

## Report of the Head of Planning, Transportation and Regeneration

**Address** SLOUGH BOROUGH COUNCIL OUTBOROUGH MIDDLESEX

**Development:** Out of Borough consultation for the replacement Energy from Waste (EfW) facility including a High Temperature Incinerator (HTI), provision of a new access road and new junction with the A4, visitor centre, car parking, temporary construction compound, associated works, ancillary buildings and structures at Land West of The Iver South Sludge Dewatering Centre, South of M4, Slough

**LBH Ref Nos:** 39710/APP/2019/2503

**Drawing Nos:** SBC Planning Portal

**Date Plans Received:** 25/07/2019      **Date(s) of Amendment(s):**

**Date Application Valid:** 25/07/2019

### 1. SUMMARY

This application is being reported to the Major Applications Planning Committee so officers may issue objections on behalf of the London Borough of Hillingdon (LBH) to Slough Borough Council (SBC) for the the construction and operation of a replacement Energy from Waste (EfW) facility and High Temperature Incinerator (HTI) on land located to the west of the Iver South Sludge De-watering Centre and south of the M4 motorway, in Slough.

Whilst there are no principle objections to a replacement EfW and HTI, there are strong concerns that this proposal is based solely on the delivery of Heathrow Expansion and that its dependency on Heathrow expansion requires various safeguards to be in place should Heathrow expansion not occur (re: A legal agreement needs to be put in place that prevents there ever being two energy facilities rather than one and which prevents a permission being implemented if no DCO order is approved).

Furthermore, the existing facility is considered to be of significant regional/national importance regarding waste management. Assumptions are made that the existing facility would cease operation/be demolished very quickly following approval of a DCO, without any indication that there is certainty regarding the timing of reprovision (should a DCO be approved) or clarification regarding how existing waste contracts would be managed.

The proposal is subject to an environmental impact assessment (EIA) and the current EIA is considered to be deficient as it does not properly address the above matters.

It is recommended that the Council requests a decision is not made by SBC until further details are provided and LBH are consulted on the additional information provided.

### 2. RECOMMENDATION

#### **OBJECTION:**

**The London Borough of Hillingdon has very strong concerns that the replacement facility is inextricably linked to the Heathrow Expansion and this introduces a number of scenarios:**

### **Scenario 1 - The development is not linked to Heathrow Expansion/Heathrow Expansion does not Proceed**

If the proposal is not linked to Heathrow Expansion proposals, or in the event that the current High Court challenge to Heathrow Expansion is successful, the applicants VSC case falls away. Full details of how the implications of this scenario taking place have not been submitted as part of the planning application. The London Borough of Hillingdon requires clarification of what Slough BC will put in place as safeguards in the event of this scenario becoming a reality.

This could be in the form of a Legal Obligation, however, this information needs to be provided to the London Borough of Hillingdon for comment prior to the determination of this application.

This proposal represents inappropriate development in the Green Belt for which the VSC lodged by the applicant are in effect premature and this application should be refused.

### **Scenario 2 - The development is linked to Heathrow Expansion**

If this proposal is linked to Heathrow expansion then the proposals should not be granted planning consent until the DCO for Heathrow expansion is approved. This proposal is based solely on the delivery of Heathrow Expansion. The applicant's have also failed to demonstrate satisfactorily how the delivery of the facility will occur without adverse impact on waste management contracts of regional/national significance.

It is requested that a decision is not made on the application under ref: P/17826/000 until further detail is provided to SBC and LBH are consulted on the additional information provided.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is situated to the south of the M4 and to the west of the M25. The entire site lies within the Metropolitan Green Belt. The West London Waste Authority currently hold a contract for a portion of West London's Waste to be processed through the existing facility. LBH sent more than 31,000 tonnes to the facility in 2018/19.

### **3.2 Proposed Scheme**

The site is located approximately 600m to the north west of the existing Lakeside EfW and HTI facility at Colnbrook, Slough. The site comprises 13.7ha which includes:

- 3.5 ha for EfW and HTI facilities;
- 1ha for junction with the Colnbrook bypass, access road, footpath and cycleway;
- 4ha for batters, grass verges, native planting and sustainable drainage features;
- 2.4 ha temporary working area (required during the early stages of earthworks/construction only); and
- 2.8 ha temporary construction compound that will be reinstated after use.

The proposal is not located close to any LBH residential properties. If it is solely a

replacement facility then highway impacts should be no greater than the existing facility.

### **3.3 Relevant Planning History**

## **4. Planning Policies and Standards**

The National Planning Policy Framework (2019)

### **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The site is located within the Metropolitan Green Belt. Paragraph 144 of the NPPF sets out that, when determining applications, Local Planning Authorities "should ensure that substantial weight is given to any harm to the Green Belt and states that 'very special circumstances' will not exist unless the potential harm to Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

As set out in paragraph 145 of the NPPF (2019), the construction of new buildings should be regarded as inappropriate development in the Green Belt. The proposal is inappropriate development within the Green Belt and its very special circumstances (VSC) are that this facility needs to be up and running before the existing facility closes in 2023 to make way for Heathrow Expansion to maintain continuity of service.

There are very strong concerns that the replacement facility is inextricably linked to the Heathrow Expansion and this introduces a number of scenarios:

Scenario 1 - The development is not linked to Heathrow Expansion/Heathrow Expansion does not Proceed

If the proposal is not linked to Heathrow Expansion proposals, or in the event that the current High Court challenge to Heathrow Expansion is successful, the applicants VSC case falls away. Full details of how the implications of this scenario taking place have not been submitted as part of the planning application. The Council requires clarification of what Slough BC will put in place as safeguards in the event of this scenario becoming a reality. This could be in the form of a Legal Obligation, however, this information needs to be provided to LB Hillingdon Council prior to the determination of this application.

This proposal represents inappropriate development in the Green Belt for which the VSC lodged by the applicant are in effect premature and this application should be refused.

## Scenario 2 - The development is linked to Heathrow Expansion

If this proposal is linked to Heathrow expansion then should not be granted planning consent until the DCO for Heathrow expansion is approved.

The timetables for such an event are highly unlikely; Heathrow Airports LTD has stated it expects to acquire DCO consent in 2022 and be up and running by 2026. It is likely the demolition of the current Energy from Waste Plant would be early in the programme simply because it is entirely in the way of the new runway. In this scenario, there would be no time to have this new facility built in time and there would be a significant gap in managing the waste streams i.e. there is no credible case for maintaining continuity. This scenario is likely to have significant effects that have not been assessed in the Environmental Statement as hundreds of waste producers who have contracts at the facility would have no receptor site. The proposal is likely to result in a shortfall in managing waste for significant waste producers, including hazardous waste. This has implications which would go far beyond Slough Council and cause regional/national impacts on waste management.

Prior to commenting further, LBH wishes to understand how the decision making of this proposal is satisfactorily connected to expansion and there is no loss of service. This is a fundamental point because under Scenario 1, the needs assessment would fail and the application would be inappropriate development within the Green Belt and under Scenario 2, the details submitted in support of the application are inadequate and more information is required before the application is determined.

## 10. CONCLUSION

For the reasons set out in this report, Officers request the Major Applications Planning Committee agree the response to Slough Borough Council.

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