

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 11.00 am on 13 March 2015 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  
Mr Jonathan Essex  
Mrs Margaret Hicks, Substituted by Mr David Ivison  
Mr Ernest Mallett MBE  
Mr Michael Sydney  
Mr Richard Wilson

**Apologies:**

Mrs Carol Coleman, Substituted by Mr Denis Fuller  
Mr George Johnson, Substituted by Mrs Helena Windsor  
Mr Christian Mahne, Substituted by Mr David Ivison

The Chairman informed the Committee that this meeting had been convened by the Chief Executive with five clear days notice (notice was given on Thursday 5 March) as he was of the opinion that a special meeting was required as a matter of urgency. The urgency arises because details pursuant applications are delegated to officers to determine unless a request had been made by the local Members or a member of the Planning and Regulatory Committee for the applications to be brought to Committee for determination. Officers received indications that a Member was considering calling in these applications, which he did on Friday 6 March.

Reports were marked to follow and were circulated to councillors and made available to the public as soon as they were completed on Monday 9 March. The Chairman was satisfied that there were special circumstances with regard to the completion and late circulation of the reports and that they should be considered as a matter of urgency. The urgency again relating to the late notice by the Member that he wished to call in the reports for the determination by the Committee and to ensure that the pre-commencement conditions for the Eco Park could be considered before 15 March 2015.

**23/15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies were received from Carol Coleman, Christian Mahne and George Johnson

Denis Fuller substituted for Carol Coleman, David Ivison substituted for Christian Mahne and Helena Windsor substituted for George Johnson.

Margaret Hicks would need to leave at lunch time.

## **24/15 DECLARATIONS OF INTERESTS [Item 2]**

There were no Declarations of Interest.

## **25/15 MINERALS/WASTE REF SP13/01553/DC4: CHARLTON LANE ECO PARK, CHARLTON LANE, SHEPPERTON, SURREY, TW17 8QA [Item 3]**

*An update sheet was tabled and is attached as Annex 1 to the Minutes.*

### **Officers:**

Alan Stones, Planning Development Control Team Manager  
Nancy el-Shatoury, Principal Lawyer  
Caroline Smith, Transport Development Planning Team Manager  
Stephen Jenkins, Deputy Planning Development Manager  
Mark O'Hare, Senior Planning Officer Development Control  
William Flaherty, Planning Officer (Eco Park)

### **Speakers:**

Malcolm Robertson, a local resident, made representations in objection to the application. The following points were made:

- Long standing resident of Shepperton and member of Charlton Lane Community Liaison Group
- Called for an adjournment on the grounds of predetermination to gain legal advice and to allow longer for the Committee to read reports.

David Allen addressed the Committee on behalf of Andrea Koskela, the following points were made:

- An architect who runs a large scale landscaping company
- The management plan had specified planting of 25 trees per 250 metres for the screening
- Small inadequate trees had been proposed which would take years to grow
- The management provision of watering the trees would be expensive and difficult to operate
- Planning consent would last for 5 years, after there would be no requirement to maintain the trees

Karen Howkins, a local resident, made representation in objection to this application. The following points were made:

- Expressed SITA gave lack of consultation and documentation, only ten copies of the plans were made available and documents were not easily accessible
- Questioned who was responsible for the application
- Trees would not absorb impact of the Eco Park including sounds and smells
- Water drainage system was inadequate

Peter Francis, a local resident, made representation in objection to this application. The following points were made:

- A Chemical Engineer
- In documentation there had been no mention of a fire risk
- An assessment should determine the minimum space required for a vegetation free zone.

Carol Box, a local resident, made representation in objection to this application. The following points were made:

- Expressed that adverse reactions had not been weighed against benefits of which there are none
- Untried incineration techniques in a residential area
- Council has a duty to consider any possible impacts. The application was considered too dangerous for plants in Wisley, questioned why this was acceptable for Spelthorne.

Gareth Philips of SITA, spoke in response to the objectors as the applicant. He raised the following points:

- The LEMP had been approved in May 2013, today was an update following new conditions attached in September 2014.
- Consultee responses were approved
- Planting would not occur alongside the motor way and the tree maintenance obligation was 25 years, not 5.
- The trees would only be planted for visual screening, they would have a negligible effect on noise.
- The current scheme was an updated and improved version and there was no reason to decline following the Ombudsman's acceptance.

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and informed the Committee that the amendment to the scheme had already been permitted. He stated that the purpose of planting trees was not to hide the Eco Park but to break up the image. The Committee was informed that both the County Landscaper and Rights of Way accepted what had been proposed. There had been no objections from consultees including Spelthorne Borough Council.
2. A Member told the Committee that this application had been called in due to resident concerns.
3. Concern was raised over the term 'mature'. Officers expressed from a professional view that this was a reasonable and acceptable term. The Members expressed a view that trees with a bigger girth than those proposed for planting should be sourced. It was suggested that this should be conditioned and different aged trees should be sourced and planted. It was noted that the Landscape Architects confirmed the scale of what had been proposed was acceptable.

4. In response to the SITA representatives contention that tree screening has a negligible effect on residents, a Member informed the Committee that residents in her division had expressed noise relief from planting trees beside a motorway, this meant it was a possibility the planted trees would obscure the sound.
5. The Committee said that if there were 25 trees per 250 meters then this would equal to 1 tree per 10 meters, it was expressed this would not be sufficient. Officers stated that feather trees would provide an understory. The Planning Control Development Team Manager furthered that by stating Surrey had won awards for restoration schemes and therefore being guided by officers was reasonable. It was also important to be reasonable and proportionate with regard to conditions imposed.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

- i. The Committee APPROVED the details of an enhanced Landscape and Ecology Management Plan (as shown in Figure 1: Landscape and Ecology Management Plan, Revision D dated December 2014 and Figure 4: Screening Planting to Eastern Boundary, dated December 2014), and details of low level fencing and reed bed protection contained in letter dated 22 December 2014, agent reference: 1324-01/ARB (as shown in Drawing Title: Fencing Proposals, Drawing Number 1353-01-SK009), submitted pursuant to conditions 42 and 39 of planning permission reference: SP13/01553/SCC dated 25 September 2014, contained in application reference: SP13/01553/DC4, subject to conditions set out in the report.
- ii. Having regard to Councillor Ian Beardsmore's reference to a minimum tree girth of 40cm and concerns about the adequacy of Extra Heavy Standard specimens, the Committee also agreed an additional condition: to condition that that 25 mature trees should be planted. The reason is to meet the intentions of the original condition.

**26/15 MINERALS/WASTE SP13/01553/DC1: CHARLTON LANE ECO PARK, CHARLTON LANE, SHEPPERTON, SURREY, TW17 8QA. [Item 4]**

*An update sheet was tabled and is attached as Annex 1 to the Minutes.*

**Officers:**

Alan Stones, Planning Development Control Team Manager  
Nancy el-Shatoury, Principal Lawyer  
Caroline Smith, Transport Development Planning Team Manager  
Stephen Jenkins, Deputy Planning Development Manager  
Mark O'Hare, Senior Planning Officer Development Control  
William Flaherty, Planning Officer (Eco Park)

**Speakers:**

There was one registered speaker, who was not present for the start of the item so officers were asked to present the application.

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and informed the Committee that this item covered the Construction Environment Management Plan. He stated that the noise impact of construction would be monitored by specialists and SCC, an action plan would be developed to mitigate issues including dust management. He added that discharge from site could only be picked up by specialists and this was a re-statement of what had previously been agreed.
2. There was a discussion around the number of vehicle movements per day and officers informed the Committee that movements during the construction stage would be less than the number when operational. There would be 260 vehicle movements per day when the Eco Park is operational but just 50 during the construction stage (apart from two days when it would exceed 50).
3. The Committee was informed that double yellow lines had been established outside the site and was a matter for enforcement that vehicles did not park there. It was added that persistent offenders would be banned from the site.
4. Officers stated that the reason concrete crushing was not permitted on site was the noise this creates and the need for proportionate control.
5. Within the action plan it was stated that there would be dust and air quality monitoring on site.
6. The Committee raised concern over the destruction of soft landscape and queried whether bushes were as important as trees. Officers explained that soft landscape can re-generate therefore plans only focused on trees. The Committee agrees to add an informative to protect vegetation. The Committee discussed the height of stockpiles. The Committee emphasised that a baseline survey of air quality and dust was required before work commenced.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

- i. The Committee resolved to APPROVE the details of the CEMP subject to conditions set out in the report: (as shown in Construction Phase Environmental Management Plan, Revision J, Document No: HP-00-002, dated 23 February 2015; Covering letter dated 23 February 2015 from SITA Surrey Ltd; letter dated 05 March 2015 from SITA Surrey Ltd providing Noise and Vibration clarification; letter reference: P00094\_PM\_CEMP\_150304\_PGo from M+W Group UK providing Air Quality and Dust clarification; and letter dated 06 March 2015 from SITA Surrey Ltd providing Tree Protection clarification) submitted pursuant to Condition 9 of planning permission reference: SP13/01553/SCC dated 25 September 2014, contained in application reference: SP13/01553/DC1, subject to the condition set out in the report.

- ii. The Committee also agreed that two informatives should be added. Informative 6 only refers to the replacement of trees which were damaged and/or destroyed during the course of the development and so another informative (No.9) was added to extend the obligation to replace hedges and bushes. An additional informative (No. 8) was added which advises that the applicant provides temporary signage at all junctions along the A244 between Walton Bridge to the south and the A308 to the north to direct all construction related traffic to access the site from the A244 and Charlton Lane only.

**27/15 MINERALS/WASTE SP13/01553/DC3: CHARLTON LANE ECO PARK, CHARLTON LANE, SHEPPERTON, SURREY, TW17 8QA [Item 5]**

*An update sheet was tabled and is attached as Annex 1 to the Minutes.*

**Officers:**

Alan Stones, Planning Development Control Team Manager  
Nancy el-Shatoury, Principal Lawyer  
Caroline Smith, Transport Development Planning Team Manager  
Stephen Jenkins, Deputy Planning Development Manager  
Mark O'Hare, Senior Planning Officer Development Control  
William Flaherty, Planning Officer (Eco Park)

**Speakers:**

Malcolm Robertson, a local resident, made representations in objection to the application. The following points were made:

- Methane and carbon dioxide would be produced from decomposing food. Application should be rejected on the grounds of human health being endangered
- The Health and Safety Executive (HSE) warns of flammability from bio gas and dangers of being exposed to this. Exposure can cause death and living near is cause for concern.

Karen Howkins decided not to speak on this item.

Peter Francis, a local resident, made representations in objection to the application. The following points were made:

- At Anaerobic Digestion Plants there had been more pollution incidences than at any other type of waste plants, 21 out of 100 occurrences.
- In other areas residents confirmed there was a smell from 750 meters away from the Eco Park.

Gareth Philips of SITA, spoke in response to the objectors as the applicant. The following points were made:

- The points raised are specifically covered by the Environmental Permit which the EA regulates.
- The EA hold the power to shut the Eco Park if there is an odour
- The application is for an updated dust and odour management plan. The original plan was agreed in 2013.

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and reiterated that local planning authorities should assume that the pollution control regime would operate effectively, that approach had been confirmed recently within a judicial review. It was added that there was a monitoring log on site and general reporting, breaches would result in closure.
2. A Member stated that this item had partly been covered within item 3; he explained that wind direction from the site would be taken to Halliford and control on casual emissions would be required.
3. The Committee asked what measures were in place to ensure vehicles were sheeted and closed, it was also queried how hydrogen oxide levels would be monitored. Officers responded that these aspects were all under the remit of the EA permit and were required to be adhered to.
4. The Committee again queried the timing of the baseline survey dust and of air quality.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

- i. The Committee resolved to APPROVE the details a dust and odour management plan for the reasons set out in the report. (Version 4.1 dated February 2014, as amended by an email dated 25 February 2015 from SITA Surrey Ltd), pursuant to Condition 36 of planning permission ref: SP13/01553 dated 25 September 2014, contained in application ref SP13/01553/DC3.
- ii. Subject to the addition of a fourth informative: It is recommended that baseline, pre-construction dust monitoring is carried out at the appropriate monitoring locations to determine current dust levels to allow the contribution of construction dust to the future total dust levels at these locations to be determined. This monitoring, which could be continuous or samples, should provide the baseline, representative dust level at each location for the periods when permitted construction activities will be occurring. Officers advised that Informative 4, attached to Item 5, is relevant to the CEMP as it is in relation to pre-construction dust monitoring.

**28/15 MINERALS/WASTE REF SP13/01553/DC2: CHARLTON LANE ECO PARK, CHARLTON LANE, SHEPPERTON, SURREY, TW17 8QA [Item 6]**

*An update sheet was tabled and is attached as Annex 1 to the Minutes.*

**Officers:**

Alan Stones, Planning Development Control Team Manager  
Nancy el-Shatoury, Principal Lawyer  
Caroline Smith, Transport Development Planning Team Manager  
Stephen Jenkins, Deputy Planning Development Manager  
Mark O'Hare, Senior Planning Officer Development Control  
William Flaherty, Planning Officer (Eco Park)

## **Speakers:**

David Allen decided not to speak on this item.

Karen Howkins, a local resident, made representations in objection to the application. The following points were made:

- Expressed that the fence around the water drainage system needed to be higher with a denser mesh, but visually unobtrusive
- The water would be a danger to children

Peter Francis, a local resident, made representations in objection to the application. The following points were made:

- Expressed that the second highest level of incidents at Anaerobic Digestion plants was uncontrolled liquid discharge.
- The EA was not satisfied that a catastrophic leak would not occur, request the applicant to address this.

Gareth Philips of SITA, spoke in response to the objectors as the applicant. The following points were made:

- In regards to the request of a higher fence, a liaison group meets regarding the Eco Park to exchange information. This could be requested and accommodated to ensure area is safe.
- Water management had been carefully considered
- The Eco Park was issued a permit by the EA; commission was not possible without this.
- The EA gave permission for construction to start, AD tanks cannot be commissioned until details are confirmed with the EA.

## **Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and informed the Committee that this item was a partial discharge planning condition. The EA had granted permission for construction work to start but had a pre-commencement condition for more information on details. Fire water runoff had been addressed with the technical consultant.
2. The Committee raised concern over the EA's response and expressed it is vital that critical work is undertaken as soon as possible. Officers explained that the parts of the building that have been signed off by the EA can begin construction and other parts require more information before starting building work.

## **Actions/Further information to be provided:**

None.

## **RESOLVED:**

- i. The Committee resolved to APPROVE the details of the surface water management scheme submitted pursuant to condition 21 of planning permission reference: SP13/01553/SCC dated 25 September 2014, contained in application reference: SP13/01553/DC2 subject to them following condition.

- ii. The water management scheme was submitted, subject to conditions of the reasons set out in the report.

**29/15 DATE OF NEXT MEETING [Item 7]**

The next ordinary meeting of the Planning and Regulatory Committee will be on Thursday 25 March 2015.

Meeting closed at 2.40 pm

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**Chairman**

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## UPDATE SHEET TO AGENDA ITEMS 3, 4, 5 and 6

Planning and Regulatory Committee 15 March 2015

Minerals and Waste Planning Applications: SP13/01553/DC1; SP13/01553/DC3;  
SP13/01553/DC2

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

**ITEM 3 – Application reference: SP13/01553/DC4: Details of mature tree planting incorporated into an enhanced Landscape and Ecology Management Plan; and details of works (to include low level fencing and reed bed protection) to provide for the separation of the infiltration basin shown also therein, submitted pursuant to Conditions 42 and 39 respectively of planning permission SP13/01553/SCC dated 25 September 2014.**

**ITEM 4 – Application reference: SP13/01553/DC1: Details of a Construction Environment Management Plan (CEMP), submitted pursuant to Condition 9 of planning permission SP13/01553/SCC dated 25 September 2014.**

**ITEM 5 – Application reference: SP13/01553/DC3: Details of a Dust and Odour Management Plan, submitted pursuant to Condition 36 of planning permission SP13/01553/SCC dated 25 September 2014.**

**ITEM 6 – Application reference: SP13/01553/DC2: Details of a scheme for the implementation, maintenance and management of a sustainable water drainage system, submitted pursuant to Condition 21 of planning permission SP13/01553/SCC dated 25 September 2014.**

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### UPDATES TO ITEM 3

#### ***Paragraph 55 – Summary of publicity undertaken and key issues raised by the public***

Since the attached report was published, the County Planning Authority (CPA) has received further representations in response to this application. As at 12 March 2015, the CPA has received some 99 total representations to this application. No additional points were raised which have not previously been covered in the Committee Report.

#### ***Reason for Condition 1 to read:***

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 and the Key Development Criteria for Charlton Lane relating to visual amenity and Green Belt; Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 and EN8.

**Report to include the following at end of document:**

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### **CONTACT**

William Flaherty

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**TEL. NO.**  
020 8541 8095

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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  
National Planning Policy for Waste 2014

### **The Development Plan**

Surrey Waste Plan 2008  
Spelthorne Core Strategy and Policies Development Plan Document 2009

### **Other Documents**

Planning permission reference: SP13/01553/SCC dated 25 September 2014  
Planning permission reference: SP10/00947/SCD3 dated 16 May 2013  
Planning permission reference: SP10/0947 dated 15 March 2012

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## **UPDATES TO ITEM 4**

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

### ***Paragraph 21 – Planning History***

*This paragraph should read as follows (i.e. identical to paragraph 19 and paragraph 17 of Items 3 and 5 respectively)*

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). On 7 February 2014, details (ref: SP10/00947/SCD14) were approved of a Construction Environmental Management Plan, submitted pursuant to Condition 9 of planning permission reference SP10/0947 dated 15 March 2012. In summary, all 15 'pre-commencement' details required by planning permission reference SP10/0947 have been submitted to and approved in writing by the CPA.

### ***Paragraph 68 – Details submitted pursuant to Condition 9 – Charlton Lane Eco Park Construction Phase Environmental Management Plan (Revision J)***

*Substitute with the following (changes underlined)*

In clarification letter dated 6 March 2015 from SITA Surrey Ltd, the applicant clarifies that details of how tree protection would be managed during construction would be best dealt with collaboratively with the involvement of the County Arboriculturalist, the applicant and construction managers inspecting the site and agreeing details which can then be subsequently considered and approved by the County Arboriculturalist. The letter of clarification has been written in response to the County Landscape Architect's comments and the points of clarification have been written in discussion with Officer's. It is set out in the letter of clarification that detailed design details for individual trees and groups of trees to be retained would be provided by the applicant prior to any construction works in areas of proximity to those trees, it is set out that a 30 metre standoff zone would be maintained until such a time as:

- I. The applicant, the applicant's construction contractor and the County Arboriculturalist have inspected the construction site and confirmed on the ground that:
  - The trees to be retained (as shown on previously approved plans);
  - The extent of the canopy of the trees;
  - The extent of the root protection zone identified for each retained tree or groups of trees;
  - The type of fencing and positioning of fencing to be placed around the retained trees to protect the root protection zones and canopies.

#### **Paragraph 70**

*Delete 'County Landscape Architect' so that paragraph reads:*

It is set out in the submitted CEMP that trees, in addition to hedgerows within the direct vicinity of construction operations and heavily trafficked routes, would be protected from vehicles and plant and that to avoid damage to trees, vehicles and plant are to be kept away from trees and hedgerows and avoid root disturbance. It is then set out that protection of the vegetation at the Southern boundary of the site during construction of the sub-stations would be provided by a temporary barrier during site stripping activities, which would be proceeded by the erection of the permanent palisade fence. In addition to the details included in the submitted CEMP, clarification letter dated 06 March 2015 sets out additional details and procedures (set out above) which must be submitted to and approved in writing by the County Planning Authority, prior to any construction works taking place in areas within a 30 metre standoff zone of trees, and groups of trees, to be retained.

#### **Paragraph 75 – Consultation and Publicity – District Council**

*Delete 'No comments received' so that paragraph reads:*

No objection

#### **Paragraph 81 – County Landscape Architect Response**

*Delete 'detailed comments to follow' so that paragraph reads:*

No objection subject to conditions

#### **Paragraph 87 - Summary of publicity undertaken and key issues raised by the public**

Since the attached report was published, the County Planning Authority (CPA) has received further representations in response to this application. As at 12 March 2015, the CPA has

received some 99 total representations to this application. No additional points were raised which have not previously been covered in the Committee Report.

**Paragraph 108 – Officer’s Assessment**

*Substitute with the following (changes underlined)*

The County Landscape Architect sought clarification on a number of points included in the submitted details. In response to this request for clarification, the applicant submitted an amplifying letter dated 06 March 2015 providing clarification on tree protection. The submitted letter was produced through discussions between the applicant, Officers and the County Landscape Architect. The County Landscape Architect raises no objection to the submitted details, subject to conditions. The County Landscape Architect sets out that the planning conditions should provide the required tree and vegetation protection and the necessary transparency on site for enforcement purposes. Officer’s note that Condition 41(Landscaping) of planning permission reference: SP13/01553/SCC dated 25 September 2014, states that 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.

**Condition 1 – Noise**

*Substitute ‘Informative 1’ with ‘Informative 3’*

**Condition – Air Quality and Dust**

*Condition 4 should read as follows:*

Daily visual inspections of deposited dust shall be undertaken both on and off site and records kept and be made available on request

**Condition – Trees and Vegetation**

*Insert the following condition as Condition 7*

7. Within one month of the date of this decision notice, temporary fencing, the details of which shall have been agreed in writing by the County Planning Authority, shall be installed at least 30 metres from those trees / vegetation along the northwest boundary and the southern boundary of the site as shown on the Landscape Masterplan Drawing No. 1007-02-01 Revision A, dated September 2013, approved by planning permission SP13/01553/SCC dated 25 September 2014. No construction works shall take place within the 30 metre zone demarcated by the temporary fencing unless and until a full arboricultural assessment in accordance with BS5837:2012 has been provided to include a scheme detailing permanent tree protection measures for the identified trees and vegetation has been submitted to and approved by the County Planning Authority and has been implemented in accordance with the approved plans. The protection measures shall be maintained in accordance with the approved plans for the duration of the construction phase.

**Reasons**

*Insert the following reason as Reason 7*

7. 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 Core Strategy and policies DPD 2009 Policy EN8.

**HUMAN RIGHTS ACT 1998 Guidance for Interpretation** – Delete as not necessary.

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## **UPDATES TO ITEM 5**

### ***Paragraph 58 – Summary of publicity undertaken and key issues raised by the public***

Since the attached report was published, the County Planning Authority (CPA) has received further representations in response to this application. As at 12 March 2015, the CPA has received some 99 total representations to this application. No additional points were raised which have not previously been covered in the Committee Report.

### ***Paragraph 49 – Consultations and Publicity – District Council***

*Delete ‘No comments made’ and replace with the following:*

No objection

**Report to include the following at end of document:**

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#### **CONTACT**

William Flaherty

#### **TEL. NO.**

020 8541 8095

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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  
National Planning Policy for Waste 2014

#### **The Development Plan**

Surrey Waste Plan 2008  
Spelthorne Core Strategy and Policies Development Plan Document 2009

#### **Other Documents**

Planning permission reference: SP13/01553/SCC dated 25 September 2014  
Planning permission reference: SP10/00947/SC10 dated 17 June 2013

Planning permission reference: SP10/0947 dated 15 March 2012  
Eco Park Environment Permit issued and regulated by the Environment Agency (Permit no: EPR/VP3997NK/V005)  
Environmental Statement for planning permission reference: SP13/01553/SCC dated 25 September 2014

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## **UPDATES TO ITEM 6**

### ***Paragraph 18 – Planning History***

*This paragraph should read as follows (i.e. identical to paragraph 19 and paragraph 17 of Items 3 and 5 respectively)*

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). On 7 February 2014, details (ref: SP10/00947/SCD14) were approved of a Construction Environmental Management Plan, submitted pursuant to Condition 9 of planning permission reference SP10/0947 dated 15 March 2012. In summary, all 15 'pre-commencement' details required by planning permission reference SP10/0947 have been submitted to and approved in writing by the CPA.

### ***Paragraph 34 – Summary of publicity undertaken and key issues raised by the public***

Since the attached report was published, the County Planning Authority (CPA) has received further representations in response to this application. As at 12 March 2015, the CPA has received some 99 total representations to this application. Although no additional matters were raised since the publication of the attached Committee Report, the County Geotechnical Consultant (CGC) has provided additional comments on the representations included at paragraph 34.

In response to the comment that 'no consideration had been given to the management of fire water run off', the CGC notes that the drainage system utilises a pumped system to lift water into the infiltration basin and that it would be possible as part of the site's emergency / contingency plan to switch the pumps off during a fire so that all run-off is contained. If it was contaminated it could then be tankered away for treatment elsewhere at either a Thames Waste Water Treatment Works or a specialist handling facility.

In response to comments raised that no consideration had been given to the management of uncontained leakage from tanks in the bunded area, the CGC sets out that the tanks are in a bunded area which would be capable of containing in excess of 100% of the stored volume, therefore any leakage / tank failure would never be 'uncontained'. A comment raised in a representation sets out that, given the close proximity of the AD tankage to the bund walls, there is the possibility that tank leakage above 4 metres could result in uncontrolled spigot flow over the bund wall. In response to this comment, the CGC sets out that this would be an extremely low risk event as the probability of a failure in that location is low and the quantity

likely to escape is also small and therefore the consequences of this failure would also be low. The CGC sets out that if this did occur, the liquid could be contained within the site drainage network and not pumped into the infiltration basin.

With reference to concerns raised in representations that the water would not be able to filter out contaminants, the CGC sets out that the drainage system incorporates measures to control any risk of pollution loading from the 'day to day' operations, such as interceptors for hydrocarbons etc. Any gross contamination from emergency scenarios, such as those addressed above, can be contained in the site drainage system and not pumped into the infiltration basin. In response to comments raised that a lot of flooding occurs in the area, the CGC states that flood risk from all sources has been addressed by the applicants in the application and now as part of Condition 21 to the satisfaction of the CGC and the Environment Agency.

It is asked in a representation how deep the pond would be, the CGC sets out that the 'pond' is an infiltration basin and therefore would not hold water permanently, only intermittently after heavy rain. The submitted application drawing shows a bed level of 11.0m AOD and a 'Maximum Critical Water Level' of 11.84m AOD, therefore, the depth is 0.84m with a 1% annual probability. The risk of contamination entering groundwater via the pond has been dealt with by earlier submissions.

In response to concerns raised in representations that waste water from the incinerator would be drained into the local environment and have a detrimental effect on local wildlife, the CGC sets out that surface water runoff would not be waste water and controls are in place to ensure it would not become contaminated and cause any kind of hazard to surface or groundwater receptors. Domestic foul drainage would be discharged to the Thames Water system. The CGC goes on to state that any used process water that would need to be discharged off site would be regulated via the Environmental Permit for the site.

A comment was raised in representations that pollution could reach the nearby Queen Mary Reservoir and be damaging to health and welfare. The CGC sets out that there are no surface or groundwater pathways by which surface water runoff, whether clean or 'accidentally' polluted (from an 'incident'), could contaminate the reservoir. The CGC notes that the various contamination risk assessments undertaken during the whole planning process would have identified the reservoir as a sensitive receptor and considered pathways and potential impacts.

**Report to include the following at end of document:**

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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  
National Planning Policy for Waste 2014

**The Development Plan**

Surrey Waste Plan 2008

Spelthorne Core Strategy and Policies Development Plan Document 2009

**Other Documents**

Planning permission reference: SP13/01553/SCC dated 25 September 2014

Planning permission reference: SP10/00947/SCD2 dated 26 September 2013

Planning permission reference: SP10/00947/SCD6 dated 05 December 2013

Planning permission reference: SP10/0947 dated 15 March 2012

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