



OFFICER REPORT TO EXECUTIVE

**SURREY WASTE PLAN - DELETION OF THREE SITES FROM
THERMAL TREATMENT POLICY**

30 JANUARY 2007

KEY ISSUE/DECISION:

To consider a recommendation to the Waste Plan Inspector about the deletion of three sites – Heather Farm in Horsell, land at the former Wisley Airfield, and Martyrs Lane in Woking - from the Surrey Waste Plan policy for the development of thermal treatment facilities in line with legal advice following a revised Appropriate Assessment under the EU Habitats Directive.

BUSINESS CASE:

INTRODUCTION

- 1 In June 2006, the County Council approved the Surrey Waste Plan for submission to the Secretary of State. The Plan was informed by an Appropriate Assessment undertaken by ERM, the Council's consultants, in response to the recommendation of English Nature following a court ruling on the requirement of the EU Habitats Directive. The Appropriate Assessment was issued for consultation alongside the submission draft Waste Plan.
- 2 An Appropriate Assessment assesses the impacts of development plans against the conservation objectives of European designated sites of nature conservation interest to ascertain whether a plan would adversely affect the integrity of those sites. Where there is a risk of significant adverse effect, a plan could only go ahead if there are no alternative solutions and the plan must be carried out for imperative reasons of overriding public importance.
- 3 The application of Appropriate Assessment to development plans is an emerging process with draft regulations and draft guidance issued by the Government during 2006. English Nature, subsequently reformed as Natural England, recommended further development of ERM's Appropriate Assessment, as did a peer review by Land Use Consultants. ERM's revised Appropriate Assessment has just been completed and is available in the Members' Reading Room.

THE APPROPRIATE ASSESSMENT

- 4 The Surrey Waste Plan allocates several sites for a range of waste facilities as diverse as civic amenity sites through to thermal treatment facilities. Seven of the sites were considered to have the potential to have an effect on European designated nature conservation areas. These sites are:

Charlton Lane, Shepperton
Heather Farm, Horsell
Martyrs Lane, Woking
Oak Leaf Farm, Horton Road, Stanwell Moor
Land to the north east of Slyfield Industrial Estate, Guildford
Land adjacent to Trumps Farm, Longcross
Land at the former airfield, Wisley.

- 5 The main potential for impacts was considered to result from air emissions from thermal treatment facilities. The key emissions are of nitrogen which enriches the soil causing stress to the heathland vegetation supporting the protected bird species.
- 6 The assessment, based on a 'typical' incineration facility, has shown that adverse effects on the integrity of the designated habitats are likely to result from the estimated stack emissions from such a development sited at Heather Farm, Martyrs Lane and Wisley Airfield. These are the thermal treatment sites closest to the designated habitat areas. The assessment recommends the removal of these sites from the Waste Plan for the development of thermal treatment plant. It also suggests updating the wording of the key development criteria, requiring 'project level' Appropriate Assessment for those three sites for other types of waste development, and for the four other sites considered.

EFFECT UPON THE WASTE PLAN

- 7 Policy WD5 of the Surrey Waste Plan, as submitted, lists six sites where planning permission will be granted for development involving the thermal treatment of waste, subject to certain provisions. Five of those sites are in the Green Belt requiring very special circumstances to be demonstrated to justify the development. The sites are:

Clockhouse Brickworks, Capel (the one site not in the Green Belt)
Charlton Lane, Shepperton
Heather Farm, Woking
Martyrs Lane, Woking
Land adjacent to Trumps Farm, Longcross
Land at former airfield, Wisley.

- 8 Para C27 of the Surrey Waste Plan explains the particular context for the inclusion of Heather Farm in Policy WD5. Heather Farm was the site proposed by Woking Borough Council for an advanced thermal treatment plant as part of an integrated waste management facility. It had been assessed for thermal treatment only in respect of Woking BC's proposals. The Plan explains that Woking BC's proposals were at an early stage and would be considered in the context of the emerging Joint Municipal Waste Management Strategy. When adopting the Strategy on 19 October 2006,

Woking BC decided to discontinue its plans to develop an advanced thermal treatment facility at Heather Farm.

- 9 The deletion of Heather Farm, Martyrs Lane and Wisley Airfield from Policy WD5 would leave three sites for thermal treatment – Clockhouse Brickworks, Charlton Lane and land adjacent to Trumps Farm. It is considered this would still provide sufficient capacity for the county's thermal treatment needs, albeit that the degree of locational choice is greatly curtailed. The three remaining sites are also those identified as potential sites in the County Council's Waste Disposal Action Plan, the County's part of the implementation plans for the Joint Municipal Waste Management Strategy.
- 10 Heather Farm, Martyrs Lane and land at former airfield, Wisley will remain under Policy WD2 of the Waste Plan as sites for recycling, storage, materials recovery and processing facilities (excluding thermal treatment).
- 11 The County Council has received clear legal advice that it should propose that the Inspector deletes the three sites from the thermal treatment policy and undertake the required consultation in the light of the Appropriate Assessment report. The continued inclusion of these sites in the Plan could result in it being inconsistent with the evidence base, of which the Appropriate Assessment forms a part, and thus be judged unsound. If these sites are proposed for removal, government planning policy requires a further period of consultation. It is worth noting that three of the six development plans considered so far under the new system have been rejected by Inspectors as unsound. The Surrey Waste Plan is the first waste plan with sites to go through the new process

CONSULTATION

- 12 Following the County Council's decision, public consultation would take place on any proposed changes to the Plan, with the final edition of the Appropriate Assessment published as a supporting document. The consultation would run from 16 February to 30 March on a similar basis to the previous supplementary consultations on the submitted Waste Plan on alternatives sites and minor changes and errata.
- 13 The Planning Inspector who is examining the Surrey Waste Plan has pointed out that Homefield Sandpit at Runfold had been put forward in representations as an alternative site under Policy WD2 of the Plan, but was not covered in the previous consultation on alternative sites. It is considered appropriate to use the opportunity of this additional consultation to cover this potential additional site. Homefield has been put forward in the context of potential for further development of the inert waste recycling activity currently undertaken there. Officers consider that Homefield should be considered through the Minerals Plan process as an aggregate recycling site.

PUBLIC EXAMINATION

- 14 Following the consultation, it will be for the Inspector to take a view about the inclusion or otherwise of these sites as part of his examination of the Waste Plan. The hearings in the public examinations of the development plan documents in the Surrey Waste Plan are scheduled to start on 13 February. It is considered that the Waste Core Strategy DPD is unaltered by the likely changes arising from the Appropriate Assessment, as is all of the Waste

Development DPD, except for the general considerations on thermal treatment and the sites in Policy WD5. The Inspector has been advised of the County's view that there should be no change to the scheduled dates of the hearings for the Core Strategy and Development Control DPDs and the Waste Development DPD Examination, except for the one session on the general considerations of thermal treatment and the sessions on individual sites in Policy WD5.

- 15 Officers have requested that this thermal treatment session be deferred until the start of the Individual Sites Examination, currently scheduled for 26 March. This may delay this part of the hearings by around a month, dependent upon the collation, analysis and reporting of the consultation responses and the availability of the Inspector and the other parties involved.
- 16 The delay in the examination programme is likely to result in the Inspector's report on the Waste Development DPD Examination being received later than previously estimated. It is possible that he will report first on the Core Strategy and Development Control DPDs so that they could be adopted in October 2007, or possibly even in July. Until the Inspector advises, it is uncertain whether the County Council will be able to adopt the Waste Development DPD in October 2007, as originally programmed, or would have to wait until November or possibly January 2008.

FINANCIAL IMPLICATIONS

- 17 The additional work by consultants on the Appropriate Assessment and the additional public consultation, with statutory advertisements, is likely to result in a cost overrun of around 5% for the Waste Plan overall. There may be a delay of up to three months in completing the adoption of the Plan, which could have a knock-on effect on the progress of applications for new waste management facilities, including those proposed in the Waste Disposal Action Plan. The County Council is committed to a timetable for production of the Waste Plan through the Minerals and Waste Development Plan Scheme and it could lose some Planning Delivery Grant through not meeting all the 'milestones' in its programme.
- 18 However, there would be significant financial risks associated with proceeding with a Waste Plan that the Inspector might well deem to be unsound. If the Plan was found to be 'unsound', parts of the Plan process would have to be rerun with significant direct costs, with much greater indirect costs in delaying implementation of the Waste Disposal Action Plan, resulting in vulnerability to exposure under the Landfill Allowance Trading Scheme.

EQUALITIES IMPLICATIONS

- 19 There are no equalities implications.

RECOMMENDATIONS:

- (1) That the Executive **RECOMMENDS** to the County Council that it proposes to the Inspector the removal of Heather Farm in Horsell, land at the former Wisley Airfield, and Martyrs Lane in Woking from Policy WD5 of the Surrey Waste Plan Submission Draft.

- (2) That the Executive **RECOMMENDS** to the County Council that the proposed changes be advertised and subject to public consultation, along with the representation of Homefield Sandpit, Runfold as an alternative site for consideration under Policy WD2 of the Surrey Waste Plan Submission Draft.
- (3) That authority be delegated to the Head of Policy and Development to make any amendments to the Plan, including minor changes of wording to the key development criteria, following Executive and County Council consideration in consultation with the Executive Member for the Environment.

REASONS FOR RECOMMENDATIONS:

- (1) To accord with legal advice following the revised Appropriate Assessment.
- (2) In response to the Inspector's observation that the site had not been included in the previous consultation on alternative sites.
- (3) To ensure Members' views can be appropriately accommodated and to make the detailed wording of the Plan consistent with the revised Appropriate Assessment.

WHAT HAPPENS NEXT:

Subject to the County Council approval, the Surrey Waste Plan will proceed with its public examinations through hearings scheduled to start on 13 February. The Inspector will submit his report(s) and the County Council will adopt the Waste Plan incorporating his binding recommendations.

Responsible: David Lamb, Minerals and Waste Policy Manager,
Tel: 020 8541 9456

Accountable: Michael Jennings, Head of Policy and Development

Consulted: Executive Member for the Environment

Informed: -

Supporting documents:

Appropriate Assessment Report, ERM, January 2007

Joint Municipal Waste Management Strategy, Surrey Local Government Association, November 2006

Waste Disposal Authority Action Plan 2006-2025, Surrey County Council, October 2006
