

**TO:** PLANNING & REGULATORY COMMITTEE **DATE:** 9 December 2015  
**BY:** PLANNING DEVELOPMENT TEAM MANAGER  
**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**  
**Lower Sunbury & Halliford**  
**Mr Evans**  
**Laleham & Shepperton**  
**Mr Walsh**  
**Sunbury Common & Ashford**  
**Common**  
**Mr Beardsmore**  
**PURPOSE:** FOR DECISION **GRID REF:** 508584 168574

**TITLE:** MINERALS/WASTE SP13/01553/AMD

### SUMMARY REPORT

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

**Changes to the planning conditions attached to the Charlton Lane Eco Park planning permission (ref: SP13/01553/SCC dated 25 September 2014) in order to incorporate minor material amendments to the surface water drainage and containment design associated with the tank area located to the north of the Recyclables Bulking Facility and Anaerobic Digestion Facility buildings.**

The applicant proposes, via Section 73 of the Town and Country Planning Act 1990, to make the following changes to the Eco Park development, which would amount to a 'minor material amendment' to planning permission ref SP13/01553/SCC:

- Amending the approved concrete bund wall around the tank area located to the north of the Anaerobic Digestion facility, including a new wall around the switch room building located immediately to the east of the tank area;
- A new concrete bund wall around the tank area located to the north of the Recyclables Bulking Facility;
- A new concrete bund wall around the boundary of the roadway and lay-down area, which forms the northern edge of the Eco Park's main development area; and
- Introducing three separate ramps on the internal access roads, in order to create a secondary containment area.

The application for planning permission for the proposal as changed must be determined in accordance with the development plan policy unless material planning considerations indicate otherwise, and the development should be capable of being operated without unacceptable harm to local environmental and amenity interests. The site lies in the Metropolitan Green Belt, the proposed waste development is inappropriate development, and therefore the application falls to be considered as a Departure from the provisions of the development plan.

Objections have been raised by residents on various grounds, including: the adequacy of the surface water drainage and containment design, air quality and health effects, technology and health and safety, emergency access, and alternative sites. However, Spelthorne Borough Council, the Environment Agency, the County Geotechnical Consultant and Thames Water all raise no objections.

Officers consider that the Eco Park development as proposed to be amended would not conflict with the requirements of the National Planning Policy Framework 2012, Policies WD1, WD2, WD5 and CW6 of the Surrey Waste Plan 2008, or Saved Policy GB1 of the Spelthorne Borough Local Plan 2001.

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

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## APPLICATION DETAILS

### ***Applicant***

SITA Surrey

### ***Date application valid***

19 August 2015

### ***Period for Determination***

18 November 2015 (extended until 29 February 2016)

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## SUMMARY OF PLANNING ISSUES

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

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Surface Water & Flooding / Geology & Groundwater	Yes	45-64
Landscape and visual amenity	Yes	65-70
Noise and Vibration	Yes	71-72
Other issues	Yes	73-76
Green Belt	No	77-88

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## ILLUSTRATIVE MATERIAL

### **Site Plan**

Plan 1 – Site and location plan

Plan 2 – Boundary Map

Plan 3 – Drawing No.1224 PL-B004 General Arrangement Plan Rev D

Plan 4 – Figure TB1.1 AD Bunding Planning

### **Aerial Photographs**

Aerial 1 - Charlton Lane facility (wide view)

Aerial 2 - Charlton Lane facility (close view)

### **Site Photographs**

Figure 1 – View of proposed Eco Park from footpath to the east of the site

Figure 2 – View of proposed Eco Park from properties to the north west

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## BACKGROUND

### **Site Description**

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

### **Planning History**

- 4 Waste activities have been taking place at the site since the late 1940's, with waste transfer and Civic Amenity facilities commencing in 1967. In 1992, planning permission ref: SP92/0118 was granted to demolish former incinerator buildings and construct 3,575m<sup>2</sup> covered transfer hall. In 1996, planning permission ref: SP96/0242 was granted for erection of 2,895m<sup>2</sup> building to house waste transfer plus some civic amenity operations that were previously done uncovered over whole site. In 1998, planning permission ref: SP98/0056 was granted for a materials recovery facility (MRF) adjacent to existing transfer hall. In 2003, amended details were approved for MRF, namely: building's layout and elevation (planning permission ref: SP03/0432); site's parking, storage, loading, unloading, turning and lighting (planning permission ref: SP03/0434 and ref: SP03/0582).
- 5 In 2006, planning permission ref: SP06/0667 was granted for re-design of community-recycling centre, providing split-level facility with 16 new storage containers to north and replaced storage containers to west of waste transfer station. In 2008, planning permission ref: SP08/0040 was granted for amended Community Recycling Centre (CRC) layout. In 2010, planning permission ref: SP09/0894 was granted for a weighbridge comprising new haul road, foundation of a weighbridge and 2.3 m high pole for traffic light system. Planning permission ref: SP10/0375 was granted for use of access route for CRC plus extended hours.
- 6 Planning permission ref: SP10/0883 was granted on 4 March 2011 for the permanent retention of the existing waste management facility, comprising a community recycling centre, materials recycling facility with bulking bays, a waste transfer station with associated infrastructure, an improved access onto Charlton Lane and an acoustic fence adjacent to Ivydene Cottage.
- 7 On 15 March 2012, planning permission ref: SP10/0947 was granted for the development of a Waste Management 'Eco Park', comprising: a Gasification Facility; Anaerobic Digestion Facility; Community Recycling Facility; Recyclables Bulking Facility; Education / Visitor Centre and Offices; Other Associated Infrastructure including Infiltration Basin and Landscaping; and the diversion of Public Footpath 70.

- 8 On 25 September 2014, changes (ref: SP13/01553/SCC) were permitted 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.
- 9 A resident applied for a Judicial Review (JR) of planning permission ref: SP13/01553/SCC from the High Court in October/November 2014. The High Court issued its decision on the resident's JR application on 19 December 2014 stating that: *'Permission is hereby refused; the application is considered to be totally without merit'*.
- 10 Under a separate regime from the County Planning Authority (CPA's) determination, the applicant secured an Environmental Permit variation on 29 October 2014 (ref: EPR/VP3997NK/V005) from the Environment Agency (EA) for the amended Eco Park facility. There is a pre-operational condition contained in the EA's Permit, which is **directly relevant** to the CPA's determination in this case, namely:
- Condition PO15 – 'Following the completion of PO14, (at least 4 weeks or such other date as agreed by the EA) prior to the commissioning of activities A1-A5\*, the operator shall ensure that a review of the design, method of construction and integrity of all secondary containment surrounding all above ground tanks at the Installation\*\* is carried out by a qualified structural engineer. The review shall compare the constructed secondary containment against the standards set out in Section 2.2.5 of the Sector Guidance Note IPPC S5.06 – 'Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste' and CIRIA Report C736 – 'Containment systems for the prevention of pollution: Secondary, tertiary and other measures for industrial and commercial premises'. The review shall include:*
- *The physical condition of the secondary containment,*
  - *Their suitability for providing containment when subjected to the dynamic and static loads caused by catastrophic tank failure*
  - *Any work required to ensure compliance with the standards set out in CIRIA Report C736, and*
  - *A preventative maintenance and inspection regime.*
- A written report of the review shall be submitted to the Environment Agency detailing the review's findings and recommendations. Remedial action shall be taken to ensure that the secondary containment meets the standards set out in the above technical guidance documents and implement the maintenance and inspection regime. No site operations shall commence or waste accepted at the Installation unless the EA has given prior written permission under this condition.'*
- \* A1 (Gasification), A2 (AD), A3/A4 (Electricity generation), A5 (Biogas Flare).  
 \*\* Installation - Gasification and AD/CHP only.
- 11 On 13 March 2015, details pursuant to permission ref SP13/01553/SCC were approved:
- A Construction Environment Management Plan – CEMP (Condition 9);
  - A Dust and Odour Management Plan (Condition 36);
  - 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 (Conditions 42 and 39 respectively); and
  - A scheme for the implementation, maintenance and management of a sustainable water drainage system (Condition 21).

## Reason for the changes proposed in this application

- 12 With reference to the above-mentioned details of a scheme for the implementation, maintenance and management of a sustainable water drainage system (Condition 21), as explained to Members on 13 March 2015 via the Committee Report, the EA had earlier confirmed on 6 March 2015 that:
- “This a difficult issue to address as the development also needs to comply with the environmental permit and the design standards required by CIRIA 736 (which supersedes CIRIA 164), but this level of detailed design is not available. With this in mind, the Environment Agency recommends a partial discharge of condition 21. We believe the additional detail provided on 24 February and 6 March is sufficient to discharge the condition for the southern part of the site, however we still have concerns regarding the design for the layout and drainage of the tank areas to the north of the RBF and ADF buildings.*
- Taking the approach of a partial discharge of condition, would be a practical solution to allow the construction to start on the majority of the site, but further detailed design must be agreed before construction in the areas around the tanks could commence. It is critical that this additional work is undertaken as soon as possible to ensure the redesign of the surface water management system around the tank area does not impact the design for the other parts of the site areas.*
- 13 The details of a scheme for the implementation, maintenance and management of a sustainable water drainage system were therefore approved with the following condition:
- ‘Prior to the commencement of construction of the Gas Storage and Sequencing Batch Reactor Area to the north of the Recycling Bulking Facility and northwest of the Anaerobic Digestion facility, as shown on Drawing ref AD-10-105 Revision A dated 30 June 2014, the detailed design for the layout and drainage of that area shall be submitted to and approved in writing by the County Planning Authority.’*
- 14 This Section 73 application was submitted to the CPA because the detailed design for the layout and drainage of the above-mentioned areas, undertaken by the applicant, required changes amounting to a ‘minor material amendment’ to planning permission ref SP13/01553/SCC. This approach is consistent with that taken by the CPA when SP13/01553/SCC was determined. Permission ref SP13/01553/SCC commenced in early March 2015, with major construction works commencing in June 2015 and set to continue for a further two years.
- Containment systems for the prevention of pollution (C736)*
- 15 In 2004, the Construction Industry Research & Information Association (CIRIA) published ‘Containment systems for the prevention of pollution’ (C736), which provides guidance on secondary, tertiary and other measures for industrial and commercial premises.

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## THE PROPOSAL

- 16 The applicant proposes, via Section 73 of the Town and Country Planning Act 1990, to make changes to the Eco Park development. The requirement to make the changes requested in this current application comes from the EA. The changes would amount to a ‘minor material amendment’ to planning permission ref SP13/01553/SCC. The submission includes an Addendum to the Environmental Statement, which covers the revised bunding and containment details for the tank area located to the north of the RBF and AD buildings. The submission follows the partial discharge of Condition 21 in March 2015 (see above), which allowed work to start on site.



### **Tank Area 1** (larger tank area shown on Plan 4 attached to this report)

- 17 The applicant proposes to amend the bund wall around Tank Area 1, which would involve retaining the approved 3.2m high concrete wall along both its eastern boundary and boundary with the AD Facility building and Combined Heat and Power (CHP) Transformer. The previously approved timber cladding would also be retained (e.g. fixed to the external elevation of the eastern bund wall). The applicant proposes to lower the concrete bund wall to 2.0m high along its boundary with the CHP Engines and straight edge of the western boundary of the tank area. Additionally, the applicant proposes to lower the north western curved section of the concrete bund wall to 1.25m high and lower the concrete bund wall along the northern boundary to 1.0m high (to provide a weir overflow) for the majority of its length but with a small section at 1.25m high as it reaches the eastern boundary.

### **Tank Area 2** (smaller tank area shown on Plan 4 attached to this report)

- 18 The applicant proposes to construct a 2.0m high concrete bund wall around the majority of tanks within Tank Area 2. A small section of 1.25m high concrete bund wall is proposed along the north western boundary before it reduces in height to 1.0m (to provide a weir overflow) along the northern boundary. As the wall nears the previously approved flare its height would increase to 1.25m and continue at this height as it returns towards the RBF building. To protect the approved flare, an internal section of 1.25m high internal concrete wall is also proposed.

### **Secondary Containment Area Bund Wall & Ramps** (roadway area on attached Plan 4)

- 19 In addition to the concrete bund walls located around both tank areas, a further 1.25m high concrete bund wall is proposed around the edge of the roadway and laydown area forming the northern edge of the Eco Park main development area (MDA). The wall would extend along the boundary from the west of the RBF building until the east of the AD facility building and assist in creating a second containment area. However, the concrete bund wall would be located inside the approved 2.6m high paladin weldmesh fencing forming the perimeter fencing around the MDA. In addition, a 1.25m high concrete wall would be installed around the switch room building located to the east of Tank Area 1. The wall has dual purpose, acting as part of the concrete bund wall associated with the secondary containment area and as a retaining wall associated with one of the ramps.
- 20 Alongside the construction of the above-mentioned walls, gently sloping internal ramps are proposed to be constructed in 3 locations along the internal access roadways. The 3 locations are next to the switch room building immediately to the east of Tank Area 1, between the two tank areas and to the west of Tank Area 2. Together with the bund wall located around the edge of the MDA, the applicant argues that they would create a secondary containment area which would capture any potential discharge event, as required by the EA.

#### *Construction*

- 21 The applicant submits that the base of the tank areas would be constructed from reinforced concrete slabs laid to falls supported by concrete pile foundations. In addition, the roadway, laydown area and associated ramps would be constructed as a series of concrete slabs laid to falls. The reinforced concrete bund walls would be cast integral to the perimeter of the aforementioned slabs. The applicant submits that there would therefore be no penetration through slab or walls and any joints would be constructed in accordance with the design requirements of CIRIA C736. In addition, to ensure the integrity of this area from underlying subsoil, a geo-synthetic clay liner would be installed. The applicant submits that this would extend below the footprint of the roadway and

laydown area and ensure that there is no possibility of leakage at the perimeter of this area, as it would act as a secondary back up to the sealed concrete slab surfacing.

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## CONSULTATIONS AND PUBLICITY

### **District Council**

22 Spelthorne Borough Council: No objection.

23 Spelthorne Borough Council (Pollution Control):

*'It is understood that the changes are necessary to ensure that the detailed design complies with the requirements of the site's Environmental Permit and to meet best practice standards of CIRIA 736 (Containment systems for the prevention of pollution (C736): Secondary, tertiary and other measures for industrial and commercial premises). The changes comprise a number of amendments to the bund walls of the tanks areas and ramps and bund walls in the secondary containment area as described in Section 2 of the Environmental Statement Addendum Non-Technical Summary and Figure TB1.1 provided in the application documentation. The Environmental Permit is regulated by the Environment Agency and it is assumed therefore that they, the Agency, will be a key consultee of the Local Planning Authority on this application.*

*Containment systems are outside our main areas of expertise and therefore this application has been considered for possible interaction with other environmental issues rather than whether the containment design complies with best practice guidance or not. On the basis of the information provided it does not appear that the proposed changes would have a significant impact on local air quality or contaminated land. A geo-synthetic clay liner would be installed beneath the slab in the tank and containment areas and bund walls constructed with sealed joints to minimise risks of vertical percolation of any spills. It is also noted that the intention of achieving compliance with CIRIA 736 guidance is to provide a greater level of environmental protection.*

*Having read the letters of representation, it is evident that some concerns have been raised in connection with health and safety at the proposed Eco Park site and the proposed changes: particularly around whether the changes do achieve compliance with CIRIA 736 (in terms of distances between tanks and containment walls, for example); and access arrangements for emergency vehicles/ emergency evacuation of the site. These points may not be issues that can be considered under planning, rather they may fall under other legislative regimes or the Environmental Permit, but if possible, I do feel it would be appropriate for these concerns to be drawn to the attention of the Local Planning Authority by Spelthorne, with a request that they give due consideration to these concerns.'*

### **Consultees (Statutory and Non-Statutory)**

24 The Environment Agency:

*"In principle the Environment Agency has no significant concerns over the proposals submitted by the company. However we must point out we have not reviewed the documents in great detail as the Environmental Permit issued to the company for the site, includes an improvement condition requiring them to provide a submission which demonstrate the appropriate level of bunding. Consequently we feel it is more appropriate to use this mechanism to ensure compliance with legislation, protection of the environment and prevent harm to human health. I can confirm we have previously met with the company and discussed the plans for this part of the site in some detail. We have also made clear that when submissions are sent to us, that if they do not meet the requirements set out above, we will not allow operations to commence."*

- 25 County Geotechnical Consultants: No objection.
- 26 County Landscape Officer: No objection.
- 27 Thames Water: No objection.
- 28 BAA Aerodrome Safeguarding: No objection.
- 29 County Noise Consultant: No objection.
- 30 County Environmental Assessment: The ES is sufficient to inform the determination of the application, based on the advice of the technical consultees.
- 31 National Planning Casework Unit: No comments to make on this application.

***Parish/Town Council and Amenity Groups***

- 32 Charlton Village Residents' Association: Objects for the following reasons:
- The changes are not minor, this is a major technical safety amendment which is inadequate and the design will not work in any case
  - The changes should have been discussed with the Community Liaison Group (CLG) beforehand; the CLG does not meet every 6 weeks as suggested
  - Numerous question posed by the CLG have not been answered and SITA's management of the CLG creates concerns
  - The site is too small, creating safety issues from squeezing the development on to it
  - This current application would not offer access to emergency services if necessary
  - SITA said they would be piling for 6 weeks but it went on twice as long
  - DEFRA has concerns about AD plants and lack of feedstock
  - The entire project should be reviewed and cancellation should be considered.
- 33 Shepperton Residents' Association: No response received.
- 34 Lower Sunbury Residents' Association: No response received.
- 35 Laleham Village Residents' Association: No response received.
- 36 Staines Town Council: No response received.

***Summary of publicity undertaken and key issues raised by public***

- 37 The application was publicised by the posting of site notices, issuing of press notices and 1971 letters sent to owner / occupiers in the area. The CPA has received some 25 representations in response to this application; the main points of objection raised are set out below:

*Drainage design*

- Containing flooded effluent will exacerbate odours
- Spigot flow from the adjacent digester tank could allow sufficient material into the containment area surrounding the main switchroom to flood it, causing severe damage and a potential chain reaction arising from electrical shorting.
- Spigot flow from the single skinned SBR feed tank could send noxious liquid down the ramp into the main site - away from the containment area.
- The laydown area may be full of equipment when a tank ruptures, which would obstruct flow & reduce the containment area's volume.



- The tanks are too near each other; if one should rupture it may cause the next to do so and thus the 'containment area' will be insufficient.
- Automatic pumps (normally switched on) will serve the roadway and laydown area. In the event of a diesel spillage on the roadway or laydown area, the contaminant will be pumped from the roadway into the water drainage system
- The tankage and bunding arrangement proposed will not provide the necessary secondary containment from the AD Plant tank leakage, called for by the HSE / CIRIA report C736 and could produce hazardous conditions
- Need to explain why a leak in any of tanks cannot flow over the bund wall

#### *Bunding measures*

- Although it is standard industrial practice, the Caustic Soda tank is not placed in a dedicated bunded area
- The flare and its equipment should not only have their own bunded area; they should be placed on a sufficiently high plinth, which would allow it to operate even in an extreme event and eliminate any ongoing surface water drainage problems.
- The latest AD layout drawing shows that the Zone 2 area around the flare protrudes into the northern access road, which is obviously not permitted under the Dangerous Substances and Explosive Atmospheric Regulation 2002.
- Risk assessment should be conducted on Gas Holder's containment in bunded area.
- The staff welfare facility should be located in a safe open area, rather than sandwiched between the bund wall adjacent to the Buffer Tank and the AD Facility.

#### *Fire risk / emergency services*

- The large quantities of biogas in the tanks pose a risk of uncontrolled fire
- A similar proposal burnt down, one waste plant catches fire every day (such as SITA's Slyfield site); a promised fire safety report is needed before considering any changes
- Surrey Fire & Rescue will not be able to access 2/3 of the site in an emergency
- The nearest fire station is due for closure
- This prototype facility will explode and causes death or injury to nearby residents

#### *Environmental impacts*

- Proposal will adversely affect air quality in an AQMA and local noise levels
- Proposal will adversely affect ground water drainage to River Ash and flooding in the area due to surface water loading with potential impact on M3
- The local road network cannot accommodate the amount of HGV traffic proposed

#### *Other issues*

- Facility should be located in south Surrey away from people
- Concern that the EA needed to say that changes were required
- The submitted ES reports are out of date
- The planning permission has expired and it is too late to revive it
- Minor modifications have already been applied for and agreed; adding yet more modifications means a totally new planning permission is required
- Not even all the changes have been advertised. Moving the gasholder is not even mentioned. Consultation is absent.

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## **PLANNING CONSIDERATIONS**

- 38 The County Council as CPA has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the

Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities when determining planning applications to “*have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations*”. At present in relation to this application the Development Plan consists of the Surrey Waste Plan 2008 and Spelthorne Core Strategy and Policies Development Plan Document 2009, with the National Planning Policy Framework 2012 and the National Planning Policy for Waste 2014 as material considerations.

- 39 The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations. The Government launched an on-line version of National Planning Practice Guidance (NPPG) on 6 March 2014 to support the NPPF. The National Planning Policy for Waste (NPPW) was published on 16 October 2014. Section 5 of the NPPW states that waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against a number of criteria, such as protection of water quality and resources and flood risk management, landscape and visual impacts and noise.
- 40 The Surrey Waste Plan 2008 sets out the planning framework for the development of waste management facilities in Surrey. The Waste Development section contains site specific proposals for the development of waste management facilities, whereas the Waste Development Control Policies section contains a set of development control policies that apply across the whole County and apply to all waste development.

#### **Procedural matters**

- 41 The statutory Environmental Permit regime, which is governed by the Environment Agency (EA) as pollution control authority, complements the control over waste development provided by the Town and Country Planning system. It enables process controls to be imposed in order to limit emissions to acceptable levels for human health, and as well as for environmental receptors. The EA would generally take a precautionary approach to specific hazards, and has regard to any significant cumulative effects from combination or interaction with other sources of emissions. If the EA conclude, in any case, that any emissions from a controlled process will not be sufficiently controllable by Permit requirements (so to prevent them causing harm to human health), it will refuse to issue a Permit.
- 42 The NPPF advises that: “*local planning authorities should focus on whether the development itself is an acceptable use of the 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 that these regimes will operate effectively.*” Similarly, the NPPW 2014 states: “*Impacts to the local environment and amenity should be considered but it is not necessary to carry out detailed assessment of epidemiological and other health studies on the basis that these controls would be provided through the pollution control regime...Planning authorities should - concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.*”
- 43 The NPPG further expands on this by stating: “*The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions*

*themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.*” This quote confirms that the County Council should not seek to control processes or emissions itself where these are subject to approval under pollution control regimes, but rather should be satisfied before granting any permission that the complementary permitting regime can adequately address those issues. Since advice is sought from the EA, through consultation on all waste facility planning applications, this can serve to provide the necessary satisfaction. In this case, the EA, in its consultation response, has not advised that there is any cause for concern regarding the permitting process. The principles set out above have been confirmed in a recent High Court Judgement – ‘Frack Free Balcome Residents Association v West Sussex County Council EWHC 4108 (Admin) CO/2725/14’.

- 44 The planning application is accompanied by an Addendum ES, which the County Environmental Assessment Officer has considered. The County Environmental Assessment Officer confirms that the ES is sufficient to inform the determination of the application, based on the advice of the technical consultees.

## **SURFACE WATER & FLOOD RISK / GEOLOGY & GROUNDWATER**

### ***Surrey Waste Plan 2008 (SWP 2008)***

Policy DC3 General Considerations

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

Policy LO1 Flooding

Policy EN15 Development on Land Affected by Contamination

- 45 NPPF paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 46 SWP 2008 Policy DC3 states that planning permissions for waste related development will be granted provided it can be demonstrated by the provision of appropriate information to support a planning application that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. The information supporting the planning application must include, where relevant to a development proposal, assessment of: the contamination of ground and surface water; the drainage of the site and adjoining land and the risk of flooding; and the groundwater conditions and the hydrogeology of the locality. Where necessary, appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss.
- 47 SCS 2009 Policy LO1 seeks to reduce flood risk and its adverse effects on people and property in Spelthorne through a range of measures including: maintaining flood storage capacity within Flood Zone 3; and maintaining the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain to both store water and allow the movement of fast flowing water. SCS 2009 Policy EN15 provides that the Borough Council will ensure that where development is proposed on land that may be affected by contamination, action will be taken to ensure the site is safe or will be made safe for its intended use.

### **Surface Water & Flood Risk**

*Drainage design*

- 48 The applicant proposes that the Tank Area 1 floor slab would be laid to a fall and would drain to a sealed 6.0m<sup>3</sup> sump within the tank area. Installed within this sump would be a single manually operated 25 litre per second (l/s) submersible pump which when operated would pump the collected water (via an above ground rising main) over the bund wall to the surface drainage water system. The submersible pump would be manned in order to be operated. Prior to any discharge the operator would test the water contained within the sump to ensure that it complies with the surface water discharge parameters. If the water is found to be contaminated, the applicant states that it would be appropriately disposed of to a licenced facility and not simply discharged to the surface water system. In the event of a tank failure, the applicant states that the pump would not be operated and that there would be therefore no risk of contamination of the surface water system. The containment area associated with the switch room building (located to the east of Tank Area 1) would also benefit from its own pump, which would pump surface water arising in this area into Tank Area 1.
- 49 In respect of Tank Area 2, the applicant submits that the only exception to the design philosophy for the above-mentioned Tank Area 1 is that the flare containment area would benefit from its own pump, which would pump surface water arising in this area into Tank Area 2. The roadway and laydown area would be constructed as a series of concrete slabs laid to falls, with the slabs draining to a single 6.0m<sup>3</sup> sealed sump within the bunded area. Installed within this sump would be both a duty and standby semi-automated 25l/s submersible pump, which when operated would pump collected water to the surface water drainage system via a below ground rising main and petrol interceptor.
- 50 During normal operation, the applicant proposes that the roadway and laydown area would only be subjected to rainfall and would therefore have a very low risk of contamination, meaning during normal operation the pumps would operate in an automated mode. In the event of a tank failure, the applicant proposes that the pump would automatically switch off and would only be operated in manual mode once the water has been tested and approved for discharge to the surface water system. The applicant sets out that this system would be achieved by linking the operation of the pump controls to both the operating system for the AD Facility and also to level sensors within the tank areas. The applicant explains that should any of the level sensors in themselves fail then again the pump would switch off.
- 51 The applicant argues that the sizing of the pumps has been carefully considered and that their capacities are not linked to rainfall intensity as all of the areas provide significant retention volumes. The pumps have therefore been sized at 25l/s as this provides a pumping capacity in the order of 90m<sup>3</sup> per hour. As an example for the external roadway and laydown area, the applicant highlights that this would represent a storm intensity in the order of 45mm / hour (a significant storm), for a duration of an hour with no retention. If the intensity were to exceed this, the applicant argues that the external roadway and laydown area would retain the excess rainfall until the storm subsides.
- 52 To provide a further level of security, the applicant proposes that at the same time that the pump in the external roadway and laydown area switches off the main surface water pumping station would also switch off. The applicant explains that this would ensure that should any minor quantities of potentially contaminated water enter the surface water system it would be prevented from reaching the infiltration pond. Furthermore, as a final level of security a manual pollution cut-off valve (PCV) is proposed to be installed in surface water manhole between the main surface water pumping station and the upstream surface water drainage system. In the event of an incident on the site this PCV can be operated manually.

#### *Containment design*

- 53 The applicant submits that the containment volume for a failed digester tank in Tank Area 1 is circa 1,900m<sup>3</sup> and for a failed SBR tank in Tank Area 2 it is circa 780m<sup>3</sup>. The containment volume of the roadway and laydown area at a depth of 1m is circa 2,240m<sup>3</sup>. In terms of largest tank volumes, a digester (plus 10% additional capacity) equates to circa 3,300m<sup>3</sup> and the SBR (plus 10% additional capacity) equates to circa 1,650m<sup>3</sup>. On this basis, the applicant submits that there are two possible critical or worst case failure mechanism scenarios: 1) failure of a digester tank in Tank Area 1 or 2) failure of the SBR tank in Tank Area 2.
- 54 In the first scenario, the applicant submits that if a digester were to fail it would discharge some 3,300m<sup>3</sup> of digestate, which would be initially contained within the Tank Area 1 to a volume of 1,900m<sup>3</sup>. The applicant explains that it would then overflow the 1m high section of bund (weir overflow) in a controlled manner to the roadway and laydown area containment, which would then contain the remaining 1,400m<sup>3</sup> whilst also providing an additional further capacity of some 800m<sup>3</sup>. The applicant argues that Tank Area 2 would not be affected by this discharge.
- 55 In the second scenario, the applicant sets out that if the SBR were to fail it would discharge some 1,650m<sup>3</sup> of treated water, which would be initially contained within the Tank Area 2 to a volume of 780m<sup>3</sup>. The applicant explains that it would then overflow the 1m high section of bund in a controlled manner to the roadway and laydown area containment which would then contain the remaining 870m<sup>3</sup> whilst also providing an additional further capacity of some 1,330m<sup>3</sup>.
- 56 The applicant also submits that Tank Area 1 would not be affected by discharge under the second scenario and that should one of the tanks fail and the containment situation described above occur - operations at the AD Facility would cease. Additionally, with reference to the concerns raised by residents about access for emergency vehicles, the applicant's submission makes clear that due to the design of the internal roadways for other parts of the Eco Park, these would remain accessible and operational during the above-mentioned containment scenarios.
- 57 In respect of concerns raised in representations about fire risk, the applicant submits that none of the tank contents are flammable and would pose no risk of uncontrolled fire. In line with the requirements stipulated by the EA and CIRIA C736, the applicant highlights that a minimum allowance of 100mm for fire fighting agents (foam) plus a surge allowance for in situ reinforced concrete bunds of 250mm should be provided, representing a freeboard allowance of 350mm. As identified in the first scenario, the applicant submits that a capacity of 800m<sup>3</sup> would remain within the roadway and laydown area and that the calculated freeboard allowance would therefore equate to 440mm. This would provide a greater allowance than that sought through the design requirements of CIRIA C736.

### **Geology & Groundwater**

- 58 The applicant submits that the concrete slabs, integral bund wall edges and sealed joints would be constructed in accordance with CIRIA C736 and that this would ensure the potential for any vertical percolation of contaminants is very unlikely. In addition, to ensure the integrity of this area from underlying subsoil, the applicant proposes that a geo-synthetic clay liner would be installed.
- 59 The applicant makes reference in their submission to several conditions attached to planning permission ref SP/13/01553/SCC. Specifically, they note that the condition attached to the discharge of Condition 21 ensures that the remediation strategy proposed in the Remediation Strategy and Verification Plan approved through the discharge of Condition 17 would be adhered too. Furthermore, in line with the condition attached to the discharge of Condition 17, the applicant notes that within 3 months of the completion of the groundwork remediation phases a construction and verification plan



should be submitted. The applicant highlights that this too would ensure that there would be no environmental impacts on the geology, soils or groundwater.

- 60 The applicant also notes that an added level of protection would be provided by Condition 19, which stipulated that during the course of construction, if contamination not previously identified is found to be present, then no further development shall be carried out until an amendment to the remediation strategy is approved. Lastly, the applicant highlights that during the operation of the Eco Park standard pollution control measures would be employed to ensure that there are no potential environmental impacts on geology, soils and / or groundwater.

#### **Officer's' assessment**

- 61 The County Geotechnical Consultant (CGC) confirms that the overall proposals are satisfactory in terms of surface water drainage. In respect of geology, soils and groundwater, the CGC considers that the proposed amendments would not give rise to any significant residual environmental effects either during construction or operation. Furthermore, the CGC advises that the proposed amendments do not materially affect the risk assessments or the remediation and mitigation strategies for the development. As noted above, the EA have no significant concerns over the proposals. Additionally, Thames Water and Spelthorne Borough Council raise no objection.
- 62 However, the EA noted in their response to the CPA that they had not reviewed the submitted documents in great detail as the Environmental Permit includes an improvement condition requiring the applicant to provide a submission which demonstrates the appropriate level of bunding. This relevant improvement condition is set out above at paragraph 12. The EA confirm that no site operations could commence or waste accepted at the installation unless they had given prior written permission. Consequently, the EA consider it is more appropriate to use this mechanism to ensure compliance with legislation, protection of the environment and prevent harm to human health. The EA confirms that they have previously met with the applicant and discussed the plans for this part of the site in some detail. The EA have also made clear to the applicant that when submissions are sent to us, if they do not meet the requirements referred to in the relevant guidance, the EA will not allow operations to commence.
- 63 In response to representations received (see above), the EA responded that they have previously explained to the Charlton Lane Community Liaison Group (CLG) that the Environmental Permit includes a pre-operational condition which covers, amongst other things, the exact routing of the bund walls. The EA confirm that they are already aware of the bunding arrangements for the Eco Park. The EA repeat that the recent variation to the Environmental Permit includes a number of pre-operational conditions that must be discharged prior to the commencement of the permitted activities. Such a pre-operational condition is included in the Environmental Permit precisely to ensure appropriate bunding is in place. Furthermore, the EA respond that such conditions are a common way of ensuring that minor issues can be agreed between a regulator and a site operator before operations commence, and a commonly used mechanism to agree minor details such as the routing of a bund wall. Once an operator makes a submission seeking to discharge any pre-operational conditions, the EA will review them against the appropriate standards and either accept or refuse depending on the outcome of that review.
- 64 The NPPF states local planning authorities should not focus on the control of processes or emissions where these are subject to approval under pollution control regimes, and that it should be assumed that these regimes will operate effectively. On the basis of the comments of technical consultees and that the applicant would need to agree further technical details with the EA under the permitting regime before commencement of operations, Officers consider this development would accord with the relevant policies concerning surface water and flooding. Officers also consider this development would accord with the relevant Development Plan policies with regards to geology and

groundwater. As such, Officers consider that the proposal accords with the NPPF, Policy DC3 of the SWP 2008 and Policy LO1 and Policy EN15 of the Spelthorne Core Strategy and Policies Development Plan Document 2009.

## ENVIRONMENTAL & AMENITY ISSUES

### **Surrey Waste Plan 2008 (SWP 2008)**

Policy DC3 General Considerations

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

Policy EN1 Design of New Development

Policy EN8 Protecting and Improving the Landscape and Biodiversity

Policy EN11 Development and Noise

### **Landscape & Visual Amenity**

- 65 NPPF paragraph 56 states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. SWP 2008 Policy DC3 states that assessment of the visual and landscape impact of development on a site and the surrounding land must be submitted with any proposal and this should also identify appropriate mitigation so as to minimise or avoid any material adverse impact. The SWP 2008 Key Development Criteria for Charlton Lane indicate that a high standard of design is expected for both built development and site layout (including landscaping) and that a visual impact assessment should be undertaken in support of any application at the site.
- 66 Relevant provisions are also contained in Policy EN1 of SCS 2009, which establishes that the Borough Council requires a high standard in design and layout. Policy EN8 of SCS 2009 states that the Borough Council will seek to protect and improve landscape and biodiversity by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity.

### *Applicant's Assessment*

- 67 The applicant submits that the proposed amendments to bund wall arrangements would be alterations to elements that fall entirely within the extent of the main development area (MDA). Whilst some of the walls would be relatively tall in their own right, they would be subservient to adjacent consented structures such as the tanks. Consequently, the applicant argues that as the distances between the footpath or landscaping and the MDA would remain unchanged, there would be no additional effects on any retained vegetation and that the effectiveness of proposed screening measures (and the timescales within which they would be effective) would also remain unchanged.
- 68 The applicant argues that the amendments would result in a minor alteration to the visual appearance of a specific part of the Eco Park and that when viewed as part of the overall development, this change would be very subtle in nature and not sufficient to alter any of the judgements contained in their previous the Landscape and Visual Impact Assessment (LVIA) carried out in support of previous applications. The applicant notes that the approved landscape masterplan provides for the introduction of a large amount of landscaping within the adjacent environmental enhancement area. This enhancement area is noted to include native woodland screening planting around the boundary with the northern part of the MDA in areas surrounding the proposed bund walls. The applicant submits that this would ultimately provide a significant level of screening to the Eco Park.
- 69 The applicant notes that a Tree Protection Plan was submitted pursuant to the discharge of the Condition 9 (CEMP) attached to reference: SP13/01553/SCC, and that this identified the woodland margin located between the MDA and the motorway. The

applicant notes that the trees to be retained are located outside of any permanent construction footprint and outside of the permanent fencing. Furthermore, the applicant notes that felling has already been completed adjacent to the northwest section of this area to allow for construction to commence. In accordance with the relevant British Standards, the applicant submits that that protection measures have been identified for trees (e.g. a construction exclusion zone and fencing).

#### *Officers' assessment*

- 70 The County Landscape Officer concurs with the findings of the Addendum to the LVIA in respect of this proposal. The changes and additions to the bund wall structures would be seen as subservient to the much larger scale of the main development and would have no additional adverse visual or landscape impact to that already described and assessed in the original LVIA. The changes to the structures would have no effect on the provision of landscape mitigation and the landscape mitigation proposed is already positioned to reduce the visual effect of the structures in association with the main development. As such, Officers consider that the proposal accords with the NPPF, Policy DC3 of the SWP 2008 and Policies EN1 and EN8 of the Spelthorne Core Strategy and Policies Development Plan Document 2009.

#### **Noise & Vibration**

- 71 NPPF paragraph 123 states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. SWP 2008 Policy DC3 states that planning applications should assess any adverse effects on neighbouring amenity including noise, vibration and transport impacts and identify any appropriate mitigation. Lastly, Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SCS 2009) Policy EN11 seeks to minimise the impacts of noise and sets out a series of criteria by which to achieve this including measures to reduce noise to acceptable levels and ensuring provision of appropriate noise attenuation measures
- 72 The CNC raises no objections to the Eco park proposal as amended, stating that none of the bunds that are being altered are being relied upon for their noise attenuating properties. Therefore, the CNC confirms that they do not have any concerns regarding noise due to the changes requested within the application. Officers therefore consider that the proposed development as amended would again comply with the Development Plan with regards to noise and vibration effects on neighbouring amenity and any impacts have been appropriately mitigated in accordance with the NPPF, Policy DC3 of the SWP 2008 and SCS 2009 Policy EN11.

#### **Other issues**

- 73 Representations to this planning application have raised objections on the basis of their view that the above-mentioned changes would not amount to a 'minor material' amendment and that full planning application should instead be submitted. However, the CPA has accepted the Section 73 approach in this case, as it did previously when SP13/01553/SCC was determined. In respect of concerns raised by representations that a different planning procedure should be followed in this case, the CPA note that this Section 73 application is supported by the original 2010 Environmental Statement (ES), a 2013 Addendum ES, and a fresh August 2015 ES Addendum specific to this current application, which together enable the CPA to carry out an Environmental Impact Assessment (EIA) under the EIA Regulations 2011 of the changes now proposed.
- 74 Several representations have also referred to the submitted plans not including or mentioning the repositioning of the 'golf ball-shaped' gasholder. The biogas holder and Sequencing Batch reactor (SBR) tank swapped positions in the previous application ref: SP13/01553/SCC, which was approved on 25 September 2014. There has been no

subsequent movement of the position of the biogas holder, and the applicant has confirmed that there is no intention to move the gasholder. With reference to the applicant's management of their Charlton Lane CLG, this is not considered to be a material consideration in this case, although Officers note the EA's confirmation that they have previously met with members of the CLG to discuss separate permitting regime matters. Officers confirm that the CPA has undertaken consultation and notification on this Section 73 application in accordance with the County Council's May 2015 Statement of Community Involvement.

- 75 In respect of representations that Surrey Fire & Rescue were not consulted as part of this application process; that a local Fire Station is due to close; and that a high risk of fire/explosion would be caused by the Eco Park as amended, Officers note that as part of the EA Permitting Regime, the Health and Safety Executive 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.
- 76 Representations have raised concerns about: the reliability of the proposed technology to be used at the Eco Park (referring to the development as a 'prototype'); perceived risk to human health; safety risks; and how emissions / safety controls would be enforced in the future operation of the Eco Park. They have supported these concerns by reference to complaints/problems at operations on other sites elsewhere in the UK. It appears to Officers that these risks are focussed on the choice of technology and emissions control, and that they are not confined to perception of risk to health. The applicant has secured a modified permit from the Environment Agency, and preventing harm to health and the environment from emissions, including those to air and water courses, is the main purpose of the permitting process. Emissions from thermal waste treatment facilities will be checked, by a multilayered regime of monitoring, to ensure releases are in compliance with the limit values.

## GREEN BELT

### **Surrey Waste Plan 2008**

*Policy CW6 Development in the Green Belt*

*Policy WD1 Civic Amenity Sites*

*Policy WD2 Recycling, Storage, Transfer, Materials Recovery and Processing Facilities*

*Policy WD5 Thermal Treatment Facilities*

### **Spelthorne Borough Local Plan 2001 (saved policy)**

*Policy GB1 - Development Proposals in the Green Belt*

- 77 NPPF 2012 paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 91 states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 78 SWP 2008 Policy CW6 seeks to ensure that, whilst making provision exceptionally for necessary waste management development, the Green Belt serves its proper purpose. The policy states there will be a presumption against inappropriate waste related development in the Green Belt except in very special circumstances and that: "*Very special circumstances to justify inappropriate development of waste management facilities in the Green Belt will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*" Policy CW6 goes on to state that the following considerations may contribute to very special circumstances: (i)

the lack of suitable non-Green Belt sites; (ii) the need to find locations well related to the source of waste arisings; (iii) the characteristics of the site; and (iv) the wider environmental and economic benefits of sustainable waste management, including the need for a range of sites.

- 79 Land at Charlton Lane (5.35 ha) is allocated in the SWP 2008 under Policies WD1 (Civic Amenity Sites), WD2 (Recycling, Storage, Transfer, Materials Recovery and Processing Facilities (Excluding Thermal Treatment) and WD5 (Thermal Treatment Facilities), where planning permissions for development involving these waste uses will be granted provided that the development proposed meets the key development criteria (KDC), and where very special circumstances can be demonstrated in accordance with the provisions of Policy CW6 for development in the Green Belt. The KDC includes a Green Belt criterion, and states that *'the site is located in an open area that performs an important role of separating built up areas of Charlton and Upper Halliford. The scale and extent of development to be dependent on the degree to which buildings and plant focus on the existing site.'*
- 80 Saved Policy GB1 (Development Proposals in the Green Belt) of Spelthorne Borough Local Plan 2001 states that development within the Green Belt will not be permitted, which would conflict with the purposes of the Green Belt and maintaining openness.

### **Officer's assessment**

#### *Harm to the Green Belt and other harm*

- 81 In so far as the consideration of Green Belt policy for the Eco Park as amended is concerned, it is important to note that planning permission ref SP13/01553/SCC has already been granted for the development of an amended Eco Park development in the Green Belt, and that the construction commenced in early March 2015, with major construction work commencing in June 2015. Given that this further Section 73 application seeks planning permission for what is fundamentally (from a planning perspective) the same development, it is difficult to see how, *prima facie*, granting this additional Section 73 planning permission for minor material amendments could or would result in any new or additional material impacts upon the Green Belt.
- 82 Waste management facilities, where constituting inappropriate development, should be considered in the same manner as other inappropriate development within the Green Belt. The NPPF sets out that this means: not affecting the openness of the Green Belt (NPPF paragraphs 79 and 85); complying with the purposes of including land within the Green Belt (paragraph 80); complying with the opportunities for the use of land within the Green Belt (formerly objective for the use of land) (paragraph 81); demonstrating very special circumstances for inappropriate development (paragraphs 87 and 88); considering the impacts upon the visual amenity of the Green Belt (paragraph 81); in the case of renewable energy projects very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources (paragraph 91). Officers consider that the basis upon which the previous Green Belt conclusions were formed in the original Eco Park determination remain valid and unchanged.
- 83 There are different elements of the scheme that would have different impacts on Green Belt depending on their respective nature and character. The continued use of the land for waste development clearly constitutes inappropriate development in the Green Belt and would cause harm to the Green Belt by reason of inappropriateness. In terms of the quantum of development, a wide expanse of 1.25m high concrete retaining wall is proposed along the site's northern boundary, which would be adjacent to a previously approved 2m high boundary security fencing allowing permeable views of that retaining wall. In Tank Area 2, a new 2 metre high concrete bund wall would be provided, lowered to 1.25m and 1m in some parts to allow overflow to the secondary containment system.



A new 1.25m high bund would also be provided around the switch room to the east of the AD facility, in addition to around the flare in Tank Area 2. The three proposed up/down ramps would introduce physical features to the site with an associated rise and fall of adjoining bund walls. However, the proposed changes in Tank Area 1 would involve the lowering of previously approved bund walls.

- 84 The proposed changes and additions, although incorporating a physical change on site with an associated impact on openness, would be seen as subservient to the much larger scale of the main Eco Park development both in that AD Tank area and the wider site. With regard to the significance of those impacts and weight to be attached to them, Officers consider that it is highly significant that the proposal as changed continues to accord with the Green Belt KDC of the SWP 2008. Officers consider that the above-mentioned additional structures would amount to no significant change given the scale of the permitted development which has been implemented.
- 85 The Eco Park waste development would involve some encroachment into the countryside beyond the allocated area in the SWP 2008 (the purposes of including land in the Green Belt include safeguarding against this), which will impact on openness of the Green Belt. The proposals for the future environmental enhancement area in isolation, on the other hand, are neither changed nor considered to constitute inappropriate development and will play a positive role in fulfilling three objectives of the use of land in the Green Belt, i.e. providing opportunities for access to the open countryside for the urban population, enhancing landscapes near to where people live, and securing nature conservation interest. Officers consider that the mitigation and benefits offered by the environmental enhancement area are significant. In addition, there remains other harm to consider, particularly in respect of the visual amenity of Ivydene Cottage, Upper Halliford and Charlton Village (albeit not, in Officers' view, changed from that resulting from SP13/01553/SCC).
- 86 Officers' assessment of the Eco Park as amended against relevant Green Belt policy is that the development would not significantly impact on the openness of the Green Belt and any impacts from this application are contained within what has already been approved. Officers also consider that the Eco Park as amended would have no material adverse effect on the purposes of including land within the Green Belt, would contribute to several of the opportunities for the use of land in the Green Belt and would not materially injure the visual amenity of the Green Belt. In addition, Officers accept that a number of factors remain in combination which constitute very special circumstances to justify the grant of planning permission from a Green Belt policy perspective. The Eco Park facility as amended would not conflict with the requirements of NPPF 2012, Policies WD1, WD2, WD5 and CW6 of the Surrey Waste Plan 2008, or Saved Policy GB1 of the Spelthorne Borough Local Plan 2001. It is not considered that there are any Green Belt policy reasons why planning permission cannot be granted.

*Very Special Circumstances*

- 87 The demonstration of very special circumstances is considered to be a fundamental factor in determining the acceptability of the application given the acceptance that the proposed development is inappropriate development in the Green Belt and in view of the harm to openness and other harm acknowledged above. However, as already stated, the permanent retention of the existing waste management facilities has been completed, which established a permanent waste use on the built part of the proposed site, and planning permission for an amended Eco Park development (ref SP13/01553/SCC) has already been granted, with construction commencing in early March 2015 and major construction work commencing in June 2015. In this case there is a site-specific operational justification for making the proposed minor material amendments to planning permission ref SP13/01553/SCC. Specifically, the changes are necessary to ensure that the design complies with the requirements of the site's Environmental Permit and to meet best practice standards of CIRIA 736.

- 88 The Green Belt assessment carried out in support of previous planning application ref SP13/01553/SCC established that there are a number of circumstances, which in combination comprise the very special circumstances necessary to justify the grant of planning permission for the development. Officer's view is unchanged in that they consider that the factors outlined by the applicant combined are such that very special circumstances are demonstrated as required by SWP 2008 Policy CW6. Officers consider that these clearly outweigh the harm resulting from the proposal and that an exception to Green Belt policy in NPPF 2012 and SBLP Policy GB1 can and should be made and planning permission be granted subject to conditions.

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## HUMAN RIGHTS IMPLICATIONS

- 89 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 90 It is acknowledged that there would be an impact on the Green Belt caused by inappropriateness of the development and harm to openness, in addition impacts in respect of surface water / flood risk / geology and groundwater, noise and landscape are acknowledged and have been assessed in the body of the report and mitigation provided; however the scale of such impacts is not considered sufficient to engage Article 8 or Article 1 of Protocol 1 and, if planning permission were to be granted, any impact is capable of being mitigated by the measures incorporated into the application proposal and by planning condition and the mitigation measures and controls available through the Environmental Permitting regime. As such, this proposal is not considered to interfere with any Convention right.
- 91 In considering the current planning application and framing the recommendation Officers have considered both individual interests of objectors and those in the wider community. Having taken into account all the facts Officers consider that, on balance, the wider community need and benefits that would result from the combined waste facilities within this Eco Park which would provide for a more sustainable form of waste management in diverting waste from landfill outweighs any harm to individuals.

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## CONCLUSION

- 92 This Section 73 application is for minor material amendments to a scheme which already has planning permission and where development has commenced. In overall planning terms, the Eco Park development remains fundamentally unchanged by the current proposals in terms of its constituent elements, function and role. NPPF paragraph 206 states that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. NPPF paragraph 122 states that planning authorities should focus on whether the development itself is an acceptable use of the 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; planning authorities should assume that these regimes will operate effectively.
- 93 The proposed changes to the current permitted and implemented development are accepted by the statutory and specialist consultees and accordingly Officers consider that the scheme is in accordance with the provisions of the NPPF and that there would be no significant harm to openness given the scale of the changes. Officers also remain of the view that the factors outlined by the applicant combined are such that very special circumstances are demonstrated as required by SWP 2008 Policy CW6. Otherwise Officers are satisfied that there are no other material changes in circumstances which

would give rise to harm and that the previously imposed planning conditions can apply appropriate controls as discussed below.

*Conditions*

- 94 In terms of the planning conditions recommended by Officers at the end of this report, many duplicate those attached to planning permission ref SP13/01553/SCC. However, several of the recommend conditions refer to details approved during 2015 and, as this current application would not require those details to be altered, Officers have incorporated those subsequently approved details (Conditions 9, 20, 21, 36, 37, 39 and 42 below). Conditions 13 and 33 have also been amended to reflect the new drawings referred to in Condition 1, whereas previous Condition 2 has been amended to allow one year from the date of permission for the development to commence.

**RECOMMENDATION**

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

**CONDITIONS**

**Approved Plans**

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

<b>Drawing No</b>	<b>Title</b>	<b>Dated</b>
1224 PL-B001 Rev B	Site Plan and Location Plan	May 2015
1224 PL-B002 Rev A	Site Plan Existing	September 2013
1224 PL-B003 Rev C	Site Plan Proposed	July 2015
1224 PL-B004 Rev D	General Arrangement Plan	July 2015
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 B	AD Ground Floor Plan	July 2015
1224 PL-B011 Rev A	AD Roof Plan	September 2013
1224 PL-B012 Rev B	AD Elevations	July 2015
1224 PL-B013 Rev B	RBF Ground Floor Plan	July 2015
1224 PL-B014 Rev A	RBF Roof Plan	September 2013
1224 PL-B015 Rev A	RBF Elevations	September 2013
1224 PL-B016 Rev B	AD Tank Area Plan & Elevations	July 2015
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 B	Gasification Facility Building Sections & Site Sections	July 2015
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 to which this permission relates shall be commenced not later than the expiration of 1 year beginning with the date on which this permission was granted. 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 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 be implemented strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 13 March 2015 under reference SP13/01553/SCC and the details of tree protection approved by the County Planning Authority by notice dated 21 July 2015 under reference SP/13/01553/SCD6.

**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 D dated July 2015; 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 D



dated July 2015; and those roads and other areas shall be permanently maintained for the purposes shown on that drawing.

- 14 Prior to commissioning of the gasification and anaerobic digestion plants hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the County Planning Authority. The Parking Management Plan shall include measures to prevent the parking of vehicles:
- a) at the entrance and exit to the site;
  - b) on the access roads; and
  - c) at the access to the scout hut.

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

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

### **Contamination**

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

### **Groundwater Protection**

- 20 Piling using penetrative methods shall be carried out strictly in accordance with the details approved in writing by the County Planning Authority by notice dated 15 July 2015 under reference SP13/01553/SCD5.

### **Surface Water**

- 21 The 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 carried out strictly in accordance with the details approved in writing by the County

Planning Authority by notice dated 13 March 2015 under reference SP13/01553/SCC and in accordance with Drawing No. 1224 PL-B012 Rev B dated July 2015 and Drawing No. 1224 PL-B016 Rev B dated July 2015.

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

**Noise**

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

**Table 1 – Daytime, Evening and Night time Noise Limits**

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

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

octave band.

**Table 2 – Evening and Night time Noise Limit**

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

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

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

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

### Ecology

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

### Airport Safeguarding

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

### Restriction of Activities

- 33 No waste shall be deposited or stored at the site except within the designated areas of the gasification plant, anaerobic digestion plant, bale storage building and within the covered bay areas for the bale storage building and community recycling centre as shown on Drawing No. 1224 PL-B004 Rev D dated July 2015.
- 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 The Dust and Odour Management Plan approved in writing by the County Planning Authority by notice dated 13 March 2015 under reference SP13/01553/SCC shall be implemented strictly in accordance with the approved details.

#### **Rights of Way**

- 37 The works carried out the diverted definitive route of Public Footpath 70 Sunbury (confirmed on 1 March 2015) shall be permanently 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, and maintained in good condition.
- 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 The details of works (including low level fencing and reed bed protection) to provide for the separation of the infiltration basin from the new footpath link shown on Drawing No 1007-02-01 Rev A dated September 2013 approved in writing by the County Planning Authority by notice dated 13 March 2015 under reference SP13/01553/SCC 2013 shall be implemented strictly 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 enhanced 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 13 March 2015 under reference SP13/01553/SCC.

### **Archaeology**

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

### **Energy Recovery**

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

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

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

### **REASONS**

- 1 To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development so as to minimise its impact on the amenities of the local area and local environment in accordance with the terms of the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policies DC3 General Considerations General Considerations and Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) Development Proposals in the Green Belt.
- 2 & 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) Development Proposals in the Green Belt and the Surrey Waste Plan 2008 Key Development Criteria for Charlton Lane relating to Green Belt.

- 4,5, 6 & 7 To enable the County Planning Authority to exercise control over the development hereby permitted and protect the amenities of local residents in accordance with Surrey Waste Plan 2008 Policy DC3 General Considerations.
- 8 To protect the visual amenities of the locality to comply with Surrey Waste Plan 2008 Policy DC3 General Considerations General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policy EN13 Light Pollution.
- 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 National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy DC3 General Considerations General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policies CC1 Renewable Energy, Energy Conservation and Sustainable Construction and EN11 Development and Noise and the Surrey Waste Plan 2008 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 General Considerations.
- 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 General Considerations General Considerations and the Key Development Criteria for Charlton Lane relating to access to site.
- 12, 13 & 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 General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policy CC3 Parking Provision and the Surrey Waste Plan 2008 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 General Considerations 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 General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policies SP7 Climate Change and Transport and CC2 Sustainable Travel 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 General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policy EN15 Development on Land Affected by Contamination

- 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 General Considerations.
- 19 To prevent pollution of the environment with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy DC3 General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policy EN15 Development on Land Affected by Contamination.
- 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 General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policy EN15 Development on Land Affected by Contamination.
- 21&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 General Considerations and the Surrey waste Plan 2008 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 General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 Design of New Development and EN11 Development and Noise.
- 24 To ensure the minimum disturbance and to avoid nuisance to the locality to comply Surrey Waste Plan 2008 Policy DC3 General Considerations Spelthorne Core Strategy and Policies DPD 2009 Policy EN11 Development and Noise.
- 25 To protect the amenities of local residents in accordance with Surrey Waste Plan 2008 Policy DC3 General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policy EN11 Development and Noise.
- 26&27 To ensure the minimum disturbance and to avoid nuisance to the locality to comply  
28 with Surrey Waste Plan 2008 Policy DC3 General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policy EN11 Development and Noise.
- 29 To ensure that breeding birds are not disturbed by the removal of habitat in accordance with Surrey Waste Plan 2008 Policy DC3 General Considerations and Spelthorne Core Strategy and Policies and DPD 2009 Policy EN8 Protecting and Improving the Landscape and Biodiversity.
- 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 General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policy EN8 Protecting and Improving the Landscape and Biodiversity.
- 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 General Considerations 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 General Considerations 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 General Considerations and Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) Development Proposals in the Green Belt and the Surrey Waste Plan 2008 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 General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policy E11 Development and Noise.
- 35 To protect the visual amenities of the locality to comply with Surrey Waste Plan 2008 Policy DC3 General Considerations; Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) Development Proposals in the Green Belt and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 Design of New Development and EN8 Protecting and Improving the Landscape and Biodiversity and the Surrey Waste Plan 2008 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 General Considerations 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 General Considerations and the Key Development Criteria for Charlton Lane relating to the footpath.
- 38&39 To protect users of the footpath and comply with Surrey Waste Plan 2008 Policy DC3 General Considerations 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 General Considerations and Spelthorne Core Strategy and Policies DPD 2009 Policies SP6 Maintaining and Improving the Environment and EN8 Protecting and Improving the Landscape and Biodiversity and the Surrey Waste Plan 2008 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 General Considerations; Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) Development Proposals in the Green Belt and Spelthorne Core Strategy and Policies DPD 2009 Policy EN8 Protecting and Improving the Landscape and Biodiversity and the Surrey Waste Plan 2008 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 National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy DC3 General Considerations; Spelthorne Borough Local Plan 2001 Policy GB1 (saved policy) Development Proposals in the Green Belt and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 Design of New Development and EN8 Protecting and Improving the Landscape and Biodiversity and the Surrey Waste Plan 2008 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 General Considerations and Spelthorne Borough Local Plan 2001 Policy BE26 (saved policy) Archaeology and Ancient Monuments.
- 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 Thermal Treatment Facilities criterion ii and Spelthorne Core Strategy and Policies DPD 2009 Policy EN1 Design of New Development.
- 45 To enable the re-use of waste heat in accordance with the National Planning Policy Framework 2012; Surrey Waste Plan 2008 Policy WD5 Thermal Treatment Facilities criterion ii and Spelthorne Core Strategy and Policies DPD 2009 Policies EN1 Design of New Development and SP7 Climate Change and Transport.
- 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 Thermal Treatment Facilities criterion ii and Spelthorne Core Strategy and Policies DPD 2009 Policy EN1 Design of New Development.

## INFORMATIVES

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

- 11 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.
- 12 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.

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## **CONTACT**

Mark O'Hare

### **TEL. NO.**

020 85417534

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## **BACKGROUND PAPERS**

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

### **Government Guidance**

National Planning Policy Framework 2012

National Planning Policy Framework Practice Guide 2012

The National Planning Policy for Waste 2014

### **The Development Plan**

Surrey Waste Plan 2008

Spelthorne Core Strategy and Polices Development Plan Document 2009

Spelthorne Borough Local Plan 2001 (saved policies)

### **Other Documents**

High Court decision ref: 5130/2014 dated 19 December 2014

Environmental Permit variation (ref: EPR/VP3997NK/V005) dated 29 October 2014

Containment systems for the prevention of pollution (C736), CIRIA 2004

Planning permission ref SP13/01553/SCC, original 2010 Environmental Statement (ES) plus subsequent Regulation 19 Responses, 2013 Addendum ES and August 2015 ES Addendum

Environmental Impact Assessment Regulations 2011

Dangerous Substances and Explosive Atmospheric Regulation 2002

High Court Judgement EWHC 4108 (Admin) CO/2725/14, 5 December 2014

Planning and Compulsory Purchase Act 2004

Town and Country Planning Act 1990 (as amended)

Surrey County Council's Statement of Community Involvement, May 2015



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