



# Report to **SURREY COUNTY COUNCIL**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 SECTION 20

THE EXAMINATION OF THE

**SURREY WASTE PLAN**

**DEVELOPMENT PLAN DOCUMENTS**

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## Abbreviations

ATT	Advanced Thermal Treatment
AD	Anaerobic Digestion
CA	Civic Amenity
C&D	Construction and Demolition [waste]
C&I	Commercial and Industrial [waste]
CD	Core Document
CHA	County Highway Authority
CS	Core Strategy
DPD	Development Plan Document
EfW	Energy from Waste
EPA	Environmental Protection Act 1990
FRA	Flood Risk Assessment
GB	Green Belt
HDA	Habitats Directive Assessment
HGV	Heavy Goods Vehicle
IPPC	Integrated Pollution Prevention and Control
IVC	In-Vessel Composting
JMWMS	Joint Municipal Waste Management Strategy
KDC	Key Development Criteria
MSW	Municipal Solid Waste
MWDS	Mineral and Waste Development Scheme
MWDF	Mineral and Waste Development Framework
LDF	Local Development Framework
LTP	Local Transport Plan
MRF	Materials Recovery Facility
MSW	Municipal Solid Waste
PC	Proposed Change
PDL	Previously Developed Land
PEM	Pre Examination Meeting
PM	Proposals Map
PPC	Pollution Prevention and Control
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RPG	Regional Planning Guidance
RSS	Regional Spatial Strategy
SAC	Special Area of Conservation
SBM	Site Boundary Map
SCC	Surrey County Council
SCI	Statement of Community Involvement
SEP	South East Plan
SNCI	Site of Nature Conservation Importance
SPA	Special Protection Area
STW	Sewage Treatment Works
SWP	Surrey Waste Plan
TBH	Thames Basin Heaths
TIA	Transport Impact Assessment
TP	Topic Paper
tpa	tonnes per annum
vpd	vehicles per day
VSC	Very Special Circumstances
WD	Waste Development
WDC	Waste Development Control
WDA	Waste Disposal Authority
WPS	Waste Policy Statement
WTS	Waste Transfer Station

## 1. INTRODUCTION

### Statutory Provisions and Role of Inspectors

- 1.1 Under the terms of s20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent Examination of a Development Plan Document [DPD] is to determine:
  - (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the Regulations under s17(7), and any Regulations under s36 relating to the preparation of the document, and
  - (b) whether it is sound.
- 1.2 This report contains our assessment of the Surrey Waste Plan [SWP] DPDs in terms of the above matters, along with our recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 Our role is to consider the soundness of the submitted DPDs against each of the Tests of Soundness set out in PPS12. In line with national policy, the DPDs are presumed to be sound unless they are shown to be otherwise by evidence considered during the Examination. The changes we specify in this binding Report are made only where there is a clear need to amend the document in the light of the Tests of Soundness. None of these changes materially alter the substance of the SWP and its policies overall, save in connection with substantial proposed changes [PCs] exceptionally advertised by Surrey County Council [SCC], as explained below; nor do the changes we recommend undermine the Sustainability Appraisal [SA], as revisited in the light of those PCs, or undermine the participatory processes already undertaken.

### Evolving Practice and Approach

- 1.4 Our Report covers the whole of the submitted document entitled the Surrey Waste Plan [SWP]. This incorporates four Development Plan Documents named in the adopted Minerals and Waste Development Scheme [MWDS] [*Core Document – CDSy104*]. These are the Waste Core Strategy [CS], nominally Section 2 of the SWP, the Waste Development [WD] DPD, Section 3, and the Waste Development Control Policies [DC] DPD, Section 4, together and the Proposals Map [PM].
- 1.5 The SWP also contains Section 1, The Basis for the Surrey Waste Plan and Section 5, Monitoring, as well as Site Boundary Maps [SBMs], each accompanied by a schedule of Key Development Criteria [KDC], for every site allocated by the WD DPD. In addition, Appendix 1 comprises the Statements of Principle and Intent of the Waste Policy Statement [WPS] adopted in 2004 by SCC in its separate role as Waste Disposal Authority [WDA] and Appendix 2 provides definitions of Waste Categories and a Glossary of Planning Terms.
- 1.6 During the Examination, we indicated that we might report upon the Core Strategy separately as, in effect, comprising not only Section 2 but also Section 1 and certain parts of Sections 3 and 5 of the SWP document.
- 1.7 Ultimately however, our chosen approach is to treat the whole SWP as having three functions, as Core Strategy, Waste Development and Waste

Development Control DPDs, and reach conclusions on its soundness in each of these roles. This avoids substantial re-writing and consequent delay in adoption.

- 1.8 It must however be emphasised that this approach is an expedient given the particular circumstances of the SWP which can set no precedent for the soundness of any future Waste or indeed Local Development Framework [MWDF or LDF] with respect to compliance with Soundness Test 1. Indeed we consider that the SWP should be subject to early review with the object of submitting three entirely separate DPDs. The opportunity should be taken at that time to address the shortcomings of the SWP identified in this Report. For reasons we identify later, such review is likely to arise from statutory annual monitoring, in any event, or in ensuring continued compliance with the Regional Spatial Strategy [RSS] once the emerging South East Plan [SEP] is adopted.

### Documentation

- 1.9 The SWP is certified by the South East England Regional Assembly [SEERA] as being in general conformity [CDReg6] with the adopted and emerging RSS, comprising respectively Regional Planning Guidance 9 and its Alterations [RPG9][CDReg1-3] and the draft South East Plan [CDReg5]. However, SEERA made detailed responses on the soundness of the SWP.
- 1.10 Representations proposing Alternative Sites were notified under Regulation 32 and further responses to them were reported under Regulation 33 [CDsSy68&71 and CDSy94&98 in respect of Homefield Sandpit only]. The promoters of the Homefield Sandpit Alternative Site published a Sustainability Appraisal of that site for consultation.
- 1.11 SCC notified a number of Errata and Minor Changes and reported certain responses to these. [CDsSy64&82]
- 1.12 The PCs, exceptionally published by SCC during the Examination, would essentially comprise the deletion of three sites allocated for thermal treatment facilities. This followed a revised Appropriate Assessment under the European Habitats Regulations 2000 [the Habitats Directive Assessment – HDA], with implications for the Sustainability Appraisal. [CDsSy72&85&87&94] Further responses arising from the PCs were reported in an addendum to the original summary submitted under Regulation 31 [CDSy98]. This Report is based upon the examination of the submitted SWP. However, PCs are discussed and are supported where we are satisfied that they would overcome unsoundness in the SWP.
- 1.13 SCC also drew up, during the Examination, schedules of further minor errata and changes to the text and to the Key Development Criteria, including points agreed by SCC on matters raised in discussion. At our request, for ease of reference, SCC produced a unified schedule of all its own Proposed Changes – 88 single or groups of changes in all [CDSy123] - as a convenient means of cross-reference to recommended modifications. Again, and all these PCs are recommended for adoption as overcoming unsoundness in the SWP save where we expressly find otherwise.

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## Report Structure and Scope

- 1.14 We deal in Section 2 with the Procedural Tests of Soundness 1 to 3 for the whole SWP. In order to deal with the Conformity Tests 4 and 5 and the Coherence, Consistency and Effectiveness Tests 6 to 9, we address in Section 3 a range of General Matters and then consider the terms of certain policies individually, followed by Monitoring and Implementation. However, as several sites are allocated in more than one policy, we deal with all such allocations separately in Section 4 under a single heading for each site. **Finally, we reach the overall conclusion that the SWP is sound** subject to specified changes, principally to ensure that certain policy wording is consistent with national and regional policy and the stated aims of the SWP itself and to delete and amend certain allocated sites. The key recommended changes are:
- (i) The deletion of paragraphs B26-B30 and Policy CW2;
  - (ii) The modification of Policy CW5;
  - (iii) The deletion of paragraph B55 and Policy CW7;
  - (iv) The modification of Policy WD1, including the deletion of the Godstone Depot allocated site;
  - (v) The modification of Policy WD2;
  - (vi) The deletion of paragraphs C26 to C28;
  - (vii) The modification of Policy WD5 including the deletion of the Heather Farm, Woking allocated site;
  - (viii) Changes to the Proposals map and the Site Boundary Maps; and
  - (ix) The deletion of Appendix 1, the Waste Policy Statement.
- 1.15 Where modifications are required to make the SWP sound for its several purposes upon adoption, we indicate the principles of these throughout the Report and append a detailed Schedule of Modifications Required to Make the Adopted SWP Sound, including a range of uncontroversial changes proposed or agreed by SCC.
- 1.16 Under relevant legislation and guidance, to which we refer in Section 2, the Proposals and Site Boundary Maps together amount not to a separate DPD, as implied by the MWDS, but to a Submission Proposals Map, illustrating the provisions and allocations of the SWP. We treat the Maps accordingly, limiting our recommendations to those necessary to providing appropriate illustrative material. Whilst the Key Development Criteria are associated with the Site Boundary Maps, we treat these as part of the text supporting the allocations.
- 1.17 We take into account all original consultation responses and all other evidence submitted orally or in writing. However, it must also be emphasised that many of the concerns expressed in the original responses, and repeated at the oral hearings, do not relate directly to the SWP but are more concerned with the separate functions of the District and County Councils as Waste Collection and Disposal Authorities, as expressed in the Waste Policy Statement and the Joint Municipal Waste Management Strategy [JMWMS]. For the purpose of completing this Examination this Report focuses strictly on matters identified as addressing the soundness of the SWP itself.

## New Policy

- 1.18 During the course of the Examination, Planning Policy Statement 25 [PPS25] on Development and Flood Risk was published, along with its “living draft” companion guide. [CDsNat11a] In the light of this new national guidance, SCC produced a Flood Risk Assessment [FRA] of the SWP, taking into account the views of the Environment Agency [EA] and certain District Councils, and including additional work on groundwater requested by us. [CDsSy106&107C]
- 1.19 During our Examination of the SWP, the Report of the Panel conducting the Examination in Public of the South East Plan was made public. We are not aware of any aspect of that Report having any significant bearing upon any of our conclusions. It remains for SCC to satisfy itself as to the compliance of the adopted SWP with the South East Plan when adopted as the RSS.

## 2. PROCEDURAL TESTS OF SOUNDNESS

### TEST 1 –MINERAL AND WASTE DEVELOPMENT SCHEME [MWDS]

#### Structure and Presentation of the SWP

- 2.1 In order to be sound with respect to Test 1, the SWP must have been prepared in accordance with the MWDS and the structure and presentation of its component DPDs should comply with both the Regulations and national policy for Mineral and Waste Development Frameworks [MWDFs] in PPS12, wherein para 1.1 and footnote 1 make clear that its guidance on LDFs applies equally to MWDFs.

#### *Presentation as a Single Document*

- 2.2 Thus MWDFs, like LDFs, are regulated, conceived and depicted as a portfolio of discrete DPDs that should stand alone to facilitate individual monitoring and review in future and, in this case, the MWDS indicates four separate DPDs for simultaneous Examination and adoption. Therefore, their publication in the form of the single SWP document does not strictly accord with the MWDS in terms of Test 1, in particular because strategic and non-strategic material is not readily distinguishable.
- 2.3 However, there was general unfamiliarity with the new LDF system at the time the SWP was prepared and submitted. Much has been learned in practice since then, as emphasised in the Planning Inspectorate “Lessons Learnt” Document of June 2007<sup>1</sup>. In its Introduction that document highlights the need for LDFs to depart from the style of former development plans, most importantly by making the overall strategy clearly discernible. There remains a recognised urgency to adopt a set of coherent policies to redress long-running uncertainty in planning for the management of waste in Surrey. Therefore, to avoid delay, it was decided to continue with a single process of Independent Examination of the SWP, despite difficulties in distinguishing strategic from non-strategic material within it and subsequent

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<sup>1</sup> “Local Development Frameworks: Lessons Learnt Examining Development Plan Documents”, The Planning Inspectorate, June 2007

delays consequent upon the publication by SCC of substantial Proposed Changes [PCs], again contrary to best practice as set out in PPS12<sup>2</sup>.

- 2.4 We are satisfied overall that the SWP performs the three roles of Core Strategy, Waste Development and Development Control DPDs, supported by the illustrative Maps. In the particular current circumstances of waste planning in Surrey, we judge that the manner of presentation of the several DPDs as a single document is acceptable in relation to Test 1.
- 2.5 We emphasise though, as a matter of principle in evolving LDF practice, that such unified documents would be unsound under Test 1 and in any future review, each DPD must be produced as a separate document, with all strategic provisions and strategic allocations contained in the Core Strategy together with provision for their implementation and monitoring.
- 2.6 The presentation of several DPDs alongside the Waste Policy Statement appended within the same single SWP caused confusion during the consultation process and we consider the spatial relationship between the SWP and the WPS below in relation to Test 2; but the Waste Policy Statement is not part of the MWDF and, to further ensure the soundness of the SWP in terms of Test 1, the WPS should be deleted from the SWP document.

#### ***Proposals Map and Site Boundary Maps***

- 2.7 Under Regulations 6&14 and PPS12, at paras 2.20-23 and A.2, it is for District Authorities to include in their Adopted Proposals Maps waste safeguarding areas and site allocations of any adopted Waste DPD. Regulations 6&9 require Submission Proposals Maps showing how the Adopted Proposals Map is to be amended by a new DPD. PPS12 provides, at paras 2.13 and A.1, that any Core Strategy may include a Key Diagram.
- 2.8 There is potential for duplication and consequent confusion between District Adopted Proposals Maps and any Waste Proposals Map adopted by SCC in line with the adopted MWDS. However, the community at large has a right to expect the Proposals and Site Boundary Maps, submitted as part of the SWP document, to be subject to this independent Examination and Report. As a practical approach, we treat the submitted Proposals and Site Boundary Maps together as a Submission Proposals Map illustrating the proposals and allocations of the SWP as a whole.
- 2.9 The Proposals Map submitted for adoption is essentially diagrammatic and serves the purpose of a Key Diagram. However, it seeks to go further by attempting to represent "Preferred Sites" of the SWP. The term "Preferred Site" does not occur in the Waste Development policies and is confusing. Moreover, the diagrammatic manner of their representation by segmental "tablets" showing possible waste uses is imprecise and, on a diagram of such small scale, obliterates much of the background annotation, reducing legibility.
- 2.10 We note that the Ordnance Survey based 1:10,000 scale Site Boundary Maps, accompanied by Key development Criteria on their obverse, do not

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<sup>2</sup> Planning Policy Statement 12 Local Development Frameworks p37box

indicate local designations such as biodiversity interests or other constraints, such as flood risk areas. However, we consider it sufficient that they indicate the extent of the sites on an OS base to be read in conjunction with the KDC.

- 2.11 On a particular point of whether landfill or other existing waste sites should be illustrated; it is understandable that respondents seek a complete picture of waste planning in Surrey. However, as its title indicates, the Submission Proposals Map is intended as a graphical representation of adopted proposals and allocations in relation to essentially fixed planning constraints and not existing waste operations. There is no requirement to include such information, which is a matter for the evidence base of the MWDF and its future monitoring.
- 2.12 We consider that the Site Boundary Maps should remain in their present form but that the Proposals Map should serve as a Key Diagram with the term "Preferred Site" deleted and information on specific sites removed, save to pin-point their location, and its title changed accordingly. ***Subject to compliance with the other requirements of this Report, we conclude the foregoing modifications will be sufficient for the several DPDs to be sound with respect to Test 1.***

## TEST 2 – STATEMENT OF COMMUNITY INVOLVEMENT [SCI]

### Consultation

- 2.13 In order for the component DPDs of the SWP to be sound, Test 2 requires no more than that they have been subject to public consultation in compliance with the SCI.
- 2.14 However, we consider it proper to record that very many respondents complain of excessive complexity in the consultation process, of a lack of public awareness of specific proposals, of a perception of public background information being nevertheless inaccessible, and of inadequate time for response. There were specific instances where residents and groups claimed that they had not been consulted in accordance with the SCI or that their consultation response had not appeared on the Examination database. There was also a degree of confusion associated with late consultation on substantial proposed changes [to Policy WD5] and the associated Habitats Directive Assessment [HDA] and one of the "alternative sites" [Homefield], as well as the Flood Risk Assessment [FRA] produced on publication of PPS25 during the Examination. We see these factors as discouraging proper community involvement, opposite to the stated purpose of the new MWDF system and the SCI.
- 2.15 Moreover, we believe it is also appropriate, under this sub-heading of consultation, to consider widespread misgiving, even scepticism, that the formulation of the land-use provisions of the SWP has in effect been "technology-led" by the prior adoption in 2004 of the Waste Policy Statement [WPS] [CDSy93]. This was put forward by SCC corporately, but focusing upon its role as Waste Disposal Authority [WDA]. The WPS expressly cites [in principle vi] energy from waste [EfW] by incineration plants, as the most practicable, viable and sustainable means to dispose of residual waste. This principle is supported by the Surrey Joint Municipal Waste Management

Strategy [JMWMS] and is currently being carried forward by the WDA contractor in seeking planning permission for an EfW facility at the only non-Green Belt "thermal" site allocated by Policy WD5, namely Clockhouse Brickworks, Capel.

- 2.16 Notwithstanding the separate statutory role of the SCC as WPA, it is understandable in the circumstances that there has emerged, during the long gestation of the SWP, an impression that the provisions and allocations of the SWP have been prejudged to fit the JMWMS, with conflicting implications for, on one hand, Tests 2 and 7 that the best options be chosen with due community involvement and, on the other, Test 4 that the SWP be spatially related to the JMWMS as a relevant strategy. There is the added complication that waste land use planning is predicated on the proper and effective implementation of the separate statutory Pollution Prevention and Control [PPC] regime, a premise not readily accepted by many respondents faced with the prospect of an EfW facility near their homes, schools and places of work or recreation. The people of Surrey are, in effect, asking this Examination whether the whole process of waste management in Surrey is taking the truly spatial approach promulgated in recent legislation and guidance.
- 2.17 Be that as it may, it is necessary to recognise that the remit of the Examination, the Inspectors and this Report is limited to the spatial considerations of the SWP. Given fresh and objective re-appraisal in the light of public response, we are satisfied that the waste DPDs, once adopted, will afford the requisite checks and balances to afford the WPA control over sustainable waste development. The fact that there may be tension between the disparate roles of SCC as WDA and the PPC authorities is not a matter to which we can properly give further consideration here.
- 2.18 Returning to the basic terms of Test 2 and beginning with the essential presumption of soundness, there must be convincing evidence of how the SWP fails to comply with the SCI. Whilst expressed public disquiet must be taken seriously, it is inevitable that full community involvement places a considerable onus on participants to respond at the several prescribed stages. The fact that this may be inherently difficult, especially upon introducing the new system, is not by itself evidence that it is failing.
- 2.19 There were however, shortcomings in the procedure adopted by SCC in formulating the MWDS and presenting the Preferred Options and Submission SWP. As we have found in connection with Test 1, these matters need to be addressed in the presentation of the waste DPDs in future review as separate DPDs subject to Sustainability, Habitats Directive and Flood Risk Assessments, in due sequence. Coupled with growing experience of the new system, that will have the effect of simplifying and clarifying crucial community involvement. In that connection, the idea of a non-technical explanatory volume to accompany the consultation document [akin to the non-technical summary required of a statutory Environmental Statement on a planning application] met favour among participants at the oral hearings and we would support that idea in future.
- 2.20 Despite all the general and specific concerns raised, we are satisfied that the SWP, the Alternative Sites, Proposed Changes and revised Habitats Directive

Assessment, were widely and properly publicised in accordance with the SCI and Government guidance and that, at the conclusion of the Examination, no party has been denied proper involvement in the process or a fair hearing where required. ***Accordingly the SWP as a whole is sound with respect to Test 2.***

### **TEST 3 – SUSTAINABILITY APPRAISAL [SA]**

- 2.21 In order to be sound with respect to Test 3 in its multiple role as Core Strategy, Waste Development and Development Control DPD, the SWP must have been subject to a SA undertaken in accordance with the relevant Government guidance<sup>3</sup> and in particular its Appendix 4 – Quality Assurance checklist. Para 1.10 of that guidance makes clear that the level of detail of a SA need not exceed what is useful for the purpose of appraising significant sustainability effects of the DPD in question and to consider alternatives, taking into account the level of detail of the DPD itself and the extent to which it would be more appropriate to assess certain matters elsewhere in the decision-making process.
- 2.22 Where changes are proposed, as in the present case, which may have implications for the sustainability of the SWP, para 3.5.8 of the guidance requires further SA information to be supplied. In connection with the substantial PCs to delete three sites from Policy WD5, SCC provided information on the effects of the PCs on the SA, concluding that the outcomes would be unaffected<sup>4</sup>. Similarly, in connection with the late FRA, SCC produced information that the selection of sites would not have altered had the FRA been undertaken at the outset.
- 2.23 The promoters of the advertised Alternative Site at Homefield Sandpit provided a SA that was also subject to public consultation.
- 2.24 We consider in the circumstances that SA has been completed such that the SWP as a whole meets Test 3.
- 2.25 At the same time, we acknowledge the views expressed by many respondents that the SA is flawed in itself, for example by lack of reference to PM2.5 particulate emissions from thermal treatment or failure to evaluate likely significant effects of developing a particular allocated site on a protected species known to be present upon it.
- 2.26 In the latter connection, it was submitted that a known large population of Great Crested Newts identified on the Clockhouse Brickworks allocation should have been described and evaluated in more detail than the limited acknowledgement given in the Site Assessment reports. With reference to Article 5 of the SEA Directive 2001/42/EC<sup>5</sup> as quoted in Appendix 1(f) of the SA guidance, it was argued that the SWP is unsound because the evidence base could not be regarded as robust and credible, in terms of Test 7,

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<sup>3</sup> Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents - ODPM November 2005

<sup>4</sup> CDsSy29,30,56&87

<sup>5</sup> Directive 2001/42/EC of the European Parliament and of the Council on the Assessment of the Effects of Certain Plans and Programmes on the Environment.

without the inclusion of such detailed appraisal as the proper basis for comparative assessment of alternatives in the SA.

- 2.27 In our view it would not be practical to assess each allocation to the level of detail implied in these submissions. As we find under the heading of Site Selection, the comparative assessment between acceptable alternatives is in effect assured by the application of the policies of the SWP to specific proposals. At the level of assessment appropriate to the present stage of the planning process we believe it sufficient for the evidence base to highlight areas of concern for project specific evaluation and for judgements to be made whether potential impacts amount to objections in principle. We consider that this approach satisfies the quality requirements of the SA guidance to which we refer above.
- 2.28 Moreover, para 3.5.6 of the SA guidance states that it is not the role of the Inspectors to undertake their own assessment of the compliance of the SA with guidance, but to consider the soundness of the DPDs using the SA as part of the evidence base supporting the policies and allocations of the SWP. In doing so, we evaluate all implications of the FRA, HDA and PCs and all the evidence before the Examination for the outcome of the SA process in connection with the later Coherence, Consistency and Effectiveness Tests 6 to 9. This approach is entirely in line with the advice at para 1.4.4 of the Planning Inspectorate Guide<sup>6</sup>. ***We therefore conclude that, on present evidence, the SWP as a whole may be judged sound with respect to Test 3 within the limited scope of that judgement.***

### 3. GENERAL ISSUES and POLICIES

#### TESTS 4 to 9 – CONFORMITY, COHERENCE, CONSISTENCY, EFFECTIVENESS

- 3.1 In this section we deal first with issues of general principle and their implications for soundness under Tests 4 to 9, before considering the detailed terms of the locational, Green Belt and other policies. We concentrate here on the extent to which the evidence base and the policies that it supports are consistent with national and regional policy and guidance (principally Tests 4 and 6) and whether the site selection process is robust and credible in all the circumstances (Test 7).

#### Distinction and Quantification of Waste Streams and Management Technologies

- 3.2 Broad response to the submitted SWP is that, as a Core Strategy [CS], it contains insufficient distinction between the several waste streams and fails to provide quantitative direction for the different types of additional waste development required to manage it. Taking the nominal CS as Section 2 of the SWP that is certainly true because Policy CW4, on waste management capacity, and Policy CW5 on the location of waste development, are both framed in entirely general terms. However it is with that in mind, as we also explain in our Introduction, that we treat the whole SWP as performing the role of CS and so, for example, we consider Policy CW5 in conjunction with

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<sup>6</sup> Development Plans Examination – A Guide to the Process of Assessing the Soundness of DPDs – The Planning Inspectorate December 2005

Policies WD2 and WD5. We return to the detail of those particular policies and their allocations below.

- 3.3 In general, the quantitative aims of the SWP are explained by SCC in Topic Paper 1 [TP1-CDSy61], in turn based on the Surrey Waste Disposal Needs Assessment of 2003 [CDSy1] and the requirements of the South East Plan as the emerging RSS [CDREg5]. In themselves, the figures quoted are not seriously challenged. However there appears to remain some confusion that there is no identified provision for landfill, construction and demolition [C&D] waste or hazardous waste.
- 3.4 On the basis of sufficient allocations coming forward, the SWP potentially complies with the RSS in providing for South East Plan requirements for Municipal Solid Waste [MSW] and Commercial and Industrial [C&I] Waste in that it makes overall provision for enough land to accommodate the amount of new facilities required. C&D waste, although a major waste stream, is generally accepted as not taking up capacity at controlled waste facilities but is subject to recycling at approved locations, mainly mineral sites and landfill, including new locations approved respectively under Policies WD3 and WD8. Provision for the relatively small quantities of Hazardous Wastes is contained in permitted landfill development, specifically at Patteson Court. Thus, to be sound as a land use plan under Test 7, the SWP need not make provision for either C&D or Hazardous Wastes.
- 3.5 Moreover, in seeking no more than to enable sufficient waste development to take place in appropriate locations in line with the Waste Policy Statement, subject to the application of the waste hierarchy, the SWP follows the approach of PPS10, and in this respect meets Test 4. As we have explained in connection with Test 2, the technological principles of the JMWMS are not a subject for this report and the proper test is whether the SWP is spatially related to it, in further compliance with Test 4. We assess this below with respect to its policy provisions and the deliverability of its allocations.
- 3.6 A further aspect of distinction between waste streams is the principle of separation at source and the community responsibility for doing so as an aid to maximum recycling and re-use in line with the waste hierarchy. Again, whilst recognising the commendable commitment of certain respondents as regular discussion participants to this cause throughout the Examination, we regard this as more a matter for the Waste Disposal and Collection Authorities than for the SWP as a spatially related, essentially enabling land use plan.
- 3.7 We conclude that the SWP is sound in respect of its approach to the distinction of waste streams and technologies.

### **Waste Hierarchy**

- 3.8 The widespread public perception that the SWP expressly prefers EfW by incineration, now proposed by SCC at only three sites, extends into a widely expressed contention that the SWP should, on the contrary, support Mechanical Biological Treatment [MBT], as being higher in the waste hierarchy, albeit followed by landfill of its product if necessary in available mineral voids, as a preferred alternative to EfW. Attention is drawn to draft

alterations to the European Waste Framework Directive [WFD] contemplating departure from the waste hierarchy where this is the best solution and to the recently published Waste Strategy for England 2007 wherein Ch3 para 36 recognises that, whilst continuing to be “the home of last resort” for waste, landfill may continue to have a place, including as a means of restoring exhausted mineral workings. [CDNat21]

- 3.9 We have already concluded that there is no express preference for EfW by incineration in the SWP, notwithstanding its inclusion of the principles of the separate Waste Policy Statement as an appendix between its covers, and that the SWP is rightly technologically neutral. Moreover, we consider that, subject to consideration of comparatively minor modifications, the SWP as a whole includes proper policy controls to apply the hierarchy correctly to waste development planning decisions and in that respect the SWP is sound with respect to Test 4. By the same token it would not be right to impose technology that might involve additional landfill, contrary to the hierarchy and established policy. However, there is no dispute that in Surrey there is a substantial supply of mineral void space, offering landfill as an alternative to more favoured processes. This has positive implications for flexibility under Test 9.

### **Cross-boundary Considerations**

- 3.10 With particular reference to London waste, although Surrey cannot be viewed in isolation from the several neighbouring Counties and London Boroughs, it is a principle of established Regional policy that, for practical reasons, the SWP should provide for net self-sufficiency in planning for waste development. It seeks to do this in adopting the MSW and C&I apportionments of the emerging RSS, including a share of landfill capacity serving Greater London. This last aspect was uncontroversial in the Examination. In that respect the SWP meets Test 4. Again, it remains to determine whether its policies and allocations fulfil the requirements of Test 7 for this to be achieved by the most appropriate provisions based on robust evidence.
- 3.11 The question of cross-boundary cumulative impact of waste development in Surrey with other facilities outwith its borders is a site specific matter, in practice for future project appraisal.

### **Proximity Principle and Best Practical Environmental Option [BPEO]**

- 3.12 The SWP does not invoke either Proximity Principle or the principle of BPEO in those terms and in this respect it is consistent with current national policy in PPS10 for the location of waste disposal sites. The draft South East Plan, at para 18.6, continues to use the term “proximity principle” in relation to the location of facilities for waste management under Policy W17 thus reflecting the long-established phraseology of the Waste Framework Directive. However, its use is in the context of not seeing Green Belt, AONB and national park designations as barriers to the development of more environmentally sustainable forms of waste management.
- 3.13 We accept that, in principle, the SWP has been formulated in accordance with national and (then) emerging regional policy. We acknowledge that the SWP is not generally prescriptive about the type of waste technology that would be appropriate for any of the allocated sites. We therefore accept that the

source of the waste that might be managed in any of the facilities that could come forward cannot reasonably be known at this stage. Any attempt, therefore, to identify whether a particular site is the most 'proximate' to its potential waste source would be spurious in our view. We therefore accept that one of the key objectives of PPS10, namely to enable waste to be disposed of in one of the nearest appropriate installations, has been met at the Plan-wide level. We approach our consideration of the site specific provisions of the SWP accordingly, where the judgement to be made is whether an allocation potentially represents the nearest appropriate location to the relevant waste source in the overall balance of planning circumstances.

## **Habitats Directive Assessment and Proposed Changes to Policy WD5**

### ***Legal Provisions and Guidance***

- 3.14 With respect to the protection of Natura 2000 sites of exceptional importance to rare species and habitats, the issue of the legal constraints placed upon the "competent authority" in the adoption of DPDs has only recently been resolved in national legislation by The Conservation (Natural Habitats etc)(Amendment) Regulations 2007 [CDNat23]. In addition, relevant law and guidance in connection with the SWP is contained in Arts 6(3) and 6(4) of the European Habitats Directive [CDEur5], the ECJ *Waddenzee* judgment and Reg 48(1) of the Habitats Regulations 2002, together with ODPM Circular 06/2005 on biodiversity conservation.
- 3.15 On that basis, and taking into account all the other evidence, including the Assessor's report on the Thames Basin Heaths to the South East Plan EiP Panel [CDReg11], it is essentially undisputed that the SWP must be subject to Appropriate Assessment of its implications, if the SWP could have significant effects, with implications either individually or in combination with other plans or projects, for the integrity of the Natura 2000 sites concerned, in view of their conservation objectives. "Integrity" of a Natura 2000 site is only defined in para 20 of C6/05 in terms of the coherence of the ecological structure and function across the whole area of a protected site, enabling the site to sustain the habitats and species for which it was designated.
- 3.16 Draft DCLG guidance of 2006 [CDNat17] sets out at para 2.1 the three tasks of determining likely significant effects, assessing their impact on integrity and appraising mitigation and alternative solutions. Importantly, at para 2.3, this guidance makes clear that the Appropriate Assessment need be no more detailed, nor use more resources, than is useful for its purpose with respect to the SWP itself, stopping short of the degree of detail of statutory Environmental Impact Assessment [EIA], for example, as inappropriate and impractical. At para 3.1, the draft guidance distinguishes the SA and HDA processes, with their separate legal requirements. At para 5.6 it highlights the application of the precautionary principle in assessing whether an effect is significant.

### ***Compliance***

#### ***Re-appraisal of Policy WD2 Development***

- 3.17 With respect to development under Policy WD2, "Recycling ..... etc "(Excluding Thermal Treatment)", there is concern that the latest HDA is incomplete in

omitting re-assessment of the effects of potential ["non-thermal"] development permitted by Policy WD2. It is suggested that further work is needed to demonstrate that air emissions from Mechanical Biological Treatment [MBT] plants, autoclaves or in-vessel composting [IVC] operations would have no significant impact on nearby sensitive Natura 2000 habitats.

- 3.18 In particular, unabated emissions of oxides of nitrogen [NO<sub>x</sub>] and ammonia [NH<sub>3</sub>] from certain MBT plants can be seen as comparable with those of incinerators or EfW plants, where fuel burning is still involved to support the process or generate energy from the end product. However, MBT plants do not innately generate NO<sub>x</sub> and their fibrous residue could be required by planning condition to be burnt at a separate approved site or in a combined heat and power plant. Moreover, in-vessel composting can be subject to integral abatement, by such as bio-filtration, and any released ammonia would affect only a limited area near the plant due to its characteristically short atmospheric lifetime.
- 3.19 We do recognise that autoclaving can generate higher levels of NO<sub>x</sub> due to necessary steam production. At the same time, accepted ODPM data indicates much lower NO<sub>x</sub> concentrations than for incinerators. Moreover, notwithstanding concentration figures quoted in connection with a specific plant in Dorset, it is evidently the traffic emissions associated with such facilities that are of greatest concern, as distinct from the plants themselves, and these are duly assessed in the HDA.
- 3.20 Furthermore, all waste development remains subject to project specific assessment and where a plant would emit substantial levels of NO<sub>x</sub>, it could be considered as a thermal process subject to Policy WD5.

#### *Nature and Scale of Policy WD5 Development*

- 3.21 Conversely, there is nothing to say that waste development at sites allocated by Policy WD5 could not entail advanced thermal operations other than EfW incineration. Beginning with the requisite assumption that the submitted SWP is sound, we take the view that the potential range of technology type permissible under Policy WD5 casts doubt on the justification of PC29 to delete three sites from Policy WD5 purely on the grounds related narrowly to EfW plants and cited in the latest HDA.
- 3.22 Moreover, the HDA considers only an EfW incinerator of 240,000 tonnes per annum [tpa] as the maximum capacity of such development likely to be permitted under Policy WD5. We do not question that this "worst case" scenario applies the requisite precautionary approach to the SWP at its present level of assessment. However, we note evidence that key modelling variables can be adjusted to show that emissions from a much smaller, but still substantial, EfW plant of 120,000tpa capacity could be acceptable in terms of HDA requirements. In particular, it is contended on this basis that PC29 to delete Wisley airfield from Policy WD5 would amount to a disproportionate exclusion of one of the most appropriate sites in terms of Test 7.
- 3.23 For our part, we take the available evidence as a broader indication that the SWP should not be judged unsound solely on HDA grounds at this level, especially as project level HDA and EIA would still be required under respective Regulations, and would cover any more detailed matters such as

acid deposition and the combined effects with other plants. This view is consistent with the finding of the Assessor to the SEP EIP Panel that an assumption of zero risk is not a proportionate approach. We address this matter further below, in connection with specific allocations.

#### *Land Take*

3.24 Concern was expressed, notably in connection with the Heather Farm and Martyrs Lane allocations, that SCC have not appraised the effect of land take due to waste development on available foraging for Nightjars reliant on a nearby protected Natura 2000 habitat. However, we accept that such loss would be insignificant with reference to the nature and extent of the potential foraging areas affected, where much of the surrounding woodland edge, scrubland and farmland would remain [CDSy122paras15-25]. In the absence of countervailing evidence, we are satisfied that, read with the HDA, this sufficiently addresses the land take issue at this level.

#### *Input Data*

3.25 The source and quality of HDA input data is widely questioned.

3.26 Several respondents reject the single set of wind rose data from Gatwick Airport in 1997 used in the model assumed for the HDA, whilst unchallenged expert advice to SCC is that experience shows it to be reasonably representative for this level of assessment, and that potential variation is insignificant in the context of the overall emission levels predicted.

3.27 It is also submitted that, by selecting a maximum stack height of 80m for EfW plants on visual grounds, and then estimating the effects of emissions on that basis, the HDA reverses the prescribed process of assessment and omits determination of the stack height required for mitigation. In our view however, the HDA still serves to indicate the practical impact of development likely to be permitted.

3.28 We accept that these examples show that the HDA is not as technically complete as would be expected for a project specific assessment with more clearly defined input criteria. However, we do not consider that they justify rejecting the HDA at the present level of assessment.

#### *Avoidance*

3.29 Reference is also made to Environment Agency [EA] guidance on applying the Habitats Regulations to PPC applications with respect to Natura 2000 sites. In particular, this guidance cites a 10Km buffer zone round waste sites. Respondents question whether, in a proper precautionary approach, any site should be allocated within 10Km of Natura 2000 site or, on the other hand, whether sites more than 10Km away should be screened out of HDA. Again, pragmatically, it is unrealistic to expect all the required waste sites in Surrey to be found outside the 10Km zone and, even taking a precautionary approach, it is not unreasonable to screen out sites further away than 10Km when any later proposed development would be required to comply with EIA and HDA provisions in any event.

### *Chronology*

3.30 It is submitted that the SWP is illegal because the late HDA did not inform, but post-dated, the original selection of sites, three of which, it is now demonstrated, would not have been allocated for thermal treatment in Policy WD5. We return below to the Site Selection process as a whole, but there is no substantial evidence that better alternative sites would have been substituted, even had the HDA assessment fully complied from the outset with the strict chronology now set by later law and guidance.

### **Overall Consideration of the HDA**

3.31 We are satisfied that, overall, the final iteration of the HDA [*CDSy72*], and the public consultation that took place upon it in connection with the resultant PCs, follows the draft ODPM guidance on the level of HDA appropriate to the preparation of the SWP [*CDNat17*]. We note that this view is consistent with the opinion expressed by the EA that the revised HDA is fit for purpose and with its acceptance by Natural England [*CDSy109*].

3.32 The HDA therefore constitutes evidence to be taken into account alongside the Sustainability Appraisal in determining the soundness of the SWP at the level of its role as a Waste Development DPD, including its implications for the outcomes of the SA. We assess this consideration site by site, in particular to determine whether the allocations for thermal treatments at Heather Farm and Martyrs Lane, Woking and at the former airfield at Wisley should be deleted from Policy WD5, as now proposed by SCC in PC29 following revision to the HDA.

3.33 In undertaking this assessment, and in making our binding recommendations based upon it, we recognise the onus upon us to abide by all the legal constraints imposed on the decision maker, including that the SWP can only be adopted in the face of any significant effect on a Natura 2000 site where there is no less harmful alternative and there is an overriding case for adoption in the public interest. However, in law, it remains for SCC, as the competent authority adopting the SWP, ultimately to be satisfied that the SWP has been subject to proper HDA.

### **Flood Risk Assessment**

3.34 The FRA [*CDSy106*] was produced, in its final revised form, late in the Examination, following publication of PPS25 and its "travelling draft" companion guide [*CDNat11a*]. The FRA addresses fundamental issues of sustainability in terms of whether certain sites can be delivered without unacceptable risk of flooding to the allocated development or elsewhere.

3.35 Like the HDA assessment, the FRA therefore constitutes evidence that must be taken into account alongside the SA in determining the soundness of the SWP in its role as a Waste Development DPD, including its implications for the outcomes of the SA. We assess this consideration site by site.

### **Site Selection**

3.36 It is noteworthy that the long process of sequential selection has arrived at a schedule of allocated waste sites in the submitted SWP that are often in the rural Green Belt and close to Natura 2000 sites of the Thames Basin Heaths,

subject to the highest level of protection to their integrity. However, that in itself does not mean that the selection process is flawed. Given the presumption that the SWP is sound, there must be persuasive evidence that the SWP, the SA and other evidence supporting them are faulty. This is questioned in certain general respects.

- 3.37 It is submitted that the whole SWP is unsound under Test 7 because the evidence base includes no comparative assessment between the allocated sites. We note that, in stating that core strategies need to make tough decisions, Section 5 of "Lessons Learnt" implies that the SWP in that role should go further than it has in merely allocating all potentially acceptable waste sites with no express prioritisation. Practically however, the SWP performs the role of a core strategy given, as we find below, there will be barely sufficient land in the adopted SWP for acceptable waste development to meet the requirements of the RSS and JMWMS. Within that framework, it can be left to the implementation of the locational and other policies of the SWP to direct waste development to the most appropriate location.
- 3.38 It is also questioned whether the site selection process is complete in its consideration of the countryside for its own sake, in the parlance of the former PPG7, albeit not repeated in terms within in PPS7. However, we consider that the inclusion of matters of visual and landscape impacts serve to inform judgement on the effect on the countryside as whole, save in respect of special designations, but they are separately covered.
- 3.39 Another aspect is whether the proximity principle, surviving as a tool of sustainability, is properly applied. Again we consider that, despite the absence of a specific column in the matrix of Site Assessment Report 2A, for example [CDSy4], this factor is clearly acknowledged in the later deliberations of SCC and its consultants [eg CDSy9a&10], sufficient for us now to make informed judgements on the evidence base thus created.
- 3.40 Reference is made to the use of compulsory purchase to force waste development into suitable locations but this would be fraught with uncertainty and consequently against the advice of PPS10 para 18 to avoid unrealistic assumptions that land ownership constraints can be freed.
- 3.41 Further points of criticism are raised that certain factual errors and unsupported judgements are recorded in the Site Assessment Reports and the SCC response to them, including uncertainty regarding the previously developed status of certain sites. We discuss these in connection with the sites concerned. Broadly, however, the sequential consideration of whether a site is properly defined as Previously Developed Land [PDL], operational mineral working or greenfield etc will be taken into account at project level with respect to the criteria of Policy CW5, applying to all proposals whether on allocated sites or not.
- 3.42 Thus in general, although site selection is in part necessarily dependent on subjective judgements, the outcome of that process has been subject of public Examination. There is no substantial evidence (for example the almost total absence of omission sites) that different sites would have been substituted, even had the entire procedure been error free and had included

HDA assessment fully compliant from the outset with the strict chronology of law and guidance.

- 3.43 Pragmatically, on the evidence before us, we do not subscribe to the views expressed, by those intent on casting doubt on the basis of the SWP in support of site specific objections, that the whole process must be started again as a result of later reversals, given the evidence of SCC that the supporting SA and HDA have been revisited with reference to late changes. Nevertheless, much of the evidence questions the soundness of the SWP with respect to its policy provisions and the effects and deliverability of its allocated sites, as discussed below.

### **Policy Overview**

- 3.44 Read as a whole, the SWP in its several roles of Core Strategy, Waste Development and Development Control DPD, becomes repetitious because the nominal core waste Policies CW1-7 serve also as DC policies overlapping with Policies DC1-3, as well as being duplicated in certain respects by the general provisions of Waste Development Policies WD1-7.
- 3.45 Generally we do not consider that cross references between policies within the SWP or in other elements of the development plan are necessary because they are all to be read as a single whole. However, an exception is in relation to Green Belt interests, where the practice of allocating sites in the Green Belt for potentially inappropriate development goes against the strict terms of para 3.3 of PPG2, unless expressly qualified by reference to the material considerations required to justify the development.

### **Green Belt**

#### ***Policy CW6***

- 3.46 The prime concern relating to Policy CW6, read in conjunction with Policies WD2 and WD5, is the tension between protecting the essential, permanent openness of the Green Belt and the practice of allocating specific waste sites within it.
- 3.47 Long established national policy in PPG2 is unequivocal that the Green Belt must be protected from inappropriate development other than in very special circumstances. It is not disputed that most forms of waste development would be regarded as inappropriate.
- 3.48 PPS10 however recognises, at para 3, that the particular locational needs and wider environmental and economic benefits of sustainable waste development are material considerations. Indeed, its companion guide at para 7.34-35 contemplates site insets, removing land from the Green Belt to accommodate waste allocations and provide greater certainty of land supply, where, as in Surrey, there is a high proportion of Green Belt land and a shortage of non-GB sites. However, it remains for District DPDs to redefine Green Belt boundaries.

- 3.49 Adopted and emerging regional policy on waste and minerals in RPG9<sup>7</sup> and the South East Plan, by Policy W17, makes clear that waste development is not precluded from the Green Belt, depending on local circumstances.
- 3.50 Notwithstanding the potential strategic importance of the allocations made by Policies WD2 and WD5, there is nothing to indicate how much land, and which of the sites, will be required in practice and, as PPS10 makes clear at para 19, allocations not taken up should be reviewed and updated as the DPDs are rolled forward. In this instance, there is no agreement with District authorities to amend Green Belt boundaries. Moreover, a site deleted from the GB, but not subsequently taken up for waste use, might come under pressure for other types of development, contrary to the fundamental purpose of the Green Belt.
- 3.51 We do not accept that there is any close parallel with the example cited in the Examination, wherein land was excluded from the Green Belt in the North Somerset Local Plan to facilitate proposed development at Bristol International Airport [*CDOth10*]. In that case, it was plainly the proper function of the District plan to amend the GB boundary in the face of a high likelihood of specific development coming forward on a particular site.
- 3.52** We conclude that Policy CW6 is sound with respect to Tests 4 and 6.

## **Location of Waste Facilities**

### ***Policies CW5, WD2 and WD5***

- 3.53 The prime concern for soundness in connection with the general locational provisions of Policies CW5, WD2 and WD5 is the sequence of site selection and its clarity and consistency in this respect with both national and regional policy, as well as the other policies of the SWP, in particular Green Belt Policy CW6.
- 3.54 To avoid implications of undue preference for non-Green Belt sites, especially Clockhouse Brickworks as the sole non-GB "thermal" allocation in Policy WD5, the allocations should not be listed separately but a single cross-reference only to Green Belt Policy CW6 should be retained at the end of both Policies WD2 and WD5, so as to meet Test 4.
- 3.55 Policy CW5 should be clarified by unifying the first two criteria and equating the two parts of criterion (ii) on locations close to urban areas and locations easily accessible from the strategic road network. Criterion (iii), in effect, duplicates the general presumption against inappropriate development in the Green Belt that is well covered elsewhere and should be deleted. Criterion (v) on special designations should apply to locations "close to" as well as "with" nature conservation designations.
- 3.56 Table 3.1 of potential urban industrial locations should not be elevated to Policy WD2 because the sites listed can change within the life of the SWP as text para C11 makes clear. For this reason, they need to be subject to careful monitoring and updating within the annual monitoring report. However, Table 3.1 is important as it serves to inform site choice and

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<sup>7</sup> Revision June 2006

appraisal under the general provisions of Policy WD2 and on balance it is best retained in the text, subject to final updating on adoption.

- 3.57 The site allocations made by Policies WD2 and WD5 should also be modified as recommended below.

### **Other Policy Matters**

#### ***Waste Reduction - Policy CW1***

- 3.58 The appropriate title for Policy CW1 and its supporting text is "Waste Minimisation", the highest aim of the waste hierarchy to prevent waste as far as possible in the first place, reducing the resultant need for bulk processing with all its environmental implications.
- 3.59 By adopting the quantitative aims of the South East Plan as the emerging RSS, the SWP is essentially sound under Test 4, subject to clarification of its message by PCs7-11 any potential inconsistency between the wording of policy CW1 and the projected modifications to the Waste Framework Directive to apply more rigour to waste minimisation would be avoided.
- 3.60 It is not within the scope of this Examination to go beyond such clarification and introduce more ambitious local waste minimisation objectives into the SWP in the absence of data on which to base targets. Moreover, the provisions of the RSS, as the overarching element of the development plan, have direct influence on the separate roles of the Waste Development and Collection Authorities who have prime responsibility to ensure waste minimisation at source.

#### ***Waste Re-Use, Recycling, Recovery of Resources - Policy CW2***

- 3.61 Policy CW2 lacks quantitative targets for waste separation at source and collection, or for recognition of emerging technologies to improve recycling and recovery. The Policy amounts to little more than a series of statements of intent that duplicate the supporting text of Policy CW4, which is where, in practice, the SWP draws spatially on Regional policy to establish waste management capacity.
- 3.62 Although we consider the SWP as a whole to be essentially sound under Test 4 in its stated intention to comply with Regional policy and the JMWMS in respect of waste re-use, recycling and recovery, we consider that Policy CW2 and its supporting text lend nothing to that soundness and should be deleted.

#### ***Developing Waste Markets - Policy CW3***

- 3.63 Policy CW3 should do more to promote the active development of waste markets and the removal of barriers to the use of recycled materials. In our view this can practically be achieved by quantitative monitoring as required in Table 5.1 subject to PC59 and Policy CW3 itself is sound.

#### ***Waste Management Capacity Policy - CW4***

- 3.64 Policy CW4 is general in its terms but, in combination with its supporting text, it applies the Regional policy requirement for self-sufficient waste management in Surrey. To determine whether the SWP, as a Core Strategy,

makes appropriate strategic provision, it is necessary to consider the site allocations of Policies WD1, WD2 and WD5. The wording of Policy CW4 itself is sound.

### ***Environment, Health and Amenity - Policy CW7***

3.65 Policy CW7 is, in effect, no more than a general Development Control Policy duplicating Policies DC1-3 and should be deleted as lending nothing to the soundness of the SWP in any of its three DPD roles.

### ***Civic Amenity Sites - Policy WD1***

3.66 Policy WD1 should be modified in line with Policies WD2 and WD5, particularly with respect to its caveat regarding inappropriate development in the Green Belt. The site allocations made by Policy WD1 should also be modified as recommended in the Appendix.

### ***Safeguarding Sites - Policy DC1***

### ***Planning Designations - Policy DC2***

### ***General Considerations - Policy DC3***

3.67 Properly read in conjunction with the core and waste development policies of the SWP and other elements of the development plan, the three development control policies include due reference to all considerations to be taken into account in the determination of waste planning applications subject to PCs30-34.

## **Monitoring and Implementation**

3.68 Questions are raised of scope, responsibility, changing availability of sites and health risk. We consider that these are resolved in the Monitoring Framework Table 5.1 subject to PCs55-88 to expand the monitoring criteria to provide a mechanism for effective implementation via the annual monitoring report that SCC is required to produce.

## **Overall conclusions on Tests 4 to 9**

3.69 Subject to the changes to policies that we recommend and the additional issues that we address with regard to Tests 4 and 7 in section 4 **we consider that the SWP as a whole meets the soundness Tests 4 to 9.**

## **4. SITE ALLOCATIONS**

### **INTRODUCTION**

4.1 The soundness of the SWP under Tests 4 and 7 depends on its allocated sites coming forward to contribute to the total land required to fulfil identified needs, as most recently summarised in Topic Paper 1 [CDSy61]. Therefore, we form our own view for each allocation of how much of its area is in practice likely to be taken up for waste development under Policies WD2 or WD5, and then tabulate these figures for comparison with the SCC assessment. This assessment itself demonstrates how the SWP delivers the waste capacity identified for Surrey in regional policy and is therefore critical to the assessment of soundness under Test 4.

- 4.2 Critical to the assessment of soundness under Test 7 is the extent to which the individual sites that have come forward through the site selection process represent a robust application of the general approach that we have found to be soundly based. We deal with the site-specific issues that are fundamental to that assessment in this section of the report. However, certain issues are common to several sites and are considered together here to avoid repetition before being taken into account in our conclusions on each allocated site as applicable.

### Site Development Concepts

- 4.3 Typically, the sites allocated are deemed to be suitable for the waste management facilities set out in Policy WD2 and some are also included within Policy WD1 - civic amenity [CA] sites - or WD5 – thermal treatment – or both. SCC was asked to clarify the likely mix of facilities at each allocated site, particularly where the land area might be insufficient to accommodate more than one treatment type. However SCC resists prescribing specific waste uses on grounds that this would stifle innovation contrary to PPS10 para 18. We agree with this view as a general principle but it needs to be qualified with respect to those sites where particular factors are relevant.
- 4.4 With regard to CA sites: SCC as Waste Disposal Authority have an enhancement programme in place to improve recycling performance at all locations. Generally, this requires improvements or extensions to the existing facilities. Policy WD1 permits such proposals subject to compliance with Policies DC2 and DC3, and planning permission for a number of these has been granted, subsequent to submission of the SWP. However, the treatment of existing CA sites on Site Boundary Maps [SBMs] is inconsistent. In some cases the required enhancement works can take place within the allocation boundary but, in others, additional land of unknown extent will be required, whilst some existing facilities are not shown at all, even though their enhancement is proposed in Policy WD1. We therefore recommend that the CA site boundaries be deleted from the SBMs.

### Health Impact

- 4.5 There is no general objection on health grounds to the inclusion of any of the sites allocated in either Policy WD2 or Policy WD5 for those advanced thermal treatment technologies such as plasma gasification that produce zero emissions to air. Waste Strategy 2007 continues to regard direct combustion as an EfW technology with a part to play in sustainable waste management. Whilst recognising public concern, the Waste Strategy states, with reference to Health Protection Agency advice, that there is no credible research evidence of adverse health outcomes for those living near incinerators [*CDNat21-Box5.1&Ch5para22*]. Thus, there can be no objection on health grounds to the allocation of sites in either Policy WD2 or WD5, unless the site specific considerations we address below justify a departure from national policy.

## Natural and Residential Environment

*[excluding HDA assessment of Natura 2000 sites considered above]*

- 4.6 Treatment facilities permitted under Policy WD2 would generally be enclosed in buildings typical of a modern industrial estate, enabling effective control of emissions such as noise, odour, particulates, dust and water borne pollutants, whilst good management practice in outside areas would support these measures. The precise effects of any proposal will be assessed when the treatment type has been identified, the detailed design of the plant and the buildings undertaken and necessary mitigation measures put forward; and in order for any specific development to proceed, it would need to satisfy Policies DC2 and DC3 at the application stage. Given all facilities also require separate authorisation and inspection by the Environment Agency [EA], we are broadly satisfied that there is sufficient assurance to allow all the allocations to remain in the SWP with respect to the “non-HDA” environmental issues raised.

## Traffic Generation

- 4.7 Most of the allocated sites give rise to traffic issues of network capacity and environmental impact.
- 4.8 The Surrey road network experiences very high levels of traffic and the Local Transport Plan [LTP] *[CDSy111]* addresses congestion, accessibility, safety, environment and maintenance. Waste related traffic is, in the main, already on the network and there will thus be no significant overall change as a result of the proposals of the SWP in any event. There may be a redistribution of trips depending on the way that the allocated sites are actually developed and, subject to the degree of co-location achieved, there could be a reduction in total vehicle movements or mileage as material is treated on a single site. Moreover, Policy CW5 gives priority to sites easily accessible by the strategic road network and many of those put forward in the SWP are directly accessed from trunk roads. Furthermore, heavy goods vehicle [HGV] movements could be controlled by planning condition and routing agreements to avoid peak traffic periods and reduce adverse impact.
- 4.9 The environmental impact of noise and air pollution due to waste traffic can be significant, the latter especially where there is a declared Air Quality Management Area along the routes likely to be used by waste traffic. However, as the change in total waste traffic attributable to SWP proposals would be insignificant and the impact of traffic on air quality effect declines rapidly with distance from the highway, any other effects on residential amenity would be limited.
- 4.10 The site assessment process takes an essentially subjective view of both the condition of the surrounding network and the access to each site reviewed. Some traffic count data was presented orally but it varied in both date and method of collection and there is no evidence of specific flow data having been collected to inform the SWP. It is clear however, from typical operational traffic data set out in the HDA *[CDSy72 table 4.11]*, that changes in local traffic levels would be insignificant. Further, the specific effect of any proposal would be further judged against Policy DC3, as informed by transport impact assessment [TIA] as appropriate.

- 4.11 Generally there is no objection to any site on grounds of numerical traffic generation.

### **Green Belt**

- 4.12 Where an allocated site is within the Green Belt, any proposal under policies WD1, WD2 or WD5 is likely to be “inappropriate” in terms of GB policy. It is only likely to be permitted where the developer shows “very special circumstances” as set out in the preamble to Policy CW6 and meets the specific tests within it.
- 4.13 Compliance with criteria (i), (ii) and (iv) of Policy CW6 is likely to be common to all the allocated sites and derive mainly from the evidence base itself, subject to the consideration that the availability of suitable non-Green Belt sites could alter over time, particularly on the industrial estates listed in Table 3.1 but subject to frequent review.
- 4.14 It is established in law that the concept of “very special circumstances” describes an overall balance, including more than common planning considerations of which there is no comprehensive list. In that context, permission to develop each site with reference to Policy CW6 is likely to depend on the particular characteristics of each site under criterion (iii). We have sought to identify whether there is a realistic prospect of the ‘very special circumstances’ necessary to justify inappropriate development being demonstrated. We discuss in relation to each individual site the material considerations that could exist to weigh against the harm by reason of inappropriateness and any other harm in coming to a judgement about the likelihood of it coming forward in practice.
- 4.15 Where few material considerations can be anticipated at this stage, this amounts to a weakness of the allocations, and thus of the SWP as whole, because it raises questions of the deliverability of the sites and the effectiveness of the overall strategy of the SWP. Nevertheless, we have found it right to conclude in relation to Policy CW6 that the SWP should be regarded as sound under Test 4 in not proposing that strategic allocations be excluded from the Green Belt; for the latter is a District function that cannot be addressed here on the evidence available, including substantial District Council and other local objection to certain sites.
- 4.16 This consideration further supports our view, expressed in relation to the MWDS and Test 1 above and also with respect to the overall deliverability of allocated sites below, that the SWP will require early review based on the results of statutory annual monitoring.

### **Visual Impact**

- 4.17 There is some contention that the landscape and visual impact study [CDSy12] is not robust as it does not assess all the sites allocated by Policy WD2 and considers mainly the effect of a large-scale EfW with a tall stack in Policy WD5. However, for those sites that were reviewed, a ‘worst case’ assessment was made and, for others, the Key Development Criteria [KDC] acknowledge the need for a visual impact assessment, where appropriate, and recognise that the facility may need to be of limited scale.

- 4.18 We accept the appraisal as a suitable basis for assessing the visual impact of a large scale thermal treatment plant at SWP level. However, in the context of the facilities proposed under Policy WD2, there is no clear indication of how the scale of development might be limited. Whilst building footprint may vary with capacity, to achieve the requisite environmental control, any waste reception hall would have to be a tall structure to enable handling plant to operate. At the same time, we recognise that, where a large building is required, it is possible to acknowledge its prominence, and to design it accordingly, whilst using perimeter planting to screen the external operational activity at lower level.
- 4.19 Overall, and subject to further comments under the individual sites, we believe that the visual impact of waste facilities would not be such as to require the exclusion of any site from the SWP on this ground alone.

## **INDIVIDUAL SITES**

### **Slyfield Industrial Estate**

#### *Introduction*

- 4.20 The 11ha site is allocated in Policy WD2 and subject to PC40 to the KDC noting that part of the land would be used for the relocation of the existing civic amenity [CA] site under Policy WD1.
- 4.21 The allocation covers part of 40ha of undeveloped land subject to an Action Area Plan [AAP], prepared by Guildford Borough Council with co-landowners Thames Water and SCC, to guide housing and employment together with some waste uses, although all future waste-related road traffic is currently expected to travel via existing industrial estate roads from the sole junction with the A320.
- 4.22 SCC envisage that the existing CA site and waste transfer station [WTS] dealing with municipal solid waste [MSW] will be relocated onto the allocated site. SCC also contemplates an in-vessel composting [IVC] and/or anaerobic digestion [AD] plant, contributing toward the concept of resource recovery park. SCC is confident that there is sufficient space for such further development after allowing for flood management works.

#### *Flood Risk*

- 4.23 The FRA [CDsy106] recognises that the management strategy for Guildford allows for the flood plain to flood and that a level 3 project FRA will be required to identify the net area available for development. The KDC, subject to PC40, would properly acknowledge this. Despite this constraint, we consider on the evidence that a substantial part of the site is capable of development.

#### *Access and Traffic*

- 4.24 Concern over local highway capacity, especially on the A320 toward Woking, has delayed the publication of the AAP pending comprehensive traffic management measures. However, given much of the waste that would be managed at the site is already on the network, we are satisfied that this

matter could be addressed in the consideration of traffic impacts required by the KDC.

### *Visual Impact*

- 4.25 Development under Policy WD2 could have a significant visual impact in the sensitive River Wey corridor and on long views of Guilford from within the Green Belt, with implications for recreation in the Riverside Park. Local design guidance for the existing industrial estate limits the height of buildings to 10m to protect visual amenity. However, some waste development would require buildings of substantial bulk and a greater height than 10m, often with 24 hour external lighting. We accept that this matter can be addressed in the more detailed AAP in terms of land use distributions and structural landscaping, particularly since the principle of some waste uses is accepted. We therefore find no visual objection in principle and we are satisfied that a visual impact assessment required by the KDC, together with implementation of DC policies will ensure this matter is appropriately addressed at project level.

### *Thermal Treatment*

- 4.26 Representations are made that this site should also be allocated in Policy WD5 for thermal treatment facilities, on grounds that it better meets the criteria of Policy CW5 than Clockhouse Brickworks, Capel, including that the site is closer to the major sources of waste. This option was rejected by SCC [CDsy10] for reasons of visual impact and land availability, with compulsory purchase excluded as contrary to PPS10 para 18 [CDNat5], in the face of public and landowner opposition. Therefore, no SA or HDA has been undertaken for thermal treatment by SCC or promoters. In the circumstances it is not appropriate to recommend including this site in Policy WD5, notwithstanding its compliance with many of the locational criteria of Policy CW5.

### *Conclusions*

- 4.27 We consider that concerns regarding flood risk, visual impact and local traffic can be resolved in any planning application in line with the KDC incorporating PC40. Despite current uncertainty about the area subject to flood risk and the type and extent of waste facility to be developed in relation to the AAP, we consider that the site has an important role to play in the delivery of necessary waste facilities, such that its deletion is not justified and could render the SWP unsound under Test 7. The allocation should therefore be retained in Policy WD2 with the KDC modified in line with PC40.
- 4.28 Allowing for an area reduction due to flood risk and the land likely to be used for relocated facilities, we estimate that some 5ha would be available for additional facilities under WD2.

## **Clockhouse Brickworks, Capel**

### *Introduction*

- 4.29 This 44.6ha site is allocated in Policies WD2 and WD5. It lies in the countryside south of the main part of the village of Capel with direct access

onto the A24 which, at this point, is a single carriageway road. Other than on its western side, the site boundaries follow approximately those of an Interim Development Order [IDO] consent for clay extraction to continue until 2042. The western boundary includes land outside the IDO area that is functionally part of the brickworks. We understand that only clays won from the IDO area are processed in this plant.

- 4.30 The planning history is complex but the site now essentially comprises four distinct areas. In the south west corner is Area 1, now owned by SCC, which has been landfilled and is undergoing restoration. The remainder of the land is owned by the mineral company. Immediately east of Area 1 is Area 2, subject to permission for tipping waste that expired in December 2004. Condition 1 required restoration on expiry but we understand that resolution of this matter is in abeyance pending, among other things, the outcome of this Examination. The central part of the site, including land partially beneath the brickworks, is the current extraction area and, to the north of that, is the remainder of the IDO area where clay extraction is planned for the period after 2020. We understand that the brickworks is intended to continue in operation.
- 4.31 We have already agreed with the SCC approach that the SWP should not prescribe the uses that could come forward under the WD Policies. However, the evidence is clear that SCC as Waste Disposal Authority intends to develop a 110,000tpa capacity EfW facility largely within Area 2, in accordance with Policy WD5 and the evidence of those making representations relates substantially to this specific element, for which there is a live planning application albeit not for our consideration in this Report. Notwithstanding the extent of the allocated site, our view on the evidence before us relating to current and future clay extraction is that the area that could be practicably developed within the life of the SWP is limited to the southern part of the land. Furthermore, we consider that, in assessing the suitability of the site for inclusion within the SWP, SCC focussed attention substantially on the southern end of the area now allocated.

#### *Site Selection*

- 4.32 Although the site is close to the strategic highway network and to Dorking, it is not well related to the larger urban areas of Surrey. There is no dispute, in light of the restoration condition, that the southern part of the site, including Area 2, should be regarded as rural greenfield land. The remainder of the allocated area is an active mineral working and consequently there would be an ongoing requirement for restoration. This would potentially be assisted by the co-location of landfilling post-treatment waste from facilities developed under Policies WD2 or WD5, consistent with national and regional policy. We discuss below the practicability of this within the life of the SWP.

#### *Health Impacts*

- 4.33 There are particular factors of air quality for this site, as affected by over-flying aircraft at Clockhouse Brickworks. There is no information about current background conditions, even though emissions from the existing brickworks could be monitored, including the effect of the wing vortices of passing aircraft on approach to Gatwick Airport.

- 4.34 A model was developed to inform the evidence on air quality matters presented on behalf of those making representations but it involves a number of assumptions. For example, the background level of all chromium compounds is taken as 30% ChromiumVI, for which there was little locally derived supporting data and, more critically, the model also assumes that the vortex effect could lead to the emission plume from an incinerator within Area 2 being brought to the ground about 1000m from the stack. *[Doc789/790/110/4, paras 3.1,5.2]*
- 4.35 Area 2 lies, for all practical purposes, beneath the flight path to Gatwick Airport and there is no dispute that the vortices shed by passing aircraft on final approach would descend to the ground at some place determined by factors such as wind speed and atmospheric conditions. However, there is differing interpretation of photographic evidence of this submitted by objectors.
- 4.36 A DVD of an early experimental demonstration shows vortices driving smoke up, out, around and down *[Doc789/790/110/10, App6]*. More recent still photographs *[Doc789/790/110/16]* seem to show a different effect. Those making representations liken the vortices to a whirlpool, sucking in the emission plume from an assumed EfW incinerator and dragging pollutants to the ground. SCC argued to the contrary that wake vortices, as paired counter-rotating helical bodies of air, actually enhance natural atmospheric dispersion by breaking up the plume.
- 4.37 The Clockhouse Brickworks site is unique among the SWP allocations in its location relative to the Gatwick flightpath and we find it surprising that this phenomenon was not investigated in the site assessment process. However, we do not find the evidence now before us conclusive either way. Furthermore, it is reasonable to be expected that the grounding of an EfW emission plume would be simulated in dispersion modelling undertaken for any project-specific Environmental Impact Assessment and PPC application, on which the issue of permits would depend. On this basis, we conclude that there is insufficient evidence to delete the allocation on health grounds from either Policy WD2 or WD5.

#### *Traffic Generation and Access*

- 4.38 The existing brickworks access from the A24 is evidently adequate to serve waste development generating up to an additional 90 HGV movements a day, equal to that permitted in connection with the landfill permission. There is no realistic prospect of the A24 Horsham-Capel improvement scheme coming forward in the foreseeable future, nor of any significant physical improvement to the existing road network. It is unclear whether the established daily limit of 90 HGV movements could be increased. The capacity of the access and local roads to serve one or more types of waste development remains uncertain, given there may also be an ongoing restoration requirement involving the importation of waste material. We are satisfied however, that this matter could be addressed in a project specific TIA. Nevertheless, it does raise concerns regarding the overall throughput capacity of any waste development and the degree of opportunity for co-location of facilities.

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### *Landscape and Visual Impact*

- 4.39 It is common ground that the allocated site is well contained by the surrounding vegetation and that the area of severe visual impact is relatively small, being mainly confined to the few public footpaths that cross those parts of the allocated area not now subject to mineral working. SCC revised their assessment of the capacity of the area to absorb a large scale development from 'low' in 1995 to 'moderate' in 2005 and then to 'high' in 2007, without clear justification [CDsSy10&12].
- 4.40 In our opinion, any waste development coming forward under Policies WD2 and WD5 is likely to be in place beyond the date at which any mineral workings [save for any void within which the facilities may be built] would be restored to green field status. We therefore consider that waste development on the allocated site would adversely affect landscape character and, notwithstanding the potential for an imaginative design for the building, the stack associated with an EfW facility in particular, would be visible over a wide area.

### *Nature Conservation*

- 4.41 There has been no detailed assessment of the impact of any waste proposal on the nearby SSSI, SNCI or the large population of protected Great Crested Newts [GCNs] that is known to range extensively across the allocated site. This has implications for the grant of a DEFRA protected species licence as translocation of this species is no longer favoured. We deal generally above with the matter of compliance with the SEA directive in this connection.
- 4.42 English Nature [Natural England] raised no objection to the landfill application and the GCN population has now been disturbed due to the mitigation measures, approved under guidance then prevailing, not being properly implemented. Our considered view is that this is a matter more appropriately assessed at the project level in the light of guidance current at that time.

### *Conclusions*

- 4.43 In combination, the lack of urban sites, the failure of Councils within Surrey to agree the policy treatment of potential Green Belt sites and the resistance of particular Councils to thermal treatment on specific sites better related to the main urban areas, inevitably extends the search for sites into the countryside.
- 4.44 We recognise that any development in accordance with Policies WD2 or WD5 will extend considerably the date when this mineral working, as a whole, is restored to countryside. Meanwhile, notwithstanding that any waste development might be set down within a mineral void, the stack associated with any EfW plant would be visible beyond the confines of the allocated site itself and the buildings would be of larger scale than the existing brickworks.
- 4.45 Against this however is the evidence of need for waste management sites, including for thermal treatment, the availability of the allocated site itself, and its broad compliance with national and regional policy in terms of its being an active mineral working.

- 4.46 In our view, none of the matters raised amount to an objection in principle, although all will need full assessment in connection with any planning and PPC applications.
- 4.47 Although we believe that any development is likely to take place only at the southern end of the site, we do not consider that the site boundaries should be altered since the resolution of the GCN issue particularly may influence the precise location of any development. On balance therefore, we consider that the inclusion of the site within both Policies WD2 and WD5 meets Test 7 and that some 5ha is likely to come forward as indicated in Topic Paper 1.

## **Charlton Lane, Shepperton**

### *Introduction*

- 4.48 This 5.35ha site is allocated in Policies WD1, WD2 and WD5. Currently, there is a civic amenity [CA] site with large buildings housing a waste transfer station [WTS] and materials recovery facility [MRF]. Since the submission of the SWP for Examination, an application has been submitted, but not determined, for the redesign of the CA site to provide a more efficient split level facility. The allocation encompasses all the existing facilities as well as an area of land to the rear, currently unused apart from some general storage, and extends beyond a public right of way to the north where the land is more open and here the site follows no discernable boundary. SCC believes there is considerable scope for development that would complement the existing facilities and allow the treatment of residual waste.
- 4.49 As Disposal Authority, SCC favours a 160,000tpa capacity EfW facility at either this site or Trumps Farm, with a clear preference for Trumps Farm, first, because the construction of a major plant at Charlton Lane with existing public facilities still in operation would raise issues including health and safety and, second, the EfW plant would then render the existing WTS on site redundant.

### *Flood Risk*

- 4.50 On the basis of the modelled data for the River Thames, most of the undeveloped part of the allocated site would fall within Zone 3a under the climate change scenario set out in the FRA [CDsy106]. Concerns were expressed that any further mineral extraction in the area would have potential for cumulative effects on flood risk. However, the FRA indicates that development of the northern part of the allocation would be acceptable if the functional floodplain were avoided and development restricted to that classed as less vulnerable or water compatible in PPS25 [CDNat11a]. In essence, this would limit the types of waste facility on this site to those not managing hazardous wastes. A level 3 project specific FRA would be required to determine the extent of the functional floodplain and the area of land required to provide appropriate flood attenuation capacity. In our view this leaves uncertainty, at this stage, as to the amount of the allocated site that would practicably be available for development and therefore the mix of facilities that might be accommodated.

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### *Visual Impact*

- 4.51 Our general comments above on visual impact are particularly relevant here. The site is largely screened from the south, west and north by perimeter planting which has been thickened along the public right of way. However, there are open views from the east, and from the north to the part of the site beyond the public right of way. We accept that the latter area could accommodate low level infrastructure, such as maturation areas, to minimise impact, but any further buildings of the required height would need to be carefully designed.

### *Impact on Natura 2000 Sites*

- 4.52 The potential for any in-combination effect from the Colnbrook incinerator and the proposed facilities at Charlton Lane on the South West London Waterbodies Natura 2000 site has not been investigated. SCC refers to the predicted pattern of ground level concentrations of NO<sub>x</sub> in the HDA for Charlton Lane [CDSy72 FigC1.2] and considers that Colnbrook would exhibit a similar pattern. On that basis, there would be no overlap and the likelihood of any effect on the Natura 2000 site is remote. We consider that, given provision for project level assessment, there is no reason on grounds of potential combined impacts on Natura 2000 sites to exclude the allocation from the SWP.

### *Traffic*

- 4.53 In addition to the general issues noted above, there are specific concerns regarding the sources of the waste to be managed at the site and the need for waste vehicles to cross the Thames via Walton Bridge, seen as a “pinch point” on the network. However, we agree with SCC that, until the nature of the facilities to be provided and the areas from which the waste will be drawn are clearer, it would be premature to assume that particular routes will be taken or that specific points on those routes will come under stress. In our view, these are matters that it would be appropriate to examine through a project level assessment.

### *Green Belt and Very Special Circumstances*

- 4.54 There is a history of waste management uses at the site. The public right of way encloses part of the allocated land and, although there is now an absence of built development on the northern sector of this enclosure, it nevertheless has the appearance of being within the operational envelope. Were built development to occur here, we do not consider that the openness of the Green Belt would be compromised substantially further. However, the same is not the case on that part of the allocated site to the north of the public right of way where, in our view, the introduction of any buildings would affect the openness of the Green Belt. The site does, however, offer substantial potential for the co-location of waste management facilities and the environmental benefits associated with a consequent reduction in overall waste vehicle movements. At project level, these factors could contribute to a justification for development on grounds of very special circumstances.

### *Conclusions*

- 4.55 Harm in addition to inappropriateness could be minimised in detailed design incorporating mitigation measures in accordance with the KDC modified by PC41. However, uncertainty due to flood risk to part of the site and impact on Green Belt openness from any built development north of the footpath could reduce the area available for an EfW plant to about 1.5ha of the southern portion, limiting both its scale, and the potential for the synergy of co-location of facilities. As these are matters for project level assessment, the allocation of the site meets Test 7. We conclude that a total of up to 2.5ha is likely to come forward at the Charlton Lane site under Policy WD2 as set out in TP1, but only a small scale thermal facility is likely to be developed under Policy WD5.

### **Copyhold Works, Redhill**

#### *Introduction*

- 4.56 This 5.5ha site is allocated in Policy WD2. It lies on a wooded slope below the A25 east of Redhill. There are a number of derelict buildings including the tall drying towers of the former works. SCC envisages new facilities, which could include MBT, being constructed largely on the footprint of the previous buildings. Patteson Court landfill is adjacent to the site and there is the opportunity for the provision of complementary pre-treatment facilities for C&I wastes since this landfill now has a potential life to around 2030.

#### *Visual Impact*

- 4.57 This is a key issue since the site is prominent in views from the AONB and from some of the existing and proposed residential areas of Redhill. Although the site is well screened by woodland in summer, and this could be retained in any scheme, this screening would be less effective when the trees were not in full leaf. We note local concern that the existing drying towers should not set a benchmark for the size of any future buildings but structures typically associated with Policy WD2 uses are lower in height. We are satisfied that this consideration, and the effect of lighting any night-time operations, can be assessed in the visual impact assessment required in the KDC as modified by PC42.

#### *Traffic and Access*

- 4.58 There are two existing accesses to the A25. Both are quite steep and HGVs might be noisy when climbing to the main road. This could affect the living conditions of the residents in the properties between the two accesses and give rise to objection coupled with concern for road safety. However, there is the possibility of using the existing landfill access off Cormongers Lane in conjunction with an internal haul road, especially if there were an operational relationship between the landfill and facilities developed on the allocated site. In these circumstances, we consider that the amount of additional waste traffic in Redhill, and on the wider network, would be low. Such matters could be addressed in a project specific TIA.

### *Green Belt and Very Special Circumstances*

- 4.59 Although this derelict land is not regarded as a major developed site in terms of Green Belt policy, it is acknowledged that it would benefit from remediation involving development compatible with Green Belt interests, given restoration requirements for the adjacent landfill do not include the allocation itself. Development restricted largely to the footprint of the existing buildings would probably have no greater impact on the openness of the Green Belt. Moreover, the opportunity to co-locate waste management facilities could be a material consideration to weigh in the balance.

### *Thermal Treatment*

- 4.60 Representations are made that this site should also be allocated in Policy WD5 for thermal treatment facilities, on grounds that it better meets the criteria of Policy CW5 than Clockhouse Brickworks, Capel, including that the site is closer to the major sources of waste. This option was rejected [CDsy10] on grounds that a thermal facility would have the greatest visual impact of all sites considered, with any waste development requiring the highest standards of design. Therefore, while there was limited early SA consideration, no HDA for thermal treatment has been undertaken for thermal treatment by SCC. No SA or HDA has been undertaken by any respondent proposing this change. In the circumstances it is not appropriate to recommend including this site in Policy WD5, notwithstanding its compliance with many of the locational criteria of Policy CW5

### *Conclusions*

- 4.61 In our view, subject to access being achieved via Cormongers Lane and a building design sensitive to and informed by the outcome of visual impact assessment, there would be no harm additional to that arising from inappropriate development in the Green Belt. The synergy that is potentially achievable could amount to the site specific material consideration necessary to accord with Policy CW6 (iii) and we believe that there is a reasonable prospect of very special circumstances being shown for development up to the full extent of the 5.5ha allocation. On this basis, we conclude that the inclusion of the site within Policy WD2 of the SWP meets Test 7.

## **Earlswood Depot and Sewage Treatment Works, Redhill**

### *Introduction*

- 4.62 This 4.22ha site is allocated in Policies WD1 and WD2 and is divided into two discrete parts of roughly equal size. A planning permission was granted in December 2006 for the enhancement of the existing civic amenity [CA] facility, as envisaged in Policy WD1, on that part of the allocated land to its south and we agree with SCC that the residual area of this part of the allocation would not sustain any further waste management facilities. In practice therefore, the allocation relates to a 2.4ha area west of the sewage treatment works [STW]. SCC considers that this would be suitable for in-vessel composting [IVC] of green and kitchen waste including from the adjacent CA, or for some other low-key plant.

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### *Traffic and Site Access*

- 4.63 There is considerable public concern about the level of traffic on the local network already and the fear that additional waste related traffic will place an unacceptable burden on certain junctions. We deal with the matter of network capacity in our general comments above. The site specific issue is how access would be achieved.
- 4.64 SCC considered three options for the remaining western area: direct and separate access to the A2044 [Woodhatch Road]; or shared use of the existing access on A2044 to the STW; or access through the STW land from the CA site. The latter has the potential to remove some existing waste HGV traffic from the network since green waste now taken elsewhere would be, in effect, managed on-site. However, this would only occur if the site were developed as suggested by SCC and would require a further improvement of the CA site entrance from the A23. These options have not evidently been developed in depth with the STW operators. Nevertheless, they could be considered in a project TIA.

### *Flood Risk*

- 4.65 According to the District Council, modelling of the River Mole undertaken since the preparation of the FRA, shows that the western area is likely to be in flood Zone 2 and, because it drains into a flood risk area, it is possible that on-site attenuation will be required to ensure that no more than the equivalent of green field run-off is maintained. While this is a matter for a project level FRA, it could affect the area of land practically available for development.

### *Visual Impact and Landscape Character*

- 4.66 The site is presently degraded by storage of spoil and construction materials associated with recent development at the STW but is not evidently previously developed land as defined. The western site is part-screened in Summer by boundary hedges and trees and is therefore of different character from the surrounding more open common and recreation land on both sides of the A2044. Subject to project level assessment, the degree of enclosure and use of low rise buildings would minimise visual impact of waste development.

### *Amenity*

- 4.67 Public concern seems to relate to recent permitted development at the STW and environmental problems such as odour from the site generally. As Policy WD2 facilities are typically designed to manage emissions to air, we are satisfied that this matter can be addressed through the development control policies of the SWP as applied to any proposal.

### *Green Belt and Very Special Circumstances*

- 4.68 Aside from the effects of recent work at the STW, the allocated area is not disturbed in terms of Policy CW5 (iv), albeit the site meets Policy CW5(i) and (ii), being part of the operational STW with road access to urban areas. However, no site specific material considerations were put forward and

reliance would be placed on the other tests in Policy CW6 [see general comments above].

### *Conclusions*

- 4.69 We note the proposed KDC to manage Green Belt impact but consider that some encroachment and erosion of openness is unavoidable. Otherwise, we consider that the project level assessments required by the KDC subject to PC43 are unlikely to add further harm to that by definition arising from inappropriate development in the Green Belt. There is some potential for co-location of facilities, depending on the nature of the use and the precise arrangements for access. On balance, we believe that the site should remain in the SWP as detailed assessment of the potential material considerations could show very special circumstances to justify waste development. On this basis, we conclude that the retention of the site within Policies WD1 and WD2 meets Test 7, with 2.4ha of the allocation likely to come forward.

## **Heather Farm, Horsell**

### *Introduction*

- 4.70 The 6.46ha site is allocated in Policies WD2 and WD5 but subject to PC29 to delete it from Policy WD5 on grounds of possible risk from stack emissions to the integrity of the Thames Basin Heaths [TBH] SAC. The land was specifically allocated for waste development, to include Advanced Thermal Treatment [ATT] supported by Woking Borough Council, but that proposal has fallen away and the site has been the subject of a planning application for Classes B1 and B8 industrial and storage use, the former potentially including waste development under Policy WD2.
- 4.71 The current planning status of the land is unclear but it accommodates the large building of a former mushroom farm. The present owners of the land expressly rule out making the site available for waste development of any kind. Objectively, however, that situation could alter if the land were to change hands at some future time.

### *Access and Traffic*

- 4.72 Access from Chobham Road is via an unmade track that crosses a section of Horsell Common and is situated hard against part of the Thames Basin Heaths [TBH] SAC. There is no doubt that any increased use of the track resulting from intensification or change in nature of the development at Heather Farm, whether for waste or other uses, would result in a highway objection unless significant access improvements could be provided. In the evident likely event that this would entail widening, draining and surfacing the track, with geometric enhancements of the Chobham Road entrance, this would impinge on the SAC.
- 4.73 There is public concern that local roads, especially to the west of the site, should not be subject to any increased volume of HGV traffic associated with redevelopment of Heather Farm; but we are satisfied that it would be sufficient to address this matter in a project traffic assessment.

- 4.74 The presence of a bridleway along the access track is rightly covered by the KDC subject to PC44.

#### *Biodiversity and Air Quality*

- 4.75 We have concluded generally in connection with the Habitats Directive Assessment that there is no reason to delete the site from Policy WD5 in its broadest context. The commercial use of the site appears established and waste redevelopment of the site itself would not encroach upon the TBH SAC. Thus, the question of land take from associated wildlife foraging areas would not seem to arise. Dust impact could be addressed in a project-specific Appropriate Assessment [AA], required by the KDC as modified by PC44.
- 4.76 However, the degree of impact from the use of the access track is inextricably linked to the traffic issues considered above. In relation to biodiversity interests, any widening or increased use of the access track could result in unpredictable direct impact on the adjacent SAC. This would be assessed by a TIA in line with the KDC and could subsequently be prevented or controlled by planning condition, taking account of the project specific AA.

#### *Flood Risk*

- 4.77 The FRA indicates that the surrounding area and some parts of the site are liable to flood but admits that there is historical evidence of flooding of the whole site in 1968. Technical evidence produced by residents takes account of serious flooding in the area in 2006 and is persuasive that the level of risk is such that as much as 85% of the site is at high risk of flooding. This factor counts against the allocation, albeit project-specific flood defence and compensation measures, whilst scope is limited, cannot be ruled out, subject to project FRA required by the KDC modified by PC44.

#### *Aviation*

- 4.78 There are objections to the allocation for any waste use on grounds of pollutants in stack emissions affecting the air quality inside unpressurised aircraft approaching nearby Fairoaks Airport and also with respect to potential for birdstrike and obstruction by tall structures.
- 4.79 There is no clear evidence that air pollution would ever be so concentrated as to cause significant harm in this respect. Current civil aviation guidance advises against open air treatment of refuse close to airports because of the risk of bird attraction but does not exclude other forms of waste treatment that might be permitted under Policy WD2, wherein birdstrike danger could be mitigated by enclosure of waste material, secured by regulated best practice. Even the highest likely replacement building or stack at any such waste plant would fall far short of penetrating the protected surfaces surrounding Fairoaks Airport. In the circumstances, we find no objection in principle on any of these grounds but regard it as sufficient to address both matters in any project based Environmental Impact Assessment.

### *Visual Impact and Green Belt*

- 4.80 Whilst some waste uses might call for a taller building than the one currently on the site, it is unlikely that any replacement building would have much greater visual impact, or effect on essential Green Belt openness, than the established structure. Moreover, some form of built redevelopment of the site appears to be a strong likelihood in view of past uses. Otherwise, demonstration of very special circumstances would turn largely on general need for this particular site in comparison with other alternatives at the time of any application.

### *Conclusion*

- 4.81 Heather Farm should be deleted from Policy WD5 as now proposed by SCC but only because, on current evidence, it is on balance unlikely to come forward for waste use outside Class B1 or B8. In relation to Policy WD2, there are substantial objections affecting the deliverability of the site as well as considerations of the integrity of the TBH SAC, flood risk and air safety to be addressed in KDC and any future proposal. Some degree of planning harm might thus fall to be considered alongside inappropriateness in the Green Belt, where no material considerations have been advanced beyond mere need for waste facilities. We conclude that, on balance, although there is a degree of uncertainty whether the site will be delivered for an acceptable form of waste development, it is not such that the allocation of Heather Farm in Policy WD2 renders the SWP unsound under Test 7. It should therefore be retained in Policy WD2 subject to the adoption of PC44 to the KDC.
- 4.82 We consider that the potential contribution of Heather Farm to land required for waste development is 5ha, equal to the low case scenario of Topic Paper 1 but for Policy WD2 development only.

## **Martyrs Lane, Woking**

### *Introduction*

- 4.83 This 7.44ha site is allocated in Policies WD1, WD2 and WD5 but subject to PC29 to delete it from Policy WD5 on grounds of possible risk from stack emissions to the integrity of the Thames Basin Heaths SPA.
- 4.84 An adjacent existing CA site is small but very well used and SCC plans to extend it are dependent upon land acquisition and the area that may be used is not shown on the Site Boundary Map which shows only the existing facility. The allocated site itself is a privately owned former mineral site and landfill and is very well screened from public view. SCC see this site as having potential for a wide range of uses as it has been assessed as having a high capacity to absorb development [CDsy12]. The actual area for development would be smaller than that shown on the proposals map to enable boundary mitigation works.

### *Impact on Natura 2000 sites*

- 4.85 We deal with this issue in general terms under our consideration of the Habitats Directive Assessment [CDsy72], including the matter of land take from foraging areas, and we conclude that there is no reason to judge the SWP unsound solely on HDA grounds. In the absence of any other specific

issue related to the impact of the development on protected birdlife, this site should not be deleted from Policy WD5 on grounds of impact on Natura 2000 sites.

#### *Traffic and Access*

- 4.86 There is considerable public concern that the wider road network is at its capacity and that the area as a whole comes under severe traffic stress, especially when there is congestion on the M25. We comment on these matters in our general remarks above.
- 4.87 Specifically, Martyrs Lane is a narrow road which provides a well-used short cut. The existing access to the CA site and the proposed, currently unused, access to the allocated site are very close to one another. All waste related HGVs would need to be directed north from the site and would have to approach the site from that direction, via a roundabout junction with the A320. This length of Martyrs Lane would therefore need to be widened, evidently involving privately owned land which might be unavailable and its use could adversely affect the SSSI to the west. While this would be subject to the project level assessment required under the KDC subject to PC45, it is a significant constraint.

#### *Flood Risk*

- 4.88 Despite evidence from local people of standing water on the site, even in dry weather, the FRA indicates that the allocated site is within flood Zone 1 where there is a low risk of flooding.

#### *Environmental Controls*

- 4.89 Public concerns on this issue are varied and include the effects on the SSSI from predation and air emissions. Policy WD2 facilities are typically designed to manage emissions to air from the waste processes and Policy WD5 development would be subject to PPC. We are satisfied that otherwise these matters can be addressed through the development control policies of the SWP.

#### *Green Belt and Very Special Circumstances*

- 4.90 SCC regard the site in part as previously developed land but the evidence for this is not conclusive. In our view, the site is a former mineral site which may or may not have been restored in accordance with the relevant conditions. Although we acknowledge that the improvement of damaged land around towns is a land use objective of Green Belt policy [PPG2 para 1.6], it is our understanding that this is a material consideration after, rather than part of, the determination as to whether very special circumstances are shown to exist [PPG2, para 3.13]. Otherwise, no particular site specific factors were argued and any applicant would need to rely on Policy CW6 criteria (i), (ii) and (iv).

#### *Aviation*

- 4.91 Our comments on this issue under the Heather Farm site are equally applicable here.

## Conclusions

4.92 We do not consider that this site should be deleted from Policy WD5 in line with PC29. However, highway works required to provide acceptable access from the A320 raise ecological and land ownership issues, the resolution of which are uncertain. This potential harm must be added to harm by definition of inappropriate development in the Green Belt. We conclude on balance though, that the uncertainty of delivery is not such as to render the SWP unsound under Test 7 and that 5ha usable land could come forward as indicated in Topic Paper 1. The allocation should therefore be retained in Policies WD2 and WD5, subject to PC45 to the KDC.

## Randalls Road, Leatherhead

### Introduction

4.93 This 4.64ha of land is allocated in Policies WD1 and WD2. The two main parts of the site lie south and west of an existing sewage treatment works [STW], well-used civic amenity [CA] site facility and a recently completed materials recovery facility [MRF]. The site is well related to Leatherhead and access to the A246 is good. However, the access road itself is narrow and runs close by two dwellings near the site entrance.

4.94 The larger part of the allocated site to the west is a former landfill where the ground is raised. The smaller part to the south of the CA site is an open field and there is an overgrown recreation area beyond a track on its southern edge.

4.95 SCC proposes that the CA facility be enhanced, making use of the southern area and providing an improved access to segregate public and operational traffic and mitigate impact on the dwellings. SCC maintains the consistent position that the SWP should not prescribe the waste uses within Policy WD2.

### Flood Risk

4.96 In our view this is the key issue. The FRA [CDSy106] indicates that the allocated site could coincide with the area of the functional floodplain. However, taking account of the raised levels due to previous landfilling, we accept that more detailed modelling could show the larger part of the allocated site falling within Zone 3a [CDSy107C]. In that case, a protected development platform could be created by excavating waste and using the remaining landfill a flood bund. There is precedent for this in the way the present MRF was constructed and a project specific FRA, required by the KDC subject to PC46, would give greater clarity both to on-site design and consequent flood risk elsewhere.

### Visual Impact

4.97 Any new building in the southern area would extend development outside the envelope of the existing facilities into an open area that is highly visible. However, we accept that the site layout could be designed to minimise visual impact and note that this is one of the KDC for this site. We consider the question of openness in relation to Green Belt below.

### *Residential and Recreational Amenity*

4.98 Whilst new waste development could have a material effect on the living conditions of the residents of the two properties near the access road, we acknowledge the potential for an improvement in their conditions if the access arrangements were altered as indicated above. Similarly in our view, any effect on users of the adjacent recreation field would be limited.

### *Green Belt and Very Special Circumstances*

4.99 Development to the south would break out of the existing built envelope, reducing the openness of the Green Belt and there is no clear evidence that this land was disturbed within the meaning of Policy CW5. However, the area to the west is perceived as part of the operational land due to its history as a landfill site and the allocation is intended to minimise the effect on the openness of the Green Belt by concentrating new buildings in those parts already subject to existing or previous development.

### *Conclusions*

4.100 Although the constraint due to flood risk remains to be resolved by a project specific FRA, as required by the KDC subject to PC46, we consider that there is unlikely to be further planning harm in addition to that due to inappropriate development in the Green Belt. Moreover, there would be some synergies from co-location with existing waste related uses which could amount to material considerations to weigh in the balance to determine whether very special circumstances exist to justify the development. We conclude that the SWP is sound under Test 7 with the allocated site included in Policies WD1 and WD2, subject to adoption of PC46 to the KDC, with about 3ha potentially deliverable under Policy WD2 after enhancement of the CA site.

## **Trumps Farm, Longcross**

### *Introduction*

4.101 This 6.45ha site is allocated within Policies WD2 and WD5. The site is south of and adjacent to the M3 motorway and to the north of a closed and restored landfill. The agreed planning history confirms that the site does not now have any planning permission for any development and, although it may have been used by the highways agency under permitted development rights, it should have been restored to agriculture under consents for works in association with the construction of the motorway and other tipping permissions.

4.102 The allocated site is now owned by SCC and is preferred by the Waste Disposal Authority to Charlton Lane [see above] for the 160,000 tpa EfW plant to serve the north of the County. SCC confirm that, in view of the on-site constraints of shape, slopes and need to retain tree cover for mitigation, the allocation would be used for either a thermal facility within Policy WD5, possibly to include an ash plant to convert the EfW ash to aggregate, or for facilities such as in-vessel composting [IVC] or anaerobic digestion [AD] within Policy WD2.

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### *Site Selection*

4.103 In deciding to allocate this site, SCC clearly gave considerable weight to its status as previously developed land [PDL] in need of restoration, in turn reliant upon some form of enabling development [CDsy10]. During the Examination, however, SCC accepted that the site is not PDL as defined. There was less clarity regarding the characterisation of the land as derelict or despoiled. The evidence is inconclusive regarding the extent to which the previous permissions contained restoration requirements, or whether any that were required have been carried out. It is not clear therefore whether the site can fairly be described as abandoned without or with only partial repair. We note that that the land is undergoing natural regeneration in any event. In view of the practical access to the site, which we deal with below, our conclusion is that the allocated site is at a low level in the sequence set out in Policy CW5 being, at best, moderately disturbed land within the Green Belt.

### *Traffic and Access*

4.104 There is no realistic prospect of a direct access to the M3 motorway and weight restrictions and a low bridge to the north of the M3 would, in practice, cause most waste traffic to travel to and from the site to the south along Kitsmead Lane to Longcross Road, connecting to the wider network via the A320 and M25 at junction 11. Although this route passes some residential properties, we do not consider that their amenity would be seriously affected. However, we do not share the view of SCC that the site meets the terms of Policy CW5(ii) and (vi) in terms of ease of access in relation to scale of development, as we do not consider that the mooted 160,000tpa capacity EfW can be regarded as other than 'larger scale', particularly as there might be an associated ash plant.

4.105 There is no dispute that the junction of Kitsmead Lane and Longcross Road has inadequate sight lines and a number of protected trees would have to be removed to improve them, involving third party land. We share local reservations that potential highway improvements have not been fully explored, albeit these matters would be addressed by a traffic impact assessment, as required by the KDC, subject to PC47.

### *Visual Impact*

4.106 The allocated site is very well screened, particularly in summer. There are differences of opinion as to the severity of visual impact from certain identified viewpoints. Overall we concur with SCC that, while the stack associated with any thermal treatment facility would be visible from a wide area, the building itself would not be prominent in public views, in particular from the residential areas across the M3. We have referred in our general comments above to the design solutions that are possible with respect to the large buildings typically associated with thermal treatment facilities and we do not consider that the allocated site should be excluded from the SWP on this ground.

*Impact on Natura 2000 sites*

4.107 Many submissions made in connection with this site regarding the Habitats Directive Assessment and its data sources are of general application and are dealt with in Section 3. Based on our conclusions there, it is sufficient that a project level Appropriate Assessment is required by the KDC subject to PC47.

*Green Belt and Very Special Circumstances*

4.108 SCC put forward two matters as site specific material considerations: that development is the only way to improve the disturbed condition of the allocated site; and that the site is well located in relation to the main sources of waste. As in the case of the Martyrs Lane allocation [above], the land use objective of improvement of damaged land around towns is a material consideration after, rather than as part of, the determination of very special circumstances. We set out above our significant reservations on the second point on access. We have no evidence of any other site characteristics that could amount to the material considerations necessary to show very special circumstances to justify inappropriate development in the Green Belt.

*Conclusions*

4.109 In our view, the most significant feature of the allocated site is its availability and therefore the likelihood of it being brought forward by SCC itself as site owner for development under Policies WD2 or WD5, although the difficult access to the site generally is a significant constraint; and reliance would have to be placed on the general factors of Policy CW6 to demonstrate very special circumstances in the Green Belt. However, we consider overall that all potential planning impacts can properly be left to project level assessments and the allocation does not render the SWP unsound. The site should therefore remain in policies WD2 and WD5 subject to PC47 to the KDC, with the usable 5ha nominated in Topic Paper 1 likely to come forward.

**Weylands Treatment Works, Hersham***Introduction*

4.110 This 5.56ha site is identified in Policy WD2. The allocated land lies east of the Lyon Road Industrial estate in the Green Belt and encompasses an area with certified lawful use for waste processing as well as current operations. The core business is recycling construction and demolition [C&D] waste with some can and glass recovery. SCC ultimately envisages consolidation and expansion of the existing operations to bring current open-air activities into buildings to improve environmental control. Meanwhile however, the site owner believes proposals to use the existing site for stockpiling material for processing in buildings on the adjoining industrial estate to be more realistic in the timescale of the SWP. It was agreed at the Examination that Policy WD2 allowed for this and our view is that no change to the SWP is required in this regard.

*Access*

4.111 All depends however on the key issue of access, as the existing entrance leads directly off a signal controlled junction at a railway bridge of restricted

width and height. However, it is agreed that there are options to provide alternative access to Lyon Road utilising land within the control of the allocated site owners.

#### *Flood Risk*

4.112 Modelling of flood risk is not yet complete but there is an expectation that part of the allocated site is likely to be within Zone 3a. However, the allocated site and the whole of the land to the east up to the River Mole are in the same ownership. Any required safeguarding and flood mitigation measures could therefore be accommodated within this area.

#### *Residential and Recreational Amenity*

4.113 We agree with SCC that the allocation of this site in the SWP offers an opportunity to bring under control the effects of dust on residents and users of the public right of way to the north of the site.

#### *Green Belt and Very Special Circumstances*

4.114 We do not support a local suggestion for extension of the allocated site to the east, as this would undermine the important strategic gap function of this area of land. We agree with SCC that the requisite material considerations could be the existing lawful use on part of the site and the space available for stockpiling materials as part of a programme to maximise the efficiency of the existing operations in accordance with the aspirations of the current owner to keep built development to a minimum with the Green Belt.

#### *Conclusions*

4.115 In our view, there would be no other harm to add to that by definition in the Green Belt arising from inappropriate development and there are potentially persuasive factors that could amount to the very special circumstances required to justify it. Subject to PC48 to the KDC, we conclude that the SWP is sound on Test 7 with the inclusion of this site in Policy WD2, with a net additional area of 3ha likely to come forward.

### **Wisley Former Airfield**

#### *Introduction*

4.116 The 16.98ha site is allocated in Policies WD2 and WD5 but subject to PC29 to delete it from Policy WD5 on grounds of possible risk from stack emissions to the integrity of the Ockham and Wisley SPA within the Thames Basin Heaths, part of which lies to the north east. The allocation land itself is subject to part adopted and part proposed designation as a SSCI. The only vestige of former aviation use is an area of concrete hardstanding over about the eastern half of the allocation, close to the small settlement of Elm Corner. The allocation land is separated from the A3 trunk road by an area of woodland and the major tourist attraction and scientific establishment at the Royal Horticultural Society [RHS] Garden lies close by, on the opposite side of the A3 to the north.

- 4.117 Vehicle access to the land is currently via a lane that connects Elm Corner direct to the south east side of the A3 dual carriageway trunk road, not far south west of the M25. It is not disputed that any waste development on the land would require a new road access from the west, off the existing roundabout junction with the B2039. There is public access within the allocation boundary via the footpath and bridleway network.
- 4.118 SCC regards approximately the central 5ha of the site as the core area for development and envisages substantial facilities for one or more of the waste types permissible under Policy WD2.

#### *Ecology and Air Quality*

- 4.119 We find in Section 3 that in general the latest revision of the HDA [CDSy72] that led to PC29 to delete Wisley airfield from Policy WD5 complies with relevant law and guidance for Appropriate Assessment at this level, including due consideration of the effects of development under Policy WD2. However, we also find that the HDA provides no justification for deleting this site from Policy WD5 on ecological grounds alone.
- 4.120 Whilst the assessed "worst case" 250,000tpa EfW plant could not safely be accommodated on the site, it is now evident from material submitted by the site promoters that a smaller EfW plant of around 120,000tpa could be located there without undue threat to the integrity of the nearby SPA, subject to project level appraisal. Moreover, other smaller scale, advanced thermal treatment [ATT] processes might similarly be located on the land.
- 4.121 Those making representations point to potential impact on existing groundwater, watercourses and irrigation regimes affecting the nearby RHS Garden, but these matters are likely to be the subject of project Environmental Impact Assessment [EIA] leading, for example, to the specification of sustainable drainage measures. We see no reason at this stage to delete the Wisley former airfield from either Policy WD2 or WD5 on ecological grounds.

#### *Flood Risk, Access and Transport*

- 4.122 The site itself is on comparatively high ground where serious flood risk is not an issue.
- 4.123 A potential access from the B2039 roundabout has been assessed in some detail by potential developers and SCC as County Highway Authority in conjunction with the Highways Agency with respect to the A3 [T]. There are potential problems of congestion along the adjacent section of the A3. However, that road carries some 80,000 vehicles per day beside which additional waste traffic generation is unlikely to be significant in terms of junction or network capacity. The route of the access, outside the boundary of the allocation, would itself be at high risk of flooding where it crosses a stream. On the evidence, however, whilst such an arrangement is not desirable, it appears that road access to waste development on the site is feasible, subject to a traffic impact assessment [TIA] of any specific proposal.

- 4.124 Concern that HGVs would use local roads for convenience to avoid major road congestion would require to be addressed by any TIA in terms of planning conditions and routing agreements. For the 150-250 HGVs a day envisaged in this connection, we do not regard this matter as an objection in principle to the allocation.
- 4.125 A further aspect of access relates to the well-used local footpath and bridleway network, including routes along the nearby former runway and across the site itself. Again however, diversion of the route across the land would be feasible, whilst the broader impact of development on the use of the network would be matter for detailed assessment at project stage.

#### *Visual Impact*

- 4.126 That is not to deny that views from the bridleway network could be compromised, as it is accepted in the evidence of SCC itself that visual impact would be severe from a wide area up to 1km to the south east of the A3 if a major plant with large buildings up to 30m high and stacks 70-80m tall were placed where presently there are no buildings at all. Importantly too, there could be significant visual impact on the listed RHS Garden to the north west, especially from Battleston Hill within it, in particular from any tall stack standing clear above the intervening woodland. Whilst the potential for landmark design of waste facilities should not be overlooked, the site is in effect undeveloped and part of the open countryside. The likely degree of negative landscape impact on interests of such importance, even resulting from comparatively modest development, must be seen as carrying significant weight.

#### *Amenity*

- 4.127 There is equally potential for significant general impact on the living conditions of Elm Corner and the amenity of the RHS Garden due to increased general pollution by noise and light, especially at night, given 24-hour operations are reasonably to be expected. There is also concern over vermin. These factors do not amount to an objection of principle but would fall to be assessed in any waste development proposal.

#### *Green Belt and Very Special Circumstances*

- 4.128 Judging the characteristics of the Wisley Airfield site and potential of any waste development upon it, there would plainly be a reduction in the openness of the Green Belt at this point, as well as visual harm over a wide area, potentially including the listed RHS Garden. This would be taken into the balance alongside harm by way of inappropriateness in the GB against any material considerations, likely to amount to general need for waste facilities, potentially with the benefit of co-location of several forms of waste management on this large site.

#### *Conclusion*

- 4.129 There is a substantial degree of uncertainty as to the scale of development likely to be acceptable, especially in visual and ecological terms. However, that is for determination in project level assessments required by the KDC subject to PC49. On that basis we find no overriding objection in principle to

the allocation of the site, and do not recommend the implementation of PC29 to delete it. We conclude on balance that for the SWP to be sound under Test 7 the site should remain allocated in both Policies WD2 and WD5 but consider only the central 5ha is likely to come forward.

## **Lyne lane, Chertsey**

### *Introduction*

4.130 This 2.69ha site is allocated within Policies WD1 and WD2. It is a raised area within a triangle of land enclosed by Lyne Lane, the M3 motorway and the railway. There is a long history of tipping and the most recent use was an open windrow composting facility, although this has closed and the previous landfill is restored. SCC recognises that only low level development such as an in-vessel composting [IVC] facility would be appropriate in visual terms. There is some potential for synergy with an enhanced civic amenity [CA] site, for which permission was granted in 2006. This would be located on the opposite side of Lyne Lane and would offer the potential to reduce waste vehicle trips.

### *Traffic and access*

4.131 Access to Lyne Lane itself is good but all traffic would enter from and leave toward the north, such that access to the strategic road network is not easy in terms of Policy CW5 (ii).

### *Flood risk*

4.132 Detailed modelling is not yet available for the Addlestone Bourne. Under the climate change scenario part of the site might, in theory, fall within Zone 3 and a level 2 FRA would be required at the project stage.

### *Green Belt and Very Special Circumstances*

4.133 As a restored landfill site, the land cannot be defined as previously developed nor characterised as disturbed, contaminated or derelict for purposes of Policy CW5(iv). Any facilities permitted by Policy WD2 would therefore extend inappropriate built development onto a greenfield site within the Green Belt, by definition harmful. Only potential synergy arising from the location of the CA site opposite could amount to site specific material consideration to justify this.

### *Conclusions*

**4.134** Subject to satisfactory outcomes from the various project specific assessments required by the KDC subject to PC50, there is unlikely to be other planning harm in addition to that from inappropriate development in the Green Belt and there is potential for synergies by co-location of several types of facility covered by Policy WD2. We believe there to be realistic prospect that very special circumstances can be shown and conclude that the SWP remains sound under Test 7 with the inclusion of the full 2.7ha allocated site within Policies WD1 and WD2.

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## Oak Leaf Farm, Stanwell Moor

### *Introduction*

4.135 This 11.3ha site is allocated within Policy WD2. The land lies north of the King George VI Reservoir and is well related to the strategic road network. The planning history is complex. In short, there is no current planning permission for the existing operations since temporary consent has expired and an extension has been refused. The site is therefore to be regarded as greenfield land. Nevertheless, for the purposes of this Examination, SCC acknowledges that the site currently makes an important contribution to the management of construction and demolition [C&D] wastes, with surrounding bunds providing effective visual screening. SCC envisages the existing process continuing and consider the site suitable for other uses within Policy WD2.

### *Impact on Natura 2000 Sites*

4.136 In the HDA, dust mitigation measures are identified [CDsy72 para4.5.3] for WD2 development, including enclosure of the processes, and water suppression and extraction techniques [CDsy72 para4.5.3]. Subject to PC51 to the KDC, in this respect, we are satisfied that no adverse impacts on the integrity of the identified Natura 2000 site are likely.

### *Residential Amenity*

4.137 We appreciate that development in the general area recently has been on a considerable scale but are satisfied in connection with any new waste development that this matter should properly be addressed through the development control policies of the SWP at project level.

### *Flood Risk*

4.138 Modelling of all the watercourses that could potentially affect the allocated site has not been completed but the evidence is that the majority of the site falls within Zone 1 with a very small part in Zone 2. A Level 2 project FRA will be necessary, as the KDC, subject to PC51, reflect.

### *Green Belt and Very Special Circumstances*

4.139 On the basis of greenfield status with temporary bunds removed, any waste development, and buildings to house processes in particular, would be inappropriate in the Green Belt. Although there appear to be no clear site specific material considerations, the remaining clauses of Policy CW6 may be, to varying degrees, material and we therefore believe that there is some prospect that very special circumstances can be shown.

### *Other matters*

4.140 The promoters argue that the SWP is unsound because the allocated site should more properly be considered as part of the forthcoming 'Recycled and Secondary Aggregates' DPD. In our view this objection is founded on the incorrect assumption that the allocated site is proposed for construction and demolition waste processing alone rather than for all the uses promoted under Policy WD2.

### *Conclusions*

4.141 There would be a loss of openness if new buildings were to be proposed but, subject to satisfactory project level assessment, we do not consider that there would be any other harm in addition to that by definition due to inappropriate development in the Green Belt. We conclude on balance that the SWP remains sound under Test 7 with the usable 5ha of the allocation potentially coming forward within Policy WD2, as indicated in Topic Paper 1.

### **Petworth Road, Witley**

4.142 There is no evidence to question the allocation of this site in Policy WD1, with the full 0.45ha likely to come forward.

### **Godstone Depot**

#### *Introduction*

4.143 This 2.11ha site is allocated in Policy WD1 and is currently an operational highways depot in the Green Belt just outside the village. A new civic amenity [CA] facility is proposed as the two existing sites serving Tandridge District are not suitable for the enhancement necessary to achieve the target 60% recycling required. SCC prefers the replacement CA facility to be in the north of the District, potentially on one of the industrial areas listed in Table 3.1 of the SWP. So this allocation is a fall-back option that also provides an opportunity for further provision in the south of the District if required. There is little design evidence but a basic assessment shows that a standard CA layout would fit into the undeveloped land to the rear of the depot, now used for open storage of materials.

#### *Traffic and Access*

4.144 We deal with the wider network concerns under our general comments above. There is local concern that a CA facility would significantly increase traffic but we accept that only cars and light vans would travel through the village, as all waste related HGVs could be directed to use the bypass to the east.

4.145 However, there is remarkably no evidence of how the CA site would be accessed or how internal circulation would be arranged to avoid traffic queuing on the highway. SCC accepts though that a junction with the A25 would be needed to separate the several traffic streams using the site; but poor visibility and lack of available land for improvement appear to render this impracticable.

#### *Effect on Bay Pond SSSI and Flood Risk*

4.146 The site may lie within flood Zone 3 under the climate change scenario and modelling of the catchment area, which includes the adjoining brook, is incomplete. A level 2 FRA would be required at the project stage. Locally there is concern that, since the brook flows into the Bay Pond SSSI and thereafter feeds other nature conservation areas, any failure of the surface water drainage system, particularly in a severe flood, would have harmful consequences for biodiversity. We consider that this matter can be judged against Policies DC2 and DC3, in the light of project level assessments

required by the KDC, subject to PC53, informing the detailed site and surface water management design.

### *Residential Amenity*

4.147 Notwithstanding concern to protect living conditions at a number of houses very close to the existing access, it appears that the CA facility would be located in a part of the depot site comparatively distant from residential properties, such that harm to amenity could be acceptably mitigated.

### *Green Belt and Very Special Circumstances*

4.148 As the site is already largely developed and the area for further development is within the operational envelope, further impact on the openness of the Green Belt would be very limited. This could amount to a favourable site specific characteristic in terms of Policy CW6(iii) and we believe there is realistic prospect that very special circumstances could be shown to justify inappropriate development in the Green Belt if no other harm were identified.

### *Conclusions*

4.149 There is presently little prospect of achieving an access to the A25 that would allow the development of a CA facility at the allocated site but it might be possible to bring forward a proposal for this site under general criterion (i) of Policy WD1 if more detailed work resolved this issue. However, on the limited evidence now before us, we do not consider the SWP sound under Test 7 with the inclusion of the Godstone Depot in Policy WD1 and conclude that it should be deleted.

### **Reigate Road Quarry, Betchworth**

4.150 This 1.79ha site is allocated within Policy WD2. It is part of an operational soft sand quarry, for which permission expires in 2016, with good access to the A25. The complex planning history includes certified lawful use for waste management and permanent planning permission [CDsy113] for a material recovery [MRF], unlinked to the life of the mineral extraction and currently under construction. This will have 45,000tpa capacity, with some 60% of the recovered material to be used in site restoration. SCC envisages no further development at the site under Policy WD2 but propose it be retained in the SWP as there is potential for changed waste operations once the quarry is restored.

4.151 Although the site is in the Green Belt, the principle of waste management use is established. The main issues are whether the site should remain expressly allocated or whether any future proposals for further waste development after restoration of the quarry would be better considered under general criterion (iv) brought into Policy WD2 by PC26 to cover existing waste sites. On balance, we favour retaining the allocation, noting that the brief KDC set an appropriate context for future redevelopment. However, due to uncertainty over the available area, we do not include it in our calculation of land supply.

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## ALTERNATIVE SITE

### Homefield Sandpit, Runfold

#### *Introduction*

- 4.152 This site lies near Runfold in the south of the County. It is an active sand pit operating under a consolidating planning permission granted in 1997 under the Environment Act 1995, with restoration by inert waste landfill. The end date is 2042 but final restoration is expected to be well before that. Further planning permissions were granted in 2005 and 2006 for waste management facilities and a waste management licence is also in place. All of these relate to the recycling, processing and recovery of material from the construction and demolition [C&D] waste stream. The permissions are not time limited but are related to the restoration of specific, numbered phases of the landfill restoration scheme.
- 4.153 The site is operationally linked to other facilities run by the same company, in particular at Slyfield Industrial Estate in Guildford. It is intended to provide concrete crushing plant at Homefield and to maximise the potential of the site within its overall output capacity. It is not proposed to widen the range of waste types managed at the site though, nor to erect any permanent buildings or structures.
- 4.154 The promoters argue that the SWP is unsound under Test 7 on grounds that the site assessment process is not founded on the requisite robust and credible evidence base because it did not consider Homefield Sandpit as a relevant alternative site. They therefore seek the allocation of the site under Policy WD2 in order to improve soundness by increasing clarity for the wider public benefit, whilst allocating a site that offers facilities that are now deficient in the area.

#### *Analysis*

- 4.155 The MWDS and the SWP itself both indicate that the construction and demolition waste stream will be the subject of a separate 'Recycled and Secondary Aggregates' DPD and SCC state that Homefield Sandpit will be considered as part of its preparation. Pending the outcome of that process, SWP Policy WD3 provides the context against which applications for the processing of this waste stream will be judged.
- 4.156 We agree that the enhanced management envisaged would make a valuable contribution to the sustainable management of C&D wastes arising in the area. Whilst it is accepted that further diversion of parts of this waste stream from landfill at the site would prolong the period before final restoration was achieved, that is a situation which is contemplated in Policy WD3 and has not proved to be a barrier to securing planning permissions at the site to date. Moreover, SCC accepts that very special circumstances have been demonstrated to justify inappropriate development at this Green Belt site. In our view therefore the SWP provides an appropriate policy context for the further development of Homefield Sandpit now envisaged.
- 4.157 The SA submitted by the promoters does not consider the implications of managing the wide range of wastes that allocation in Policy WD2 would

imply; nor does it evaluate the environmental effects of permanent facilities at this site in the Surrey Hills AONB. Whilst we appreciate that it is not the current intention of the promoters to seek to develop the site in this way, its allocation in Policy WD2 would establish that, in principle, such development would be acceptable. Although the site is well related to the strategic road network and comprises a mineral working in waste management use, no evidence was put forward that WD2 development would be acceptable in the AONB. The very special circumstances put forward in evidence to justify inappropriate development in the Green Belt relate to the C&D waste facilities envisaged rather than the broader range of facilities that could come forward under Policy WD2.

### Conclusion

4.158 It is not appropriate to include the site within Policy WD2 to achieve the aspirations of the promoters, given Policy WD3 and the future 'Recycled and Secondary Aggregates' DPD provide the proper waste planning context for such proposals. There is no clear evidence that the site meets all the necessary locational criteria of Policy CW5 to justify the wider range of facilities contemplated by Policy WD2. Nor does the evidence show a reasonable prospect of very special circumstances being shown under Policy CW6 for such facilities at this site. We conclude that the allocation of Homefield Sandpit in Policy WD2 is not necessary to the soundness of the SWP under Test 7.

### TOTAL LAND AVAILABLE

4.159 As explained in paragraph 4.1, for each of the sites considered above we have estimated the approximate area in hectares that we judge will potentially be delivered for waste development under Policy WD2, with a separate figure for those sites allocated also in Policy WD5. These estimates are summarised as follows:

<b>SITE</b>	<b>WD2 hectare</b>	<b>WD5 hectare</b>
Slyfield	<b>5</b>	
Clockhouse	<b>5</b>	<b>5</b>
Charlton Lane	<b>2.5</b>	small scale only
Copyhold Works	<b>5.5</b>	
Earlswood	<b>2.4</b>	
Heather Farm	<b>5</b>	
Martyrs Lane	<b>5</b>	5
Randalls Road	<b>3</b>	
Trumps Farm	<b>5</b>	<b>5</b>
Weylands	<b>3</b>	
Wisley Airfield	<b>5</b>	<b>5</b>
Lyne Lane	<b>2.7</b>	
Oak Leaf Farm	<b>5</b>	
Reigate Road	net 0	
<b>TOTALS</b>	<b>54.1ha</b>	<b>20ha</b>

- 4.160 These totals compare with the requirement indicated by SCC in Topic Paper 1 [CD Sy61 Table 5.4] in the range of 35 to 70ha with 55ha estimated for a mix of large and small facilities. Within the realm of accuracy of these statistics, based on ODP research, ***we conclude that overall there will be sufficient land allocated in Policies WD2 and WD5 to enable the SWP to be regarded as sound under Tests 4 and 7 in this respect.*** That is given the statutory requirement for annual monitoring and consequent early review of the SWP as both Core Strategy and Waste Development DPD, should the identification of additional sites become evidently necessary during the life of the SWP.
- 4.161 In addition, with four substantial sites and a single small scale location for thermal development under Policy WD5, the SWP would appear, ***subject again to annual monitoring, to provide sufficient flexibility of choice and soundness Test 9 is met in this regard.***

## 5. OVERALL CONCLUSIONS

### Test 1 – Mineral and Waste Development Scheme

- 5.1 We conclude in Section 2 above that, despite shortcomings in the manner of presentation of the Surrey Waste Plan [SWP] as a single document serving as Waste Core Strategy, Waste Development and Development Control Development Plan Documents [DPDs], it succeeds in performing its several roles, and may therefore be judged sound with respect to Test 1, subject to converting the Proposals Map into a Key Diagram to be read in conjunction with the Site Boundary Maps as a Submission Proposals Map.
- 5.2 However, we also conclude that, in order to meet Test 1 on review, each DPD must be published as a separate document in strict accordance with a revised Minerals and Waste Development Scheme [MWDS] that complies with Government guidance. In our view early review is necessary to achieve this.

### Test 2 – Statement of Community Involvement

- 5.3 We conclude in Section 2 above that, despite shortcomings in the consultation process, the SWP as a whole may be judged sound with respect to Test 2.
- 5.4 We also conclude that, on review of the SWP, the process of community involvement will be simplified and clarified by the production of separate Waste DPDs, accompanied by a non-technical volume explaining the evidence base, including the sequence of statutory and other assessments undertaken. Again, we consider that an early review on this basis would be appropriate.

### Test 3 – Sustainability Appraisal

- 5.5 We conclude in Section 2 above that, despite shortcomings in the sequential process of appraisal, on present evidence the SWP as a whole may be

judged sound with respect to Test 3 within the limited scope of that judgement, regarding the Sustainability Appraisal [SA] as part of the evidence base in applying the remaining soundness tests.

#### **Test 4 – Spatial Plan in Compliance with Policy**

- 5.6 We consider that, subject to specific modifications identified in the text of this Report and set out in the Appendix, the SWP on adoption will perform its several roles as Waste Core Strategy, Waste Development and Development Control DPDs as a spatial plan, duly related to the JMWMS of SCC as Waste Disposal Authority, as well as being in general conformity with national policy and the Regional Spatial Strategy as required to meet Test 4.
- 5.7 Early review may be necessary to accommodate any relevant modification of the South East Plan when adopted.

#### **Test 5 – Community Strategy**

- 5.8 There is no substantial challenge to the compliance of the SWP with the Community Strategy and, accordingly, the SWP meets Test 5.

#### **Test 6 – Coherence and Consistency**

- 5.9 We consider that, subject to specific modifications identified in the text of this Report and set out in the Appendix, the SWP in its multiple role, is duly related to the JMWMS, Regional Spatial Strategy, national policy and other plans and strategies, and is internally consistent, with its stated policy objectives seeking to fulfil the aims of the SWP, all as required to meet Test 6.

#### **Test 7 – Appropriate Alternatives and Robust Evidence Base**

- 5.10 We have concluded that the SWP and its land allocations are founded on a robust evidence base that now includes the requisite statutory assessments which would not have altered the selection of particular sites. However, we have also concluded that, to achieve compliance with Test 7, a small number of sites are unsuitable in terms of the potential effects of their development for waste management under certain policies, or are unlikely to come forward, and must be deleted, or their Key Development Criteria modified to apply sufficient constraint to the extent or nature of waste development that might be approved in future.
- 5.11 This raises questions of both the level and flexibility of provision in terms of the requisite land supply as assessed in the Needs Assessment and set out in RPG9 and the draft South East Plan, as explained in Topic Paper 1 [CDSy61]. Nevertheless, we have reached the overall conclusion in connection with the specific sites that the total land available for development under Policies WD2 and WD5, even with our recommended modifications, is just sufficient to meet Test 7, subject to regular monitoring and review in accord with the Regulations.
- 5.12 Again we consider that annual monitoring is likely to give rise to a need for early review to ensure an adequate supply of waste development land is maintained.

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**Test 8 – Monitoring and Implementation**

- 5.13 Subject to specific modifications discussed and agreed during the Examination and put forward as PCs55-79, we consider that Section 5 of the SWP provides a sufficient basis to meet the requirement of Test 8 for clear mechanisms for monitoring and implementation.

**Test 9 – Flexibility**

- 5.14 We agree with SCC that the SWP is essentially an enabling land use plan spatially related to the separate JMWMS without being technology specific. As such, in its separate capacities of Core Strategy and Waste Development DPD, it is innately flexible as to the actual waste development that might ultimately be approved on any particular allocated site, always subject to consideration of any planning application under the full range of policy provisions. Furthermore, by allocating all sites potentially acceptable for waste development, the SWP provides an additional element of flexibility in facilitating a larger number of smaller facilities where this proves viable and appropriate in practice, as contemplated in the options of the original Needs Assessment.
- 5.15 As a Core Strategy, the SWP refrains expressly from distinguishing its strategic sites but it is implicitly clear from the evidence base that these are, in effect, the allocations of Policy WD5 for thermal treatment, potentially identified for EfW plants to fulfil the principles of the adopted JMWMS. That being the case, the flexibility of the SWP is reduced to some extent by the deletion of one of the six sites in Policy WD5 and potentially further impeded by the obstacles we have identified to the actual delivery of the other allocations.
- 5.16 Crucially however, as we calculate above, overall and subject to monitoring and review, there is sufficient land allocated in the SWP to meet its ten year requirements. Within that overall provision, we consider there also to be sufficient land to provide the thermal treatment facilities envisaged, that broadly includes technologies other than EfW plants, where these might still be favoured over high temperature processes. Accordingly the SWP is sufficiently flexible to meet Test 9.
- 5.17 Moreover, we note in relation to the waste hierarchy that there is a substantial supply of mineral void space for restoration in Surrey. Subject to the proper constraints of Policy WD7, this maintains flexibility, in the event that the reduced number and area of sites allocated by Policies WD2 and WD5 fail to come forward to meet identified needs.

## THE SURREY WASTE PLAN AS A WHOLE

**5.18 We conclude that, with the changes we recommend, the SWP as a whole in its several roles as Waste Core Strategy, Waste Development DPD and Waste development Control DPD satisfies the requirements of s20(5) of the 2004 Act and the associated Regulations, is sound in terms of s20(5)(b) of the 2004 Act, and meets the Tests of Soundness in PPS12.**

*B J Sims*

*B Cook*

INSPECTORS

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## APPENDIX

### MODIFICATIONS REQUIRED TO MAKE THE ADOPTED SWP SOUND CHANGES RECOMMENDED BY THE INSPECTORS

Our recommended changes are in two parts. Below are the specific key changes that we have summarised in paragraph 1.14 of our report. At Appendix A to this Appendix are those of the changes proposed by Surrey County Council in Document CDsy123 that we recommend for adoption in order that the SWP is sound in respect of Tests 1 to 9. In this regard, those numbered 11, 12, 18, 22, 26, 28, 29, 53 and 58 are NOT recommended for adoption and have been deleted from Appendix A. The numbering is otherwise unaltered to enable comparison with CDsy123.

#### **Title 2.3, Paragraphs B26-B30 and Policy CW2**

Delete

#### **POLICY CW5**

Modify to

#### **Policy CW5: Location of Waste Facilities**

Sites will be allocated, and proposals for waste facilities on unallocated sites will be considered in accordance with the following principles:

- (i) priority will be given to industrial/employment sites, particularly those in urban areas, and to any other suitable urban sites and then to sites close to urban areas and to sites easily accessible by the strategic road network.
- (ii) priority will be given over greenfield land to previously developed land, contaminated, derelict or disturbed land, redundant agricultural buildings and their curtilages, mineral workings and land in waste management use.
- (iii) Areas of Outstanding Natural Beauty, Areas of Great Landscape Value, and sites with or close to international and national nature conservation designations should be avoided; and
- (iv) the larger the scale of development and traffic generation, the more important is a location well served by the strategic road network or accessible by alternative means of transport.

#### **Title 2.8, Paragraph B55 and Policy CW7**

Delete

#### **POLICY WD1**

Modify to

#### **Policy WD1: Civic Amenity Sites**

Planning permissions for the improvement or extension of existing civic amenity sites or the provision of new sites will be granted:

(i) on land that is, or has been used, or is allocated in a Local Plan or development plan document, or has planning permission for general industrial or storage purposes;

(ii) at existing or proposed waste management sites, subject in the case of landfill and landraising sites or other temporary facilities, to the civic amenity use being limited to the life of the landfill, landraising or other temporary facility.

(iii) at the following sites:

Lyne Lane, Chertsey  
Charlton Lane, Shepperton  
Petworth Road, Witley (improvements)  
Martyrs Lane, Woking  
Earlswood, Redhill  
Randalls Road, Leatherhead (extensions)

provided that the development proposed meets the key development criteria set out at the Site Boundary Maps and where very special circumstances can be demonstrated in accordance with the provisions of Policy CW6 for Development in the Green Belt.

## **POLICY WD2**

Modify to

### **Policy WD2: Recycling, Storage, Transfer, Materials Recovery and Processing Facilities (Excluding Thermal Treatment)**

Planning permissions for development involving the recycling, storage, transfer, materials recovery and processing (including in-vessel composting but excluding thermal treatment) of waste will be granted:

(i) on land that is, or has been used, or is allocated in a Local Plan or Development Plan Document, or has planning permission for industrial or storage purposes;

(ii) ) the proposed development is at one of the following sites as shown on the Site Boundary Maps:

Slyfield Industrial Estate: Land to the North East  
Clockhouse Brickworks, Capel  
Charlton Lane, Shepperton  
Copyhold Works, Redhill  
Land at Earlswood Depot and Sewage Treatment Works, Redhill  
Heather Farm, Horsell  
Martyrs Lane, Woking

Land at Randalls Road, Leatherhead  
Land adjacent to Trumps Farm, Longcross  
Weylands Treatment Works, Hersham  
Land at former airfield, Wisley  
Lyne Lane, Chertsey: former compost site  
Oak Leaf Farm, Horton Road, Stanwell Moor  
Reigate Road Quarry, Betchworth

provided that the development proposed meets the key development criteria and where very special circumstances can be demonstrated in accordance with the provisions of Policy CW6 for Development in the Green Belt.

(iv) at existing or proposed waste management sites, subject in the case of landfill and landraising sites or other temporary facilities, to the waste use being limited to the life of the landfill, landraising or other temporary facility.

### **PARAGRAPHS C26, C27 AND C28**

Delete

[and renumber following paragraphs accordingly]

### **Policy WD5**

#### **Policy WD5: Thermal Treatment Facilities**

Planning permissions for development involving the thermal treatment of waste will be granted provided:

(i) the waste to be treated cannot practically and reasonably be reused, recycled or processed to recover materials;

(ii) provision is made for energy recovery;

(iii) the proposed development is at one of the following sites as shown on the Site Boundary Maps:

Clockhouse Brickworks, Capel;  
Charlton Lane, Shepperton  
Martyrs Lane, Woking  
Land adjacent to Trumps Farm, Longcross  
Land at former airfield, Wisley

provided the development proposed meets the key development criteria and where very special circumstances can be demonstrated in accordance with the provisions of Policy CW6 for Development in the Green Belt.

### **PROPOSALS MAP**

Amend title to "**Key Diagram**"

Delete the term "Preferred Site"

Delete all information on specific sites save to indicate their location.

### **SITE BOUNDARY MAPS**

Deletion Civic Amenity site boundaries.  
[Otherwise to remain in their present form]

### **APPENDIX 1 – Waste Policy Statement**

Delete

