

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

Planning and Regulatory Committee 15 March 2015

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

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

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

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

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

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

UPDATES TO ITEM 3

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

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

Reason for Condition 1 to read:

To enhance nature conservation interest and assist in absorbing the site into the local landscape to accord with the NPPF 2012; Surrey Waste Plan 2008 Policy DC3 and the Key Development Criteria for Charlton Lane relating to visual amenity and Green Belt; Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 and EN8.

Report to include the following at end of document:

CONTACT

William Flaherty

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TEL. NO.
020 8541 8095

BACKGROUND PAPERS

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

Government Guidance

National Planning Policy Framework
National Planning Policy for Waste 2014

The Development Plan

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

Other Documents

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

UPDATES TO ITEM 4

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

Paragraph 21 – Planning History

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

In January 2014, SITA confirmed in a letter to the County Planning Authority (CPA) that works to implement planning permission SP10/0883 had been completed, namely: the erection of an acoustic fence along the western and northern boundary of Ivydene Cottage and a widened access off Charlton Lane with internal roads connected to this improved access. As such, the Charlton Lane site is now a permanent waste management facility in the Green Belt (whereas it was previously time-limited to 25 July 2016). Because they have identical details, the acoustic fence and widened access required to implement planning permission ref: SP10/0947 have been completed (though the internal access roads connected to the improved access pursuant to these permissions are slightly different). On 7 February 2014, details (ref: SP10/00947/SCD14) were approved of a Construction Environmental Management Plan, submitted pursuant to Condition 9 of planning permission reference SP10/0947 dated 15 March 2012. In summary, all 15 'pre-commencement' details required by planning permission reference SP10/0947 have been submitted to and approved in writing by the CPA.

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

Substitute with the following (changes underlined)

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

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

Paragraph 70

Delete 'County Landscape Architect' so that paragraph reads:

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

Paragraph 75 – Consultation and Publicity – District Council

Delete 'No comments received' so that paragraph reads:

No objection

Paragraph 81 – County Landscape Architect Response

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

No objection subject to conditions

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

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

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

Paragraph 108 – Officer’s Assessment

Substitute with the following (changes underlined)

The County Landscape Architect sought clarification on a number of points included in the submitted details. In response to this request for clarification, the applicant submitted an amplifying letter dated 06 March 2015 providing clarification on tree protection. The submitted letter was produced through discussions between the applicant, Officers and the County Landscape Architect. The County Landscape Architect raises no objection to the submitted details, subject to conditions. The County Landscape Architect sets out that the planning conditions should provide the required tree and vegetation protection and the necessary transparency on site for enforcement purposes. Officer’s note that Condition 41(Landscaping) of planning permission reference: SP13/01553/SCC dated 25 September 2014, states that no trees, bushes and hedgerows retained on the site shall be cut down, uprooted or destroyed, and no trees retained shall be topped or lopped other than in accordance with plans and particulars submitted to and approved in writing by the County Planning Authority. If any retained tree is removed, uprooted, destroyed or dies within 5 years from the date of this permission, another tree shall be planted at the same place; and that tree shall be of such size and species, and shall be planted at such time, as shall be agreed in writing by the County Planning Authority.

Condition 1 – Noise

Substitute ‘Informative 1’ with ‘Informative 3’

Condition – Air Quality and Dust

Condition 4 should read as follows:

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

Condition – Trees and Vegetation

Insert the following condition as Condition 7

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

Reasons

Insert the following reason as Reason 7

7. To comply with Section 197 of the Town and Country Planning Act 1990, in the interests of visual amenity and to assist in absorbing the site into the local landscape to comply with Surrey Waste Plan 2008 Policy DC3; Spelthorne Core Strategy and policies DPD 2009 Policy EN8.

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

UPDATES TO ITEM 5

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

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

Paragraph 49 – Consultations and Publicity – District Council

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

No objection

Report to include the following at end of document:

CONTACT

William Flaherty

TEL. NO.

020 8541 8095

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National Planning Policy for Waste 2014

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Spelthorne Core Strategy and Policies Development Plan Document 2009

Other Documents

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

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

UPDATES TO ITEM 6

Paragraph 18 – Planning History

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

In January 2014, SITA confirmed in a letter to the County Planning Authority (CPA) that works to implement planning permission SP10/0883 had been completed, namely: the erection of an acoustic fence along the western and northern boundary of Ivydene Cottage and a widened access off Charlton Lane with internal roads connected to this improved access. As such, the Charlton Lane site is now a permanent waste management facility in the Green Belt (whereas it was previously time-limited to 25 July 2016). Because they have identical details, the acoustic fence and widened access required to implement planning permission ref: SP10/0947 have been completed (though the internal access roads connected to the improved access pursuant to these permissions are slightly different). On 7 February 2014, details (ref: SP10/00947/SCD14) were approved of a Construction Environmental Management Plan, submitted pursuant to Condition 9 of planning permission reference SP10/0947 dated 15 March 2012. In summary, all 15 'pre-commencement' details required by planning permission reference SP10/0947 have been submitted to and approved in writing by the CPA.

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

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

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

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

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

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

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

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

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

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Other Documents

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

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

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

Planning permission reference: SP10/0947 dated 15 March 2012
