

TO: PLANNING & REGULATORY COMMITTEE DATE: 24 September 2014

BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER

DISTRICT(S) SPELTHORNE BOROUGH COUNCIL ELECTORAL DIVISION(S):
Lower Sunbury & Halliford
Mr Evans

PURPOSE: FOR DECISION GRID REF: 508585 168573

TITLE: MINERALS AND WASTE APPLICATION SP13/01553/SCC

SUMMARY REPORT

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

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

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

Background

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

The 'Kides' protocol

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

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

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

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

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

‘Kides’ Consultation process

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

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

The ‘Kides’ test assessment

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

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

Air Quality

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

Proposed speed limit increase on Charlton Lane

12 County Highway Authority confirmed on 7 August 2014 that:

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

Officer’s assessment of the additional points raised

Air Quality

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

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

Public Health England Report

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

Smoke Control Zone 13

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

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

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

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

Surrey Future Congestion Programme 2014

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

DEFRA Report ‘ENV02 – Air quality statistics’

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

Speed Limit change

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

Other Changes

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

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

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

Case law

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

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

Summary of publicity undertaken and key issues raised by public

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

Conclusion

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

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

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

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

Recommendation

The recommendation is to PERMIT subject to conditions

APPENDICES:

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

CONDITIONS:

Approved Plans

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

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

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

Commencement

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

Restriction of Permitted Development Rights

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

Hours of Operation

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

- (a) Community Recycling Centre

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

- (b) Recyclables Bulking Facility

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

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

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

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

(a) Gasification Plant

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

(b) Anaerobic Digestion Plant

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

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

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

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

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

Lighting

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

Construction Environmental Management Plan (CEMP)

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

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

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

Highways, Traffic and Access

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

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

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

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

Contamination

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

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

Groundwater Protection

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

Surface Water

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

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

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

Noise

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

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

Table 1 – Daytime, Evening and Night time Noise Limits

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

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

Table 2 – Evening and Night time Noise Limit

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

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

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

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

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

Ecology

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

Airport Safeguarding

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

Restriction of Activities

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

Building Details (materials)

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

Dust and Odour Management Plan

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

Rights of Way

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

Soils

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

Landscaping

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

Landscape & Ecology Management Plan

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

Archaeology

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

Energy Recovery

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

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

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

REASONS FOR IMPOSING CONDITIONS:

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

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

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

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

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

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

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

INFORMATIVE(S):

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

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

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

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

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

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

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

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

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

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

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

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

Environmental and Amenity Issues.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Surrey Waste Plan 2008

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

Surrey Minerals Plan Core Strategy DPD 2011

- Policy MC18 – Restoration and Enhancement

Spelthorne Core Strategy and Policies Development Plan Document 2009

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

Spelthorne Borough Council Flooding Supplementary Planning Document 2012

The Spelthorne Borough Local Plan 2001 (saved policies)

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

CONTACT

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

The Development Plan

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

Other Documents

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

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

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