

Surrey Waste Local Plan 2019

Part 1 – Policies Submission Plan

Part 2 – Sites and areas of search

Consultation 14 January 2019 – 10 March 2019

Briefing note and recommended response to Surrey County Council

1. Background

- 1.1 The current Surrey Waste Local Plan was adopted in May 2008 following a public examination in 2007 at which this Council made a number of representations. The Plan contains policies designed to direct the development of waste facilities to appropriate locations across the County and includes the identification of two specific sites in Spelthorne for the treatment of waste (excluding thermal treatment) under Policy WD2. The two sites were Charlton Lane and Oak Leaf Farm. Charlton Lane is currently being developed as a waste to energy facility and Oak Leaf Farm has been granted planning permission for a number of waste recycling facilities including an advanced MRF (Materials Recycling Facility). No sites in Spelthorne were allocated for the thermal treatment of waste under Policy WD5.
- 1.2 The Surrey Waste Plan 2008 is one of a suite of four development plan documents which are complementary and deal with the whole range of development issues relating to minerals and waste. The other documents are:
- Surrey Minerals Plan July 2011
 - Minerals Site Restoration SPD July 2011
 - Aggregates Recycling Joint DPD February 2013

The Surrey Waste Plan is the first to be reviewed and the new plan will replace the 2008 document.

- 1.3 In September/November 2016 the County Council consulted on issues and options and carried out extensive consultations with local authorities under the Duty to Cooperate and with a wide range of organisations and public bodies. The results of this engagement were considered in the preparation of the Draft Plan which was published for consultation in November 2017. Spelthorne BC submitted representations in February last year. Some, but not all of the points raised have been taken into account by the County Council in the preparation of the Submission Plan which has been published in two parts for further consultation prior to submission to the Secretary of State.
- 1.4 Whilst generally supporting the approach of the Plan, its Strategic Objectives and the specific policies, there remain a number of important issues on which this Council has concerns relating to the development of waste facilities in the Green Belt and in particular the impact of potential delays in the final restoration of mineral sites. There are four particular policies in Part 1 which relate to these issues, the recycling of Construction, Demolition and Excavation waste (CD&E) at existing mineral sites (Policy 3), the safeguarding of sites (Policy 7), the enhancement or extension of existing facilities (Policy 8) and Green Belt (Policy 9). In addition Policy 11a Strategic Waste Site Allocations, includes the proposed allocation of Oak Leaf Farm for further waste processing facilities details of which are set out in the Part 2 – Sites and areas of search document.

2. Surrey Waste Local Plan Part 1 – Policies Submission Plan

- 2.1 The Submission Plan (Part 1), as previously, contains eight Strategic Objectives, one of which confirms that the County Council will work closely with its partners, including District and Boroughs, to deliver the Waste Local Plan (Strategic Objective 8). The

Submission Plan also includes 16 policies, some of which have been amended from those set out in the Draft plan, designed to implement the Strategic Objectives.

Policy 3 - Recycling of Inert Construction, Demolition and Excavation Waste

- 2.2 This policy considers how recycling CD&E waste should be encouraged and how its management should be considered. The plan recognises that a significant proportion of existing CD&E waste recycling facilities are on land associated with mineral workings. Surrey County Council recognises 'the tensions that may exist between supporting recycling of CD&E waste and encouraging timely restoration' (para 5.2.3.7). The policy states that planning permission will be granted where the site is a mineral working or land raising or landfilling operation where the duration of the proposed operations are tied to that of a landfill or mineral working or restoration scheme.
- 2.3 In general terms the co-location of recycling facilities at existing mineral sites is to be welcomed particularly where the recycling supports the timely restoration of a mineral working. The problem exists, however, where the recycling activity starts to take precedence over the restoration works and thereby leads to applications to extend the end date of final restoration and with significant delays to the provision of environmental enhancements or amenity benefits for residents. We have seen a recent example of this at the Stanwell Place site where restoration had not been completed within the original five year time period and a further temporary permission of ten years was granted by the County Council for a recycling facility of twice the size. The County Council, rather than just recognising that a 'tension exists', needs to ensure that the policy, and the application of the policy, is robust in ensuring that the co-location of facilities does not result in the unacceptable extension of minerals and waste operations at a site to the detriment of amenity or the environment and considerable delay in final restoration. This is particularly important where residents, after years of enduring the effects of mineral working may reasonably expect to see the benefits of a well-designed restoration and landscaping scheme come to fruition only to be denied by the prolonged extension of waste operations on the site.

Policy 7 – Safeguarding

- 2.4 The Plan proposes that existing waste sites or those allocated for waste facilities be safeguarded to ensure that the need for waste management infrastructure is taken into account in decision making by all planning authorities. Surrey recognises that it is essential that districts and the County Council work together to ensure the provision of suitable waste management infrastructure. The principle of safeguarding is a material planning consideration but does not rule out alternative development. The policy applies to allocated sites and existing waste sites and also includes those with temporary permission. It seeks to ensure that alternative uses either on, or close to, existing sites do not prejudice the operation of a site for waste purposes. The policy and the text has been expanded and clarified since the Draft Plan version and there are no longer concerns on this particular policy.

Policy 8 – Enhancement or extension of existing facilities

- 2.5 This policy also deals with existing sites in waste use and again includes sites with temporary planning permission. The Borough Council has concerns that because of the difficulty of finding alternative waste sites there is a strong possibility that those sites in temporary use in the Green Belt will, once established, be extended or even become permanent rather than being properly restored to an appropriate use. The supporting text has been changed to make it clear that any applications for the improvement or extension of facilities with temporary planning permission should take account of the

original reasons for the permission being time limited and not result in development (or extensions of time) that would undermine them (para 5.2.8.4). Whilst this clarification is welcomed it is considered that appropriate text to this effect should be included in the Policy itself.

Policy 9 – Green Belt

- 2.6 The Submission Plan considers that it will not be possible to meet the anticipated waste management needs of the County without developing facilities in the Green Belt. However, such facilities will, by definition, be harmful to the Green Belt and only be acceptable if they preserve the openness of the Green Belt or can be justified by the existence of very special circumstances. The policy confirms this, and the wording has been amended from the draft version. However it is considered that the policy could be more closely aligned with the wording set out in the latest version of the NPPF (published in 2018) to make it clear that “very special circumstances” have to be demonstrated for each and every proposed development in the Green Belt which has to be considered on its own merits so that “the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations”. The Policy includes six factors that could contribute to “very special circumstances”. However, each proposal has to be considered separately on its merits and it is not appropriate to include any such list within the policy itself. If the County Council wishes to include reference to these possible indicative factors it should only be set out in the supporting text as factors which could be taken into account when considering very special circumstances.
- 2.7 The supporting text in paragraph 5.3.1.4 refers to the positive role of waste development in relation to the restoration of mineral sites in the Green Belt and confirms that, because it is inappropriate development, it should remain linked to the restoration activity. This complements the intentions of Policy 3. However, as referred to above, this positive role will only be a benefit where it assists with the timely restoration of sites in the Green Belt and does not delay the completion of final restoration schemes. For this reason, it is imperative that timescales are imposed so that there is a clear expectation of when temporary uses will cease and when the benefits of restoration will be achieved. There are currently three waste sites in the Green Belt in Stanwell and Stanwell Moor. One, Oak Leaf Farm, is now permanent and has been allocated for waste development in this Plan. The site at Stanwell Quarry has recently been granted a 10-year extension to 2027 and the other at Hithermoor is due to cease operation and to be restored for agriculture/amenity use by 2023. It remains to be seen whether either of these two sites will be finally restored as originally proposed although the future of both sites is now very much affected by the proposals for the expansion of Heathrow Airport.

Policy 10 – Areas suitable for development of waste management facilities and;

Policy 11a – Strategic Waste Site Allocations

- 2.8 Policy 10 identifies different types of site where permission will be granted for waste related development. It includes sites listed in Policy 11a – Strategic Waste Site Allocations which addresses the development of facilities to meet identified shortfalls in waste management capacity. In the preparation of the Draft Plan the County Council considered 20 sites in Spelthorne to which it applied a preliminary sieving process. This reduced the list to three, Oak Leaf Farm (SP02), Riverscroft Farm (SP07) and land at Bugle Nurseries (SP20). All these sites are in the Green Belt. Further, more detailed, secondary sieving eliminated all but Oak Leaf Farm for inclusion as a proposed allocation in the Draft Plan and this has now been brought forward into the Submission Plan as one of five Allocated sites for waste related development.

- 2.9 The site is already established as a waste recycling site having been identified as an allocation in the current Waste Plan 2008. There are no grounds for raising an objection to the inclusion of this site as a Strategic Waste Site Allocation given its previous status and the planning permissions which have been granted. However, it is listed as a site on “previously developed land” which is inconsistent with the definition of “PDL” included in the NPPF 2018. This needs to be corrected. As the site is in the Green Belt any new proposals for waste development will need to be assessed against very special circumstances and the impact on openness. The policy confirms that any proposals for new waste development will need to demonstrate how the key development requirements for each site have been met. There would be a concern if this site were to be more intensively developed with additional buildings on the site which would further erode the openness of the Green Belt.

3. Surrey Waste Local Plan Part 2 – Sites and areas of search

- 3.1 This part of the document provides more specific information around the areas and sites identified as being suitable for waste management in accordance with Policies 10,11a and 11b. It is not considered that there are any other sites which the Borough Council could identify as being suitable for inclusion in the plan.
- 3.2 Whilst the identification of Oak Leaf Farm for waste development is consistent with its current use there are a number of matters of fact and detail which need to be clarified having regard to the possible extent of future uses and activities which might be proposed on the site. It is suggested that the site may be suitable for small, medium or large scale thermal treatment facility. It would be helpful and provide greater certainty for residents if more detail on the types and scale of future waste operations were set out.
- 3.3 There are also concerns about the potential impact of significant additional HGV movements on the local area if the site were to be more intensively developed. There are already issues concerning HGV movements affecting the village and therefore, in order to avoid such impacts, the Council considers that an essential requirement for allocating this site for additional waste development is to ensure that proper consideration is given to providing a dedicated access to the site which will prevent the possibility of any HGV movements through the village.
- 3.4 The key development issues confirm that the site is in the Green Belt and is within an area which has been assessed as performing moderately against the purposes of the Green Belt in the Council’s recent Green Belt Assessment Part 1. The Borough Council has no proposals to remove the site from the Green Belt and it remains the case therefore that any proposals for further waste development which affect the openness of the Green Belt site will be considered as inappropriate development and will need to be assessed in terms of very special circumstances.
- 3.5 The site area identified as the Allocation Site in the plan excludes the area of the existing MRF building which was constructed on the site a few years ago as part of the overall planning permission for the permanent waste use of the site. This permission also required the construction of an earth bund around the whole area to provide a visual and sound barrier. The site description and criteria make no reference to this although it would be reasonable to expect any additional waste facilities to be provided within the bunded area. Other parts of the site within the bund are in current waste uses which include some additional buildings. It seems illogical to exclude from the allocation site one particular building and use rather than defining the whole area together with the bunds as being suitable for waste related development.

4. Recommended response to Surrey County Council

- 4.1 Having regard to the points made above the recommended response to the County Council is set out below for agreement by Management Team and the Portfolio Holder for Planning and Economic Development.

Surrey Waste Local Plan - Submission Plan
Representations from Spelthorne Borough Council
March 2019

- 1.1. Spelthorne Borough Council welcomes the opportunity to comment on the Surrey Waste Local Plan and generally supports the objectives of the plan and proposed policies. However, there remain a number of matters set out below where it is considered the plan could provide greater clarity or certainty concerning the provision of additional waste infrastructure particularly in relation to sites within the Green Belt.

Policy 3 - New or Improved Facilities for Recycling of Construction, Demolition and Excavation Waste.

- 1.2. In general terms the co-location of recycling facilities at existing mineral sites is to be welcomed particularly where the recycling supports the timely restoration of a mineral working. The problem exists, however, where the recycling activity starts to take precedence over the restoration works and thereby leads to applications to extend the end date of final restoration and with significant delays to the provision of environmental enhancements or amenity benefits for residents. We have seen a recent example of this at the Stanwell Place site where restoration had not been completed within the original five year time period for restoration and a further temporary permission of ten years was granted by the County Council for a recycling facility of twice the size. The County Council, rather than just recognising that a 'tension exists' (para 5.2.3.7) needs to ensure that the policy, and the application of the policy, is robust in ensuring that the co-location of facilities does not result in the unacceptable extension of minerals and waste operations at a site to the detriment of amenity or the environment and considerable delay in final restoration. This is particularly important where residents, after years of enduring the effects of mineral working, may reasonably expect to see the benefits of a well-designed restoration and landscaping scheme come to fruition only to be denied by the prolonged extension of waste operations on a site.

Policy 8 – Enhancement or extension of existing facilities

- 1.3. The Borough Council has concerns that because of the difficulty of finding alternative waste sites there is a strong possibility that those sites in temporary use in the Green Belt will, once established, become permanent rather than being properly restored to an appropriate use. The supporting text (par 5.2.8.4) has been changed to make it clear that any applications for the improvement or extension of facilities with temporary planning permission should take account of the original reasons for the permission being time limited and not result in development (or extensions of time) that would undermine them. Whilst this clarification is welcomed it is considered that appropriate text to this effect should be included in the Policy itself.

Policy 9 – Green Belt

- 1.4. The Submission Plan considers that it will not be possible to meet the anticipated waste management needs of the County without developing facilities in the Green Belt. However, such facilities will, by definition, be harmful to the Green Belt and only be acceptable if they preserve the openness of the Green Belt or can be justified by the existence of very special circumstances. The policy confirms this, and the wording has been amended from the draft version. However it is considered that the policy could be more closely aligned with the wording set out in the latest version of the NPPF (published in 2018) to make it clear that "very special circumstances" have to be

demonstrated for each and every proposed development in the Green Belt which has to be considered on its own merits so that “the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations”. The Policy includes six factors that could contribute to “very special circumstances”. However, it is considered that each proposal has to be considered separately and it is not appropriate to include any such list within the policy itself. If the County Council wishes to include reference to these possible indicative factors it should only be set out in the supporting text as factors which could be taken into account when considering very special circumstances.

- 1.5. The supporting text in paragraph 5.3.1.4 refers to the positive role of waste development in relation to the restoration of mineral sites in the Green Belt and confirms that, because it is inappropriate development, it should remain linked to the restoration activity. This complements the intentions of Policy 3. However, as referred to above, this positive role will only be a benefit where it assists with the timely restoration of sites in the Green Belt and does not delay the completion of final restoration schemes. For this reason, it is imperative that timescales are imposed so that there is a clear expectation of when temporary uses will cease and when the benefits of restoration will be achieved.

Policy 10 – Areas suitable for development of waste management facilities; and

Policy 11a – Strategic Waste Site Allocations

- 1.6. Policy 10 identifies specific locations where permission will be granted for the development of facilities to meet identified shortfalls in waste management capacity and the allocated sites are set out in Policy 11a. The Oak Leaf Farm site is already established as a waste recycling site having been identified as an allocation in the current Waste Plan 2008. Spelthorne considers that there are no grounds for raising an objection to the inclusion of this site as a Strategic Waste Site Allocation given its previous status and the planning permissions which have been granted. However, it should not be described as “previously developed land” as this is inconsistent with the precise definition set out in the NPPF 2018. The policy confirms that any proposals for new waste development will need to demonstrate how the key development requirements for each site have been met. As the site is in the Green Belt any new proposals for waste development will need to be assessed against very special circumstances and the impact on openness.

Allocation of Oak Leaf Farm Horton Road Stanwell Moor

- 1.7. Whilst the identification of Oak Leaf Farm for waste development is consistent with its current use there are a number of matters of fact and detail which need to be clarified having regard to the possible extent of future uses and activities which might be proposed on the site. It is suggested in the Plan that the site may be suitable for a small, medium or large scale thermal treatment facility. It would be helpful and provide greater certainty for residents if more detail on the types and scale of future waste operations were set out.
- 1.8. The Council is concerned about the potential impact of significant additional HGV movements on the local area if the site were to be more intensively developed. There are already issues concerning HGV movements affecting the village and therefore, in order to avoid such impacts, the Council considers that an essential requirement for allocating this site for additional waste development is to ensure that proper consideration is given to providing a dedicated access to the site which will prevent the possibility of any HGV movements through the village.

- 1.9. The key development issues confirm that the site is in the Green Belt. The area has been assessed as performing moderately against the purposes of the Green Belt in Spelthorne Borough Council's recent Green Belt Assessment Part 1. Consequently the Borough Council has no proposals to remove the site from the Green Belt and it remains the case therefore that any proposals for further waste development which affect the openness of the Green Belt site will be considered as inappropriate development and will need to be assessed in terms of very special circumstances. The Council would be concerned if this site were to be more intensively developed with additional buildings on the site which would further erode the openness of the Green Belt
- 1.10. The site area identified as the Allocation Site in the plan excludes the area of the existing MRF building which was constructed on the site a few years ago as part of the overall planning permission for the permanent waste use of the site. This permission also required the construction of an earth bund around the whole area to provide a visual and sound barrier. The site description and criteria make no reference to this although it would be reasonable to expect any additional waste facilities to be provided within the bunded area. Other parts of the site within the bund are in current waste uses which include some additional buildings. It seems illogical to exclude from the allocation site one particular building and use but to include other parts of the larger site which are also in use for waste purposes but on which there are currently no large buildings. For consistency the whole area together with the enclosing bunds should be defined as being suitable for waste related development.