

**SOUTH EAST ENGLAND REGIONAL ASSEMBLY
REGIONAL PLANNING COMMITTEE**

RPC SUB-GROUP – STATUTORY CONSULTATIONS

Date: 27 February 2008

Subject: Planning application consultation ref A/07/132

Site Address:	Land adjoining Clockhouse Brickworks, Horsham Road, Capel, Surrey.
Proposal:	Construction of Energy from Waste facility, offices, visitor centre, access road, landscaping, habitat creation and site engineering works.
Local Planning Authority:	Surrey County Council
Applicant:	Surrey Waste Management Ltd
Date consultation issued:	13 December 2007

Report of: **Regional Planner**

Recommendation:

The South East England Regional Assembly makes the following observations:

The county council should grant planning permission only if it is satisfied that;

- The Energy from Waste (EfW) facility operates to the highest pollution control standards and includes measures to ensure that as much of the waste being used is residual material to align with the objectives of Policy W12 of the draft South East Plan. Additionally, the possibility of generating heat from the facility should be considered.

If the county council is minded to grant planning permission, it should also address the following through appropriately worded conditions and/or legal agreements to secure:

- Appropriate mitigation measures concerning air quality and noise to the satisfaction of the Environment Agency, to accord with the objectives of Policy E7 of RPG9 and Policies NRM7 and NRM 8 of the draft South East Plan;
- Appropriate measures concerning traffic generation to accord with the objectives of Policy W16 of RPG9;
- Ensure an appropriate package of protection and mitigation measures to protect and enhance the biodiversity of the site (especially relating to Great Crested Newts) and surrounding area in accordance with Policy E2 of RPG9 and Policy NRM4 of the draft South East Plan.

1. Purpose of Report

- 1.1 To assess the proposed development against the Regional Spatial Strategy (RPG9 plus Alterations) and the draft South East Plan, and set out the recommended consultation response for consideration and agreement.

2. Site Description

- 2.1 The Clockhouse Brickworks site is located off the A24 Horsham Road, approximately 1.5km south of the main part of Capel Village and approximately 8km south of Dorking. It lies 1km north of the county boundary with West Sussex and some 4.8km to the north of Horsham. The Dorking to Horsham railway line runs to the south west of the Brickworks site and Gatwick Airport lies some 7km to the east. Rusper road runs to the east of the brickworks site.
- 2.2 The application site comprises an area of approximately 13.7 hectares and lies in the southern part of the Clockhouse Brickworks and associated clay extraction area. The general surroundings are largely undulating wooded countryside mainly in agricultural use and designated as Countryside Beyond the Green Belt in the Mole Valley District Local Plan (2000). The Surrey Downs Area of Outstanding Natural Beauty (AONB) lies to the north, and land designated as an Area of Great Landscape Value (AGLV) to the west.
- 2.3 The application site is designated as a Geological Site of Special Scientific Interest (SSSI) due to the presence of fossilised insect remains in the clay. Additionally, Great Crested Newts are present on the site and adjacent land.
- 2.4 A site location plan is attached at Appendix I to this report.

3. Details of the Proposal and Background

- 3.1 Clockhouse Brickworks has a long and complex planning history dating back to before 1940. In 1947 an Interim Development Order (IDO) was granted for clay extraction from 44 hectares of land for the manufacture of building blocks. Further planning permissions have since been granted for clay extraction, construction of buildings associated with brick making, landfilling and restoration including a number of Section 52 agreements and Section 106 obligations.
- 3.2 In May 2000, a planning application for the development of an Energy from Waste (EfW) facility in the south eastern part of the brickworks site was submitted by Surrey Waste Management Ltd (the applicant). On 6 December 2001, the Planning and Regulatory Committee of Surrey County Council resolved (subject to no direction from the Secretary of State to call the application in) to grant planning permission.

- 3.3 The Secretary of State decided not to call in the application following which the Capel Action Group sought a judicial review. The judicial review was successful and the initial resolution was quashed in the High Court and the county council asked to re-determine the application. In July 2003, the applicant withdrew the application with the intention of re-submission at a later date.
- 3.4 The current proposal seeks to construct and operate an EfW facility, including ancillary office accommodation and welfare facilities, visitor centre, gatehouse and weighbridge, staff and visitor parking, site engineering works to create new landforms, upgrading and extension of existing access road, drainage infrastructure, security fencing, landscaping and provision of new ecological habitat for Great Crested Newts.
- 3.5 The EfW facility will have the capacity to process 110,000 tonnes per annum (tpa) of municipal solid waste (MSW) from within Surrey over an operational life of over 25 years. The facility will produce 33,000 tpa of residues to be recycled or landfilled and generate 8 mega watts (mw) of electricity for export to the national grid.
- 3.6 Waste will be delivered by road via the existing A24 access, with the facility generating between 66 and 70 Heavy Goods Vehicles (HGV) movements per day (Mondays – Fridays) and 36 to 38 HGV movements on Saturdays. The applicant states that it will take about 2 years to build the facility and anticipates the EfW facility to be operational by 2011.
- 3.7 The application is submitted concurrent with two other submissions;
- i. Proposed construction of a new lagoon for water storage/silt settlement to replace the existing lagoon (displaced by the EfW facility), stockpiling of clay excavated during the construction of the new lagoon and the construction of top soil and sub-soil storage mounds.
 - ii. Proposed variation to the working programme (arising from the relocated lagoon and new clay stockpile) submitted under condition 5 of Interim Development Order (IDO) permission ref MO02/1072 dated 27 November 2003 for mineral extraction (weald clay).
- 3.8 The scale and nature of the 2 associated applications (above) are not, in themselves, considered regionally significant. However, they are integral to this regionally significant application as they are linked with proposals to construct and operate the EfW facility. This report focuses on the main application but makes appropriate references to the other 2 applications where necessary.

4. Relevant Policy Considerations

RPG9

- 4.1 The relevant issues and policies within the adopted Regional Spatial Strategy (RPG9) and Adopted Alterations on Waste and Minerals are considered to be:
- i. Policies W5 and W12 - diversion from landfill and other recovery and diversion technologies
 - ii. Policy W16 – waste transport infrastructure
 - iii. Policy W17 – location of waste management facilities
 - iv. Policy E2 – biodiversity
 - v. Policy E7 – air quality

The South East Plan

- 4.2 Having been submitted to the Government on 31 March 2006, the draft South East Plan is a material consideration in the determination of major planning applications. The relevant issues and policies are considered to be:
- i. Policy NRM4 – biodiversity
 - ii. Policy NRM7 – air quality
 - iii. Policy NRM8 – noise
- 4.3 The above RPG9 policies on waste in 4.1 have been carried forward into the draft South East Plan, which is also material to the consideration of this application. Reference in this report to policies in RPG9 (adopted alterations), also apply to the draft South East Plan unless explicitly stated.
- 4.4 Other material considerations are identified as the:
- i. Surrey Structure Plan (2004)
 - ii. Unadopted Surrey Waste Plan 2008 (to be adopted)

5. Policy Assessment

Policies W5 and W12 – diversion from landfill and other recovery and diversion technologies

- 5.1 Policy W5 confirms that a substantial increase in recovery of waste and a commensurate reduction in landfill is required in the region and sets challenging targets to be achieved. It also confirms that when considering waste management options, priority should be given to processes higher up the waste hierarchy. Policy W5 further recognises that, in practice, the optimal management solution will vary depending on the material resource stream and local circumstances and may involve the application of various management processes including thermal treatment (to recover energy).

- 5.2 Policy W12 encourages the promotion and development of advanced recovery technologies to enable delivery of regional targets for recovery and diversion from landfill. It further states that proposed thermal facilities should, wherever possible, aim to incorporate combined generation and distribution of heat and power.
- 5.3 In principle, the construction of an EfW facility (or the inclusion of thermal treatment as a waste management option) does not conflict with the regional waste strategy as regional policy promotes energy recovery as part of an integrated approach to waste management. However, it is important that energy recovery, recycling and composting are not seen as mutually exclusive. Energy recovery should be part of an integrated approach that allows for the highest levels of recycling and recovery of materials where this has not been previously carried out.
- 5.4 The proposed EfW facility will generate 8mw of electricity from an annual throughput of 110,000 tonnes of municipal solid waste (MSW). The applicant does not clearly demonstrate measures to ensure removal of appropriate recyclable materials in the MSW waste stream before applying thermal treatment. Additionally, the proposal does not seem to fully consider the generation and distribution of heat.
- 5.5 To ensure compliance with Policies W5 and W12, the county council should ensure that the EfW facility operates to the highest pollution standards and includes measures to ensure that appropriate materials are recycled, composted and recovered before thermal treatment is applied. Additionally, the possibility of generating heat from the facility should be considered.

Policy W17 – waste management capacity requirements and location of facilities

- 5.6 Policy W17 confirms that Waste Development Documents should identify locations for waste management facilities, by giving priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections including active mineral working sites. Policy W17 (iv) further states that suitable sites should also be capable of meeting a range of locally based environmental and amenity criteria.
- 5.7 The regional waste strategy also encourages the co-location of waste management facilities on a single site as it can provide significant environmental benefits and allow for flexible integrated facilities to be developed.
- 5.8 The proposed development site and its surroundings have a history of minerals workings and waste disposal and is currently an active mineral working site. The proposal site is also allocated in Policy WD5 (for thermal treatment facilities) in the Surrey Waste Plan which has recently undergone a public examination.

- 5.9 Given the proposed site's history and its' compatibility with the objectives of Policy W17, and provided it is capable of meeting a range of locally based environmental and amenity criteria, it is considered that the proposed development is broadly consistent with RPG9 (adopted alterations) and the draft South East Plan.

Other Matters

In addition to the above, there are a number of priorities arising out of RPG9 and the draft South East Plan which can be dealt with by way of condition or legal agreement. These relate to the following policy areas:

- Air quality and noise
- Transport
- Biodiversity.

6. Conclusions

- 6.1 Provided that the county council is satisfied that the issues outlined in paragraph 5.3-5.5 can be addressed, it is considered that the proposal would accord with the general principles established in RPG9 (adopted alterations) and the draft South East Plan.

7. Recommendations

- 7.1 Members are requested to agree the following recommendation to the local authority:

- 7.2 The South East England Regional Assembly makes the following observation:

The county council should grant planning permission only if it is satisfied that;

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David Nkrumah-Boateng
Regional Planner
27 February 2008

Contact: Sue Janota, Regional Planner
T: +44 (0) 1483 555238 E: suejanota@southeast-ra.gov.uk