

Runnymede Borough Council

PLANNING COMMITTEE

Wednesday, 19 January 2005 at 7.30 p.m.

in the Council Chamber

at the Civic Offices, Addlestone



Members of the Committee

Councillors G.B. Woodger (Chairman), Mrs. F.M. Angell (Vice-Chairman), J.R. Ashmore, Mrs. F.J. Barden, J. Broadhead, J.B. Dean, J.R. Furey, H.W.V. Meares, Mrs J. Norman, D.W. Parr, R. Pate, B.J. Relph, N. Thewlis, A.P. Tollett, and J.R. Whiteley.

A G E N D A

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr. B.A. Fleckney, Administration and Leisure Department, Committee Section, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425620). (Email: bernard.fleckney@runnymede.gov.uk).**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- iv) **Public speaking on planning applications only is allowed at the Planning Committee. For details please contact Mrs T Eeles, the Administrative Section of the Technical Services Department. (Tel Direct Line: 01932 425174)**
- v) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

- a) Exempt Information
(No reports to be considered under this heading)
- b) Confidential Information
(No reports to be considered under this heading)

1. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

2. MINUTES

To confirm and sign the Minutes of the meeting of the Committee held on 22 December 2004 as a correct record (Appendix 'A').

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

5. PLANNING APPLICATIONS (DTS)

A list of the planning applications to be determined by the Committee is attached.

If Members have particular queries or interests in certain applications, the application files will be available for inspection and Officers present from 7.00 p.m. prior to the meeting in the ante room of the Council Chamber. This will be an informal opportunity for Members to see further details of applications and representations and to discuss and clarify issues. Copies of all letters of representation will also be placed on the table in the Chamber prior to the meeting and will be available for inspection by Members.

OFFICERS' RECOMMENDATION that -

the said applications be determined as indicated and any permission granted be subject to the conditions authorised.

(TO RESOLVE)

Background Papers

A list of background papers is available at the Technical Services Reception

6. REVISED CIRCULAR ON PLANNING OBLIGATIONS (DTS)

1. Purpose of Report

1.1 **The purpose of this report is to seek the views of the Committee on a draft Revised Circular on Planning Obligations issued for consultation from the ODPM.**

1.2 **Comments are requested by 25 January 2005. A copy of the draft Circular has been placed on the Members' Intranet site.**

2. Background Information

2.1 Planning obligations, also known as Section 106 Agreements, are typically agreements negotiated between Local Authorities and developers in the context of granting planning consent. They provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of necessary infrastructure and facilities required by local and national planning policies.

2.2 This consultation seeks views on the Government's proposals for reforming and improving the current system of planning obligations in England in the short to medium term. The

Government's aim is to create a system that is faster, more transparent and accountable and which gives greater clarity and certainty to all concerned.

2.3 The draft Circular sets out some possible changes to the current negotiated system of planning obligations to be made in advance of potentially more major reforms to the system that may come forward in the next 2-3 years, in response to the recommendations of the final report of the Barker Review of Housing Supply (March 2004) which recommended that development gains should contribute towards wider benefits to the community including, inter alia, affordable housing.

2.4 For a number of years, the current system of planning obligations has been criticised for being complex, difficult to agree and responsible for delaying the planning process. In response to some of these criticisms, the Government published a consultation document in 2001 seeking views on legislative proposals aimed at achieving greater simplicity and clarity in the system. Following this consultation, it was decided that many of the necessary reforms could be achieved without legislative change and further work was carried out on streamlining the negotiated route for agreeing planning obligations. The main issues are now considered.

3. Policy and Technical Considerations

3.1 The Government does not propose for the time being to proceed with making regulations to set planning obligations on a new statutory basis, using the powers established by the Planning and Compulsory Purchase Act 2004 (Sections 46 and 47). These powers may be used in response to the Chancellor's decision at the end of 2005 on the Government's response to the Barker Review of Housing Supply.

3.2 Current policy on planning obligations, as set out in Circular 1/97, requires fair, open and reasonable negotiation of planning obligations, so that the obligations allow development to go ahead which might otherwise have been refused. The Circular advises Local Authorities of the 'tests' that they should apply in seeking planning obligations in order to ensure they are in line with the Secretary of State's policy.

3.3 However, case law (such as Tesco 1995) confirmed a broader interpretation of the type of developer contribution that can be agreed under Section 106. It has required only a connection between an obligation and development which is 'greater than de minimis'. So in practice, Local Authorities are accepting contributions from developers that go beyond the definition in Circular 1/97 - contributions that are related to the development but that do not meet the 'necessary' requirement of the Secretary of State's policy tests.

3.4 The consultation invites comments on two areas :-

a) Revisions to Circular 1/97

The main changes to Circular 1/97 proposed in the draft Circular, and on which consultees' views are sought, are as follows:

1. Retention/simplification of policy tests.
2. New typology for the use of planning obligations.
3. Clarification of policy on contributions for affordable housing.
4. Clarification of guidance on use of maintenance payments.
5. Clarification of guidance on pooled contributions.
6. Stronger emphasis on national, regional and local plan policies.
7. Encouragement of joining up across all public sector infrastructure providers.
8. Encouragement of use of formulae and standard charges.
9. New guidance on use of standard agreements/undertakings.

10. New guidance on use of independent third parties.
11. New guidance on cost recovery.
12. Encouragement of the use of unilateral undertakings.
13. New guidance on monitoring of implementation of planning obligations.

b) Changes to appeal time limits (in paragraph A38 of Annex A to the draft Circular in Chapter 5)

Consultees' views are also sought on the proposal to reduce from 6 to 3 months the time limit for appeals relating to refusals by Local Planning Authorities of applications for the modification and discharge of planning obligations. This would bring the time limit for appeals in line with that for appeals made under Section 78 of the Town and Country Planning Act 1990.

3.5 The issues of material interest to this Council are now considered.

Retention/Simplification of Policy Tests

3.6 The reforms focus on planning obligations being necessary to make a development acceptable in planning terms. The essence of the reform is to confirm that Section 106 should continue to be an 'important mitigation' or 'positive planning' measure linked to planning necessity and not a tax on enhanced land value. Agreements to secure funding for infrastructure that is not necessary in planning terms for the development to proceed could be incorporated in separate agreements.

Comment

3.7 *The current planning obligation mechanism has created a certain amount of ambiguity in relation to what is 'necessary' for a development to proceed. The revisions place greater emphasis upon a link between the contribution sought and the presence of a relevant spatial planning policy. The emphasis of the new planning system is to set decisions on development proposals in the context of the wider social, economic and environmental requirements of the community. Accordingly whilst the essence of planning obligations is more narrowly defined, the context for decision making is much wider. This may compound the areas of ambiguity until such a time as some wider guidelines have been established.*

Clarification of Policy on Contributions for Affordable Housing

3.8 The current guidance on the provision of affordable housing within the scope of present guidance is unclear. Affordable housing can be a mitigating factor rather than a positive, planning objective. The reform will specifically identify affordable housing as a positive planning measure.

Comment

3.9 *The proposed clarification on the relationship between planning obligations and affordable housing will reflect current practice. This will provide the first stage in reviewing affordable housing secured through the planning framework. The provision of affordable housing forms an integral part of the Government's Sustainable Communities Objectives. Whilst the clarification on Section 106 and affordable housing is welcomed, the uncertainties created by delaying a policy position on securing such housing through development value uplift does not help Local Planning Authorities (LPA) attempting to develop policies on their LDFs.*

Stronger Emphasis on National, Regional and Local Plan Policies

3.10 The revised Circular recommends that LPA should set out in detail what they will expect their planning obligations to deliver in Supplementary Planning Documents as part of the new

planning framework. This will provide greater clarity and certainty for both the development industry and the community.

Comment

- 3.11** *The Consultation says that: "In the face of the LPA current timetables for the preparation of Local Development Frameworks and decisions on the Planning Gain Supplement.....LPA will need to adopt a pragmatic approach to the early preparation of SPD to provide the detail needed to support their decision-making functions". The Committee will wish to re-emphasise the comments in paragraph 3.9.*

Encouragement of Joining Up across all Public Sector Infrastructure Providers

- 3.12 The revised Circular emphasises that new SPDs should enable sound and physical infrastructure to be 'assessed' as part of any contributions.

Comment

- 3.13** *This clarity is to be welcomed and fits within the wider scope of the LDF.*

Encouragement of Use of Formulae and Standard Charges

- 3.14 The use of standard formulae and charges, where they are designed in accordance with the other provisions of the revised Circular, can lead to the quicker resolution of negotiations and greater certainty for developers. The revised Circular therefore explicitly encourages the use of standard charges within certain parameters, in contrast to Circular 1/97 which provoked confusion over the legitimacy or otherwise of the use of standard charges.

New Guidance on use of Independent Third Parties

- 3.15 A number of stakeholders have raised the usefulness of involving expert third parties (for example mediators) in planning obligations in order to speed up their resolution. This is addressed for the first time in the revised Circular.

New Guidance on Cost Delivery

- 3.16 The revised Circular sets out when it is reasonable for Local Planning Authorities to recoup some of the costs incurred during the process of agreeing planning obligations, with the emphasis being on the need for any such payments to be related to increases in the speed and efficiency with which the agreements are resolved.

Encouragement of the Use of Unilateral Undertakings

- 3.17 Unilateral undertakings are most commonly submitted by developers where an application is subject to an appeal. The Circular acknowledges this situation, but also encourages the use of unilateral undertakings where it is possible for the developer to ascertain the likely requirements of the Local Planning Authority in advance. This is likely to be increasingly the case where Local Planning Authorities set out detailed policies (particularly those based on formulae and standard charges) as part of their Local Development Framework. In these cases, developers are encouraged to submit unilateral undertakings alongside their planning applications, in the interests of speed.

New Guidance on Monitoring of Implementation of Planning Obligations

- 3.18 The draft revised Circular stresses the importance of monitoring the implementation of planning obligations in a systematic and transparent way, noting the importance of information being available to other Local Authority Departments, developers and members of the public.

Comment

- 3.19** *These new areas of clarity are welcomed, but it is important that the administrative cost of monitoring Section 106 Agreements needs to be recognised. The concept of a standard charge for Section 106 contributions is helpful. However, it must be*

recognised that a development will only be able to accommodate a certain level of cost. Accordingly the various Authorities (the LPA, the transport and even health interest) will need to recognise to recognise the 'imitations' of this concept.

Changes to Appeal Time Limits (Paragraph A38 of Annex A to the Draft Circular

- 3.20 Consultees' views are also invited on the question of whether to reduce the current time limit for appeals relating to refusals by Local Planning Authorities of applications for the modification and discharge of planning obligations.

Comment

3.21 *The proposed changes will be logical and consistent with related timescales.*

4. Council Policy

- 4.1 One of the main aims of the Leader's Position Statement 2004-05 is to :-

"Ensure we play an effective role in enhancing the quality of life for all our residents and visitors and provide an attractive environment for those who conduct their business in the Borough".

- 4.2 The recognition in the draft Circular of the wider context associated with spatial planning will help the Council deliver this aim.

5. Legal Implications

- 5.1 The revised Circular sets the statutory requirement for planning obligations and as such will become both an important part of the LDF and wider negotiations on individual sites. This will have implications for the Council's legal service.

6. Other Issues

- 6.1 The revised Circular forms part of the review of the planning framework. It is set within the wider spatial context that considers economic, social and environmental issues. These are the sustainability indicators and this relationship will become an important element in assessing the impact of the development and achieving positive planning gain.

7. Conclusions

- 7.1 The Government has invited comments on revisions to the concept of planning obligations currently considered as part of Section 106 of the Town and Country Planning Act (1990) and DoE Circular 1/97. The advice has been supplemented by Case Law. However, the test applied to securing contributions towards sound and physical infrastructure deemed to be associated with new development has become confused and the revised Circular needs to provide clarity.

OFFICERS' RECOMMENDATION that -

the comments set out in Section 3 of this report be forwarded to the ODPM as the formal comments of this Council on the draft Revised Circular on Planning Obligations.

(TO RESOLVE)

Background Papers

None.

7. SURREY WASTE LOCAL DEVELOPMENT FRAMEWORK – ISSUES AND OPTIONS CONSULTATION (DTS)

1. Purpose of Report

1.1 **The purpose of this report is to inform Members of the work being undertaken by Surrey County Council in relation to waste policy and seek views to respond to this consultation.**

2. Background Information

2.1 Surrey County Council is reviewing the Surrey Waste Local Plan, which is now called a Waste Local Development Framework (LDF) under the recent Planning and Compulsory Purchase Act 2004. A number of issues papers and technical papers have been published for consultation which runs until the end of January 2005.

2.2 It is anticipated that this consultation will help inform the draft plan stage which will commence in Autumn 2005, then following consultation on this, the revised plan will be submitted to the Secretary of State. A public examination is expected in 2006 followed by adoption in 2007.

2.3 The Consultation comprises a number of documents as follows:-

Issue Paper 1: Waste Minimisation, re-use and recycling and market development;

Issue Paper 2: The Proximity Principle and Development Control

Issue Paper 3: Landfill

Issue Paper 4: The identification of sites appropriate for the development of waste related activities.

Summary Paper: The Best Practicable Environmental Option (BPEO)

Summary Paper: Sustainability Appraisal

Summary Paper: Strategic Environmental Assessment (SEA)

Background Paper: Waste Management Technologies

The technical supporting material comprising:

Site Assessment Report 1

Site Assessment Report 2A (33 sites)

Site Assessment Report 2B (further 8 sites)

Site Assessment Report 2C (further 5 sites, available early in the New Year)

Best Practicable Environmental Option (BPEO)

Strategic Environmental Assessment (SEA)

Interim Sustainability Appraisal (SA)

3. Report

i) Issues Paper 1: Waste Minimisation, re-use and recycling and market development

3.1 This indicates that in 2002, 3.2 million tonnes of waste were produced in Surrey. Of this, 18% was municipal solid waste (MSW), 23% was commercial and industrial (C&I) and 59% construction and demolition waste (C&D).

3.2 The paper draws attention to the National Waste Strategy for England, 'Waste Strategy 2000' which sets out the relevant targets for the UK in relation to the European Landfill Directive, which are as follows:

- to reduce the quantity of biodegradable waste disposed of to landfill to 75% of 1995 levels by 2010;
- to reduce the quantity of biodegradable waste disposed of to landfill to 50% of 1995 levels by 2013; and
- to reduce the quantity of biodegradable waste disposed of to landfill to 35% of 1995 levels by 2020.

- 3.3 To achieve this will require significant change to waste management. The Government has introduced the Landfill Allowance Trading Scheme (LATS) which only allows disposal authorities to landfill a certain amount of biodegradable municipal waste each year. Whilst these allowances can be traded with other authorities, there will be fines for those authorities that landfill waste in excess of their allowance. The scheme starts in April 2005.
- 3.4 The paper emphasises the waste hierarchy and preferences from reducing, re-using, recovery, to disposal and outlines the need to develop a culture of waste minimisation. Draft policies are set out which promote waste minimisation, re-use and recycling including working with the business community.

3.5 Comment

The targets set by the EU Landfill Directive will be very difficult to achieve but the consequences of failure to comply with the LATS will be substantial financial penalties. Whilst these will be imposed on the disposal authorities (County Council) there will be substantial pressure on waste collection authorities (Boroughs and Districts) to minimise the amount of waste collected.

- 3.6 ***The targets will only be met by the disposal authorities developing sites for other forms of disposal, treatment or recycling rather than landfill, and collection authorities reducing waste entering the waste stream through waste minimisation and recycling.***

ii) Issue Paper 2: The Proximity Principle and Development Control

- 3.7 The proximity principle is applied through 'Waste Strategy 2000' and requires waste to be managed as near to its place of origin as possible. There are a range of balances in this. A large number of smaller, local sites may be encouraged, but there may be economies of scale with a larger plant. A longer transport distance by rail or water may be preferred over a shorter distance by road.
- 3.8 The paper raises a number of issues that are used to judge planning applications set out in a range of Government guidance. It draws attention to the Regional Waste Management Strategy 2004 which does not preclude waste-related development in the Green Belt where this is consistent with the proximity principle. The paper specifically indicates that 'open windrow composting' has the characteristics of agricultural activity. It can be suitable for location in the Green Belt without adversely affecting its openness.
- 3.9 A series of draft policies are set out safeguarding sensitive designated sites and reducing pollution. Policy 5 suggests that within the Green Belt permission can be given (inter alia) for identified preferred sites, development at landfilling or landraising sites, and open windrow composting.

3.10 Comment

Whilst this Council objected to the Regional Waste Strategy's inference that waste development in the Green Belt might be acceptable (effectively 'appropriate') development as of right, it has to be accepted that the policy is now contained within the Regional Strategy, with which the County Waste LDF must conform. However, sites within the Green Belt can only be accepted where there is a clear demonstration that there are no alternative sites in the urban area, and that environmentally, they are the least worst sites within the Green Belt.

- 3.11 ***There are serious concerns about the comments on windrow composting. The experience with the former facility at Lyne is that there are a range of facilities required to support the use (buildings, plant etc.,) and that the facility caused major issues of***

smells which the site owner failed to resolve over a period of several years, despite guidance from the Environment Agency. These need to be fully evaluated in any new proposals.

- 3.12 Proposed Policy 5 effectively indicates that a range of waste related development in the Green Belt would be acceptable and therefore appropriate. This is contrary to National Policy in PPG2 : Green Belts. Such facilities are not appropriate and could only be acceptable if there were sufficient special circumstances to outweigh the harm that they cause.**

iii) Issues Paper 3: Landfill

- 3.13 The paper gives the following data relating to annual material generated and landfilled in Surrey:

Material	Tonnes Produced	% Landfilled	Tonnes Landfilled	Overall % of Landfill
Municipal Waste	580,000	81.5%	472,700	29%
Commercial & Industrial Waste	740,000	57%	421,800	26%
Construction and Demolition Waste	1,900,000	38%	722,000	45%
	3,220,000		1,616,500	

- 3.14 Previous studies have indicated that availability of landfill void will begin to fall short after 2007 and there will be shortfall between demand and availability after 2013/14. Whilst landfill will increasingly be the last preferred option in the waste hierarchy, there will still be a need to dispose of residual wastes and therefore new sites will be needed in the future.

- 3.15 The paper suggests policies requiring that permission only be granted for landfill or land raising where the waste cannot be reused, recycled or processed, that finished levels are compatible with the surrounding area and there is long-term aftercare of the restored site.

3.16 Comment

These statistics emphasise that it is the construction and demolition waste stream that is the largest removed to landfill. However the LATS targets apply to Biodegradable Municipal Waste only. The policies to grant permission for new landfill sites only where essentially required and with environmental controls are supported.

iv) Issues Paper 4: The Identification of Sites Appropriate for the Development of Waste Related Activities

- 3.17 This paper outlines the methodology used to identify sites with potential for development of waste management facilities, aimed to achieve self-sufficiency within the County. Both the Regional Waste Management Strategy and the Structure Plan recognise the need to identify sites, and indeed the lack of this in the existing Waste Plan was criticised by the Planning Inspector.

- 3.18 The site assessment work included a desktop study and site visits.

The list of criteria included:

- Site area;
- Surrounding Uses;
- Traffic and Transport;
- Planning Policy
- Planning History;
- Landscape Designations;
- Ecology and Nature Classification;
- Agricultural Land Classification;
- Groundwater Quality;
- Surface Water Quality;

- Flooding;
- Historic Environment;
- Recreation Activities;
- Air Quality/Noise/Environmental Nuisance;
- Proximity to Waste Arisings;
- Proximity to Existing Waste Management Facilities; and
- Visual/Landscape Impact.

3.19 The site visits enabled potential opportunities and constraints to be recognised, and enabled the context of each site to be better understood, including:

- setting of the site;
- site access;
- relationship with neighbouring uses; and
- existing use or condition of the site.

The assessment considered what impact the development of a waste facility would have upon each criterion at that specific site.

3.20 Some 56 urban sites/industrial estates were initially assessed, then some 33 were selected for detailed assessment to identify those that could be suitable for development. A further report looked at 7 additional sites selected for detailed assessment.

3.21 Suggested policies in this paper indicates a presumption in favour of granting planning permission for various facilities at yet to be specified sites.

3.22 **Comment**

It is inevitable that new facilities will be required, and proper that sites are identified following a detailed analysis of the merits of the sites both individually and comparatively. This will give greater certainty to the Development Control process in dealing with individual planning applications.

3.23 *However, as a number of the sites will be in Green Belt locations, policies cannot presume in their favour as this would make them appropriate development. The policies should be separated between those sites in the urban area and those in the Green Belt, and be differently worded to reflect the designations and general planning policy.*

v) Assessment of the best Practicable Environmental Option for Waste Disposal

3.24 This is a detailed assessment of the various options for each of the waste streams to be able to meet the targets for the diversion of waste from landfill. The options are as follows:

Municipal Solid Waste

Name	Description
Option 1	Mixture of a high recycling and composting rate, two Energy from Waste (EfW) facilities, and landfill
Option 2	Mixture of a high recycling and composting rate, two Mechanical Biological Treatment (MBT) facilities, and landfill
Option 3	Mixture of a high recycling and composting rate, two autoclaving facilities, and landfill
Option 4	Mixture of a high recycling and composting rate, two Anaerobic Digestion (AD) facilities, and landfill
Option 5	Mixture of a high recycling and composting rate, five AD facilities and landfill
Option 6	Mixture of a high recycling and composting rate, ten smaller AD facilities and landfill
Option 7	Employs a hybrid approach, involving a mixture of a high recycling and composting rate, a combination of EfW and autoclaving treatment, and landfill
Option 8	Employs increased recycling and composting (to 55%), AD, and landfill

Commercial and Industrial Waste

Name	Description
Option 1	A 'do nothing scenario' with a stable recycling and composting rate of 32%, the additional recovery rate remains at 11%, and remaining waste sent to landfill
Option 2	Employs an increased composting and recycling rate (43% by 2015), and increasing recovery rate to 15%, and a subsequent reduction in waste landfilled. This option represents the C&I waste targets outlined in Waste Strategy 2000.
Option 3a	Employs a higher recycling and composting rate (to 60% by 2020), 21% recovery (EfW), and subsequently a large reduction in waste deposited to landfill. This option represents targets set out in the Regional Waste Management Strategy 2003.
Option 3b	As Option 3a except that MBT is used as the recovery technology as opposed to EfW.
Option 4	Represents a very high level of diversion from landfill, above any of the national or regional targets, with a recycling and composting rate reaching 60% by 2020, the additional recovery rate rising to 23% and remaining waste disposed of to landfill.

Construction and Demolition Work

Name	Description
Option 1	A 'do nothing scenario' with a stable recycling rate 43% and there is no reduction in waste going to landfill
Option 2	An increased recycling rate (50% by 2020) and reduced tonnage disposed of to landfill. This option meets the long-term Regional Waste Management Strategy targets.
Option 3	A higher recycling rate (to 60% by 2020) and waste going to landfill is reduced down to 11%. This option goes beyond targets set out in the Regional Waste Management Strategy.

- 3.25 A note giving a brief overview of the various treatments and technologies is attached at Appendix 'B'.

3.26 **Comment**

Whichever option or options is eventually chosen, it is important that the reasons for selection are clearly set out and to ensure that they have been subject to a thorough Sustainability Appraisal and Strategic Environmental Assessment.

4. Individual Site Assessments

- 4.1 This section of the report indicates only those sites within Runnymede which have been analysed for potential waste related development. A full list of all the sites considered is attached as Appendix 'C'.
- 4.2 The first assessment looked at urban sites and industrial estates. Two were in Runnymede, Thorpe Industrial Park and the Fordwater Trading Estate in Chertsey. In both cases, no sites were available for use and although the Thorpe Estate was thought to potentially offer suitable plots in the future, neither site was considered appropriate to investigate further.
- 4.3 The second assessment looked in detail at the three Runnymede sites, all in close proximity to each other: (Plan attached at Appendix 'D')
- Lyne Lane, Chertsey (Civic Amenity Site)
 Lyne Lane, Chertsey (former compost site)
 Lyne Lane, Chertsey (sewage treatment works)
- 4.4 The first site is clearly in use as a waste facility, but the site is small and the assessment concludes that it offers no potential for any further development.

- 4.5 The second site lies on the western side of Lyne Lane and was, until recently, occupied as a green waste composting site operating under a temporary planning permission which expires in 2005. The assessment concludes that it has an established waste management use and should be available for redevelopment, and therefore should be safeguarded for future waste development.
- 4.6 The sewage treatment works is owned by Thames Water who have no plans to discontinue operations at the site. The assessment concludes that the site does not offer potential for development within the plan period, although notes that being allocated as a Major Development Site in the Green Belt, if it became available in the future, it offers good potential for waste management development.
- 4.7 **Comment**
- It is agreed that the Civic Amenity site offers no potential for further expansion (the land to the east is farm land critical to the viability of the adjoining farm) but is a very useful local facility and needs to be safeguarded to retain its use.***
- 4.8 ***The green composting site use has now ceased and is in the process of being restored, and the temporary planning permission shortly will expire. To describe it as having an established waste use is therefore overstated. Nevertheless, its past history as a waste facility has to be acknowledged and its location, central within the Borough, would accord with the proximity principle in relation to the three main Runnymede settlements. Clearly, as a Green Belt site it would have to be demonstrated that other urban or less harmful Green Belt sites were not available, and there would be a need to fully assess the environmental impact of any new facility (to ensure that past problems and nuisances from use of the site are not repeated). However, subject to this, the use of the site might be accepted as the Best Practicable Environmental option in the Borough, should it satisfy the SA/SEA requirements.***
- 4.9 ***Whilst it is accepted that the sewage treatment works is a previously developed site, its designation as a Major Developed Site in the Green Belt by the Local Plan Inspector did come with the caveat that this designation might be reviewed if it ever became vacant. However, as the site has been discounted from consideration for the purposes of the present plan period, this is an issue for the future.***
- 4.10 The third assessment identified land adjacent to Trumps Farm, Kitsmead Lane, Longcross for consideration. This is land immediately south of the M3 Motorway and immediately north of the Trumps Farm Landfill site. (Plan attached at Appendix 'E'). The site is described as being despoiled and at a lower land level than adjoining land. As it is near to the former DERA MoD facility, which is designated as a Major Developed Site in the Green Belt, the assessment suggests that 'the principle of development is accepted within this locality'.
- 4.11 **Comment**
- Whilst the land has been used by the Highways Agency in the past and has areas of hardcore, it is not considered that it would take a great deal to restore it to attractive open land. It is at a lower level from adjoining land as the County Council permitted land raising as part of the restoration of the adjoining former tip. The DERA Major Developed Site does not include this land and the site therefore cannot benefit from any concessions to Green Belt policy that such an allocation affords.***
- 4.12 ***The fact that this area has already suffered severe environmental damage by the M3 to the north and the landraising to the south, together with the potential development in the future of the former DERA site and potential mineral workings at Trumps Farm, points to the need to safeguard remaining land for proper open Green Belt purposes rather than suggesting further development, and objection should be raised to its potential for waste development.***
5. **Strategic Environmental Assessment and Interim Sustainability Appraisal**
- 5.1 The purpose of a sustainability appraisal (SA) is "...to promote sustainable development through better integration of sustainability considerations into the preparation and adoption of

plans..."^[1] and is a requirement of the Planning and Compulsory Purchase Act 2004. Government guidance is that a SA should "incorporate the requirements of the Strategic Environmental Assessment (SEA) Directive"^[2]. The SEA Directive^[3] is transposed into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004^[4].

5.2 Two reports have been supplied pursuant to the above regulations and guidance; Strategic Environmental Assessment of Surrey Waste Local Plan – Draft Final Environmental Report September 2004 (SEA-ER), and Interim Report of a Sustainability Appraisal of the Surrey Waste Development Framework (SA-IR), October 2004.

5.3 **Comment**

The SEA-ER, substantially meets the requirements of the SEA regulations, in both content and process. However, a number of points need to be born in mind:

- ***the SEA was carried out pre the release of the Consultation on PPS 10: Planning for Sustainable Waste Management, which effectively is recommending removal of the Best Practicable Environmental Option (BPEO) assessment from waste planning, and***
- ***there were a number of limitations on the assessment based on the lack of high resolution data.***

5.4 ***The SA-IR appears to be a first draft, therefore detailed comment on its content at this stage would probably add little to the evaluation of the appraisal. However, comment on the methodology used may be beneficial, and the following points may warrant consideration:***

- ***reliance on the BPEO work may need to be redressed within future iterations of the SA.***
- ***there does not appear to be any reference made to any assessment of compliance of the earlier SA of the Surrey Structure Plan (November 2002) which is used to discount consideration of 'Key Sustainability Issues',***
- ***the final SA report will need to ensure that it can demonstrate that its assessment is based on the latest and most up-to-date information, so that it can emphasize its ability to provide an objective sustainability appraisal of the Surrey Waste Development Framework, and not simply a platform for the reiteration of other assessments and reports.***

5.5 ***Guidance also suggests that the; "SA is an iterative process that identifies and reports on the likely significant effects of the plan and the extent to which implementation of the plan will achieve the social, environmental and economic objectives by which sustainable development can be defined." ^[5] Whilst the SEA provides an important but individual component to the total SA process, it specifically focuses its assessment on what can be classified as 'environmental issues'. The SEA does not attempt to address in detail the three other components of sustainability, economic, social or resource use. Therefore, there is an expectation not only to see these components as compressively assessed within the SA-IR as the environmental component has been addressed within the SEA, but also for the appraisal to address the combined impact the plan has made towards the promotion of sustainable development through better integration of sustainability considerations into the preparation and adoption of the plan.***

¹ Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks – Consultation Paper 7 September 2004.

² http://www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_030923.pdf (pg.16)

³ http://europa.eu.int/eur-lex/pri/en/oj/dat/2001/l_197/l_19720010721en00300037.pdf

⁴ http://www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_029731.pdf

⁵ Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks – Consultation Paper 7 September 2004.

6. Conclusion

- 6.1 To comply with European Directives and UK legislation there is an urgent need to find alternative methods of waste treatment than landfill. The proximity principle means that it is most sustainable to treat or dispose of waste as close as possible to where it is generated. This would suggest a larger number of smaller facilities spread across the country.
- 6.2 There is concern that the consultation effectively promotes development within the Green Belt as being appropriate. Clearly, this approach is wrong in law, as such development is inappropriate, but may be acceptable where there are special circumstances to outweigh the harm caused. In this context, it may be that where it can be demonstrated that there are no alternatively available sites in the urban area, and what is being promoted is, environmentally, the least worst Green Belt site, then this may constitute special circumstances.

OFFICERS' RECOMMENDATION that -

the comments in this report be forwarded to Surrey County Council as this Authority's initial comments on the consultation paper.

(TO RESOLVE)

Background Papers

As listed in Paragraph 2.3

8. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES

A list of planning applications recently determined by the Director of Technical Services under his delegated powers is attached at Appendix 'F'. If Members have any particular matters they wish to raise, prior notice to the Chairman would be of assistance.

(FOR INFORMATION)

Background Papers

None

9. APPEAL DECISIONS

The Planning Inspectorate has recently determined the appeals mentioned below. Appeal decision (i) is attached at Appendix 'G'. Appeal decision (ii) is available in the Members' Room.

<u>Site/Development</u>	<u>Decision</u>
i) 9 Howards Lane, Addlestone - planning appeal regarding single storey infill extension (RU 04/0256)	ALLOWED
ii) Land adj 91 Chertsey Lane, Staines – open storage of five touring caravans for temporary period of six months (RU 04/0314)	DISMISSED

(FOR INFORMATION)

Background Papers

Appeal Decision

10. EXCLUSION OF PRESS AND PUBLIC

If Members are minded to consider any of the foregoing reports in private, it is the

OFFICERS' RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the following reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Part I of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential information in respect of which reports have not been made available for public inspection

a) Exempt Information

(No reports to be considered under this heading).

b) Confidential Information

(No reports to be considered under this heading).