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Dear Mr Sanderson,

Surrey Waste Local Plan (SWLP) – Regulation 19 Submission Plan consultation March 2018

The Council would like to thank Surrey County Council (SCC) for the opportunity to provide comments to the Regulation 19 consultation stage on the emerging Waste Local Plan (WLP).

Having reviewed the documents produced by SCC, the Council notes that SCC is still looking to retain the allocation of the former Weylands Treatment Works (Weylands) site in the new WLP. The Council has previously objected to the inclusion of the site and has submitted the Council's objection at both the November 2016 consultation and the February 2018 Regulation 18 Draft Plan Consultation.

EBC continues to object to this proposal based on a number of concerns which have still not been addressed and are set out below.

Green Belt

In the WLP and background documents, it is noted by the Council that Weylands is still being referred to as an area of land that is 'performing a Green Belt function' or simply 'designated Green Belt.' The Council would still like it to be clarified by the WLP that, under the Council's independently produced Green Belt Boundary Review (2016), the area in which the former Weylands site falls has been assessed to be performing strongly against two and moderately against one of the three purposes of Green Belt, as this is still not recognised in the WLP.

Therefore, the Council objects to the proposal as the site is located in an area of strongly and moderately performing Green Belt assessments.

Potential Future use / developments of the Weylands site

As raised in the previous objections, the Council still has concerns over the Site Evaluation Report 2019 (specifically para 4.2.4.2) where there is reference made to a previous application (EL/2013/1251) for an anaerobic digestion (AD) facility on the Weylands site. The summary of the reasons for refusal of this application does not mention the fact that odour control was a major issue the application failed to address, and the subsequent SCC officer report was flawed on this issue. The applicant also withdrew their application before the Planning and Regulatory Committee meeting, therefore EBC had no opportunity to challenge the failure to address odour.

Following the above point, the Council therefore still objects to the proposed change of the existing site from the current mix of uses to hosting an alternative form of waste processing, particularly if an AD or incinerator were to be developed.

This is on the grounds that controlling odours from the site would be highly problematic, particularly in light of the site's proximity to a large number of residential dwellings and businesses. In the opinion of the Council, if an AD or incinerator facility were to be developed in this location, it would be putting a large number of residents and employees in the immediate adjacent area at risk of extremely adverse consequences (e.g. odours) and would detrimentally affect the amenity of the area.

Following the Regulation 18 consultation response in February 2018 discussions were held with officers from SCC. Officers from the Council expressed concerns over the site assessment for Weylands given the SCC view that the site was suitable for all 5 waste types including Anaerobic Digestion (AD).

The assessment criteria used by SCC took no account of odour or noise, both of which can have significant impacts on the amenity of an area with significant detrimental effects on local residents and businesses. The Council again drew SCC's attention to the fact that they cannot rely on the Environment Agency (EA) - Environmental Permitting systems to provide adequate controls and mitigation to protect an area's amenity. Statutory nuisance action has had to be used on sites that have an EA permit in place, the nuisance provisions being used to control impacts significantly above any impact on amenity.

Highways Issues

In addition to the above concerns about the type of facility that may be developed at the Weylands site, the Council still has serious concerns about its impact on the immediate access to the site and the wider highways network. As previously raised by the Council, it is not convinced that the potential high number of HGV movements that may be required by an AD or incinerator facility can be mitigated by 'limiting HGV movements' and 'routing deliveries away from sensitive areas' due to the immediate location of employment and residential properties. Further to this, there are no details of where the 'routing' of deliveries will take place. Without this information the Council is unable to assess and comment on the impacts of the proposal.

There are further objections about the ability to mitigate other impacts of a potential AD or incinerator facility such as noise from deliveries as well as air emissions resulting from the enclosed nature of the operations.

Considering the impacts on the highway network, the lack of information on the potential HGV movements and the potential impacts on Rydens and Molesey Roads, the Council strongly objects to the allocation on highways grounds.

Industrial Land Areas of Search

The Council notes the Regulation 19 consultation has identified the following two sites within the borough as Industrial Land Areas of Search (ILAS):

- Molesey Industrial Estate West Molesey
- Brooklands Industrial Park, Wintersells Road Industrial Park and Byfleet Industrial Estate

The key environmental sensitivities identified in the 'Surrey Waste Local Plan, Part 2- Sites and areas of search' fail to include noise and odour. Both of these significant concerns are highly relevant for any waste site development and operation.

Both sites have residents living close by in addition to other businesses and any waste development could have a significant detrimental effect on the amenity of the area. The comments above regarding the limitation of the EA permitting regime apply.

A current application with SCC (Ref: 2018/0144) regarding unit 11 and 12 at Wintersells Road Industrial Park and Byfleet Industrial Estate has been considered. This is for change of use to a waste transfer station and recycling facility (sui generis) for the receipt and treatment of mixed, dry, non-hazardous household, industrial and commercial and construction, demolition and excavation waste, including the demolition of the existing building at Unit 11 and 12 and the erection of a steel portal framed building, picking station, storage bays and boundary fencing.

The Council's, Environmental Services Team have recommended refusal for this application "due to the lack of appropriate objective assessments of noise, air quality and lighting to enable an assessment of effects on amenity to be assessed in addition to assessment of potential for nuisance"

This application, along with the last Weyland's AD application, illustrate continued concerns over the assessment of waste applications by SCC. The Council have concerns over applications being accepted / proceeding without a proper and appropriate objective assessment of impact on amenity. SCC's over reliance on the EA permitting regime to protect amenity is flawed.

You will recall that we took expert advice on odour from Dr Peter Walsh (full report submitted again with this letter for reference) following our concerns over the level of assessment carried out by SCC's advisors.

Conclusion

The above concerns expressed by the Council at the previous consultations remain and have not been addressed. On this basis the Council cannot support the retention of the Weylands site as an allocation in the WLP and therefore still advocate its removal.

Your sincerely,

Cllr James Browne – Leader of the Council

Cllr Glenn Dearlove – Portfolio Holder for Environment and Transport