

**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

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**TITLE:** MINERALS AND WASTE APPLICATION SP13/01553/SCC

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## 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 Some of the drawings referred to in the original conditions attached to ref SP10/0947 would need to be superseded.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.**

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## **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.

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## SUMMARY OF PLANNING ISSUES

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

	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:		
• Need	Yes	144-160
• Alternative Site Assessment	Yes	161-163
• Location	Yes	164-165
(Overall conclusions)		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:		
• Human Health Impact	Yes	299-306
• Perception of health risks	Yes	307-310
• Technology concerns	Yes	311-314
• Other environmental issues	Yes	315
• Socio-Economic	Yes	316
Green Belt	No	318-343

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## 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*’

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## **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 3,575m<sup>2</sup> 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 2,895m<sup>2</sup> 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.

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## **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 (H<sub>2</sub>S) 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**

	<b>Approved: Batch Oxidation Gasification system (BOS)</b>	<b>Proposed: Fluidised Bed Gasifier</b>
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  $17 \text{ m}^3$ .

#### *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. 1,451m<sup>2</sup> 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, H<sub>2</sub>S 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 (2,000m<sup>3</sup>), 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<sub>x</sub>) emissions from the CHP engines would still be limited to <300mg/m<sup>3</sup> 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/m<sup>3</sup>. 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 PM<sub>10</sub> particulates state that such emissions adversely affect health of the young and old
- Public Health England confirm that levels of NO<sub>2</sub> 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

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## 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 CO<sub>2</sub> 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 m<sup>2</sup>. 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 CO<sub>2</sub> equivalent over the Landfill Baseline, and a benefit of over 9,200 tonnes CO<sub>2</sub> 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<sub>x</sub> 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 impacts<sup>27</sup> 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 519m<sup>2</sup>. 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.

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### **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.

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### **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/m<sup>2</sup>; 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**

	<b>1</b>	<b>2</b>	<b>3</b>
<b>Location</b>	<b>Weekday 0700 – 1830 LAeq, 30 min LAeq, 30 min</b>	<b>Weekend 0730 – 1830 LAeq, 30 min LAeq, 30 min</b>	<b>Evening and night noise limits all days LAeq, 30 min</b>
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**

<b>1/3 octave centre frequency</b>	<b>25</b>	<b>32</b>	<b>40</b>	<b>50</b>	<b>63</b>	<b>80</b>	<b>100</b>	<b>125</b>	<b>160</b>
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

<b>1/3 octave centre frequency</b>	<b>200</b>	<b>250</b>	<b>315</b>	<b>400</b>	<b>500</b>	<b>630</b>	<b>800</b>	<b>1k</b>	<b>1k25</b>
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

<b>1/3 octave centre frequency</b>	<b>1k6</b>	<b>2k</b>	<b>2k5</b>	<b>3k15</b>	<b>4k</b>	<b>5k</b>	<b>6k3</b>	<b>8k</b>
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](http://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.

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## 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

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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