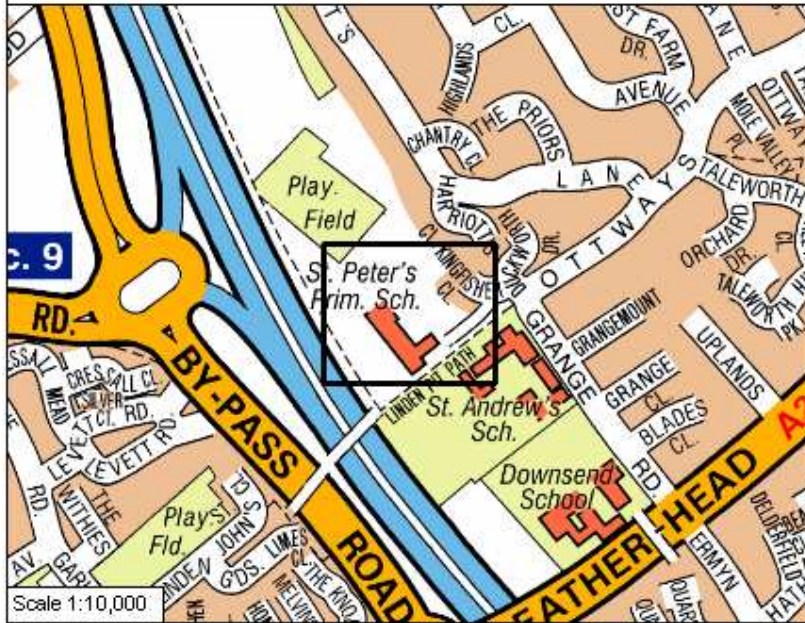
The Development Plan

The Mole Valley Core Strategy 2009
The Mole Valley Local Plan 2000

Other Documents

Building Bulletins 93 and 101

Site Location



Land at St Peters Catholic Primary School, Grange Road, Leatherhead, Surrey KT22 7JN.

Construction of new classroom block comprising six classrooms and WCs.

Application No(s): MO/2014/0778/SCC

Electoral Division(s): Ashted

Scale 1:10,000

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This plan is for indicative purposes only



Application Site Area

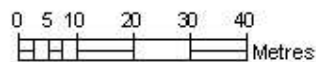
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Aerial 1 : Land at St Peters Catholic Primary School



Aerial 2 : Land at St Peters Catholic Primary School



Application Site Area



All boundaries are approximate

Fig 1 : Site of proposed extension looking South



Fig 2 : Site of proposed extension looking South-west



Fig 3 : Site of extension and adjacent playing fields looking West from school playground



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