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Report to:	Housing, Economy and Business Committee	Date:	08 October 2019
Report title:	Petition - Beddington Farmlands		
Report from:	Mary Morrissey, Strategic Director - Environment, Housing & Regeneration		
Ward/Areas affected:	Beddington North		
Chair of Committee/Lead Member:	Councillor Jayne McCoy		
Author(s)/Contact Number(s):	Andy Webber, Head of Development Management and Strategic Planning		
Corporate Plan Priorities:	<ul style="list-style-type: none"> ● Being Active ● Making Informed Choices ● Living Well Independently ● Keeping People Safe 		
Open/Exempt:	Open		
Signed:			Date: 24 September 2019

1. Summary

- 1.1 This report considers a petition from the Wandle Valley Forum, submitted to Council on the 8 April 2019, urging the Council to enforce planning conditions to ensure delivery of the restoration of Beddington Farmlands. The Council welcomes this petition which demonstrates strong public support to the Council's commitment to work with Viridor to ensure that the restoration is delivered on time, and highlights the aspirations of the project being co-owned by all stakeholders.
- 1.2 Viridor have acknowledged that the pace of restoration has been slower than expected by the latest Restoration Plan approved in 2016. While there are environmental factors which affect the delivery of new habitats, officers have been working with Viridor to ensure that sufficient resources are expended to enable delivery of this important nature reserve by 2023. Viridor have been invited to this Committee to answer questions on their restoration work to date and to outline plans and timescales for completing the remaining phases (see Appendix A).
- Viridor has not met previous plans and timescales (see below for more details).**
- 1.3 Beddington Farmlands is a major restoration project, which, when completed to the requirements of planning obligations by 2023, will result in an extremely positive impact on nature conservation and public engagement with nature in Sutton and beyond, becoming a destination of great significance in south London.

To achieve “an extremely positive impact on nature conservation” action needs to be taken to address the severe ecological damage caused by the delays in the restoration as well as that needed to meeting the planning requirements (see below for more details)

- 1.4 As part of the Council's Ambitious for Sutton pledge to being active, Beddington Farmlands will form the 'Jewel in the Crown' of the Wandle Valley Regional Park, providing public access to a large scale nature reserve for south London, emulating the highly successful RSPB Rainham Marshes near Dartford and the London Wetland Centre at Barnes.

The success of these other reserves is also due to the necessary investment in visitor centre facilities and public engagement programmes. This is missing for Beddington Farmlands.

The Hackbridge and Beddington Corner Neighbourhood Plan includes policy EP1 which is to develop Hackbridge as a major gateway to the Wandle Valley Regional Park, including the development of visitor facilities for this core part of the Regional Park. Were the Beddington Farmlands reserve to be complete by 2023 there will still be no visitor centre relevant to the Wandle Valley. The visitor centre in the Viridor incinerator is not an adequate substitute as the focus on the visitor experience is waste management and access is through the Beddington Lane industrial estate. Hackbridge has been identified (in the extensive public consultation involved in developing the neighbourhood plan) as the optimum location for visitor facilities, providing a hub for the whole of the Regional Park, connected to the Wandle Trail and the River Wandle and able to promote and co-ordinate activity (such as cycling, rambling, educational activities etc). This would ensure maximum connectivity and engagement between Beddington Farmlands and the Regional Park.

The Hackbridge and Beddington Corner Neighbourhood Development Forum and the Hackbridge Ecology Park Group have worked tirelessly for this objective. A pre-feasibility report has been commissioned and completed, the Wildfowl and Wetlands Trust has delivered visioning events and a pre-feasibility study has been carried out addressing future financial sustainability.

Implementation of this neighbourhood plan policy requires clear commitment from London Borough of Sutton and more visible support from Viridor.

Beddington Farmlands will not be a “jewel in the crown” without this support and the necessary investment in visitor facilities.

- 1.5 Beddington Farmlands will have free public access to parts of the site for bird and nature watching, environmental education and volunteering opportunities. The site will form the largest nature reserve within Sutton and with Beddington Park to the south and Mitcham Common to the north, will provide a significant open and wildlife rich landscape for residents to enjoy.
- 1.6 The council has set an ambitious requirement for the restoration of Beddington Farmlands through the 2016 Restoration Management Plan (RMP) negotiated by officers as a condition of the ERF planning permission. The Council's Biodiversity and Planning Enforcement Teams contribute significantly to the work of the Conservation Science Group (CSG) and the Conservation Access and Management Committee (CAMC). The CSG provides technical advice

to the CAMC who provide scrutiny, challenge and direction to Viridor to ensure that appropriate action is taken to ensure the restoration remains on course for completion by 2023.

Historically the Conservation Science Group have been unable to influence Viridor in a way to avert the current ecological breakdown that has occurred on the site (see details below)

- 1.7 The latest restoration plan (RMP) requires that the restoration must be completed by 31 December 2023, but there is no requirement through the planning condition(s) that enables the Council to consider formal enforcement action until that time, as the phases of restoration are stated to be indicative and not time dependent on their completion, aside from the end date of 2023.

This is a fundamental flaw in the Council's argument. There was little 'indicative' about the phased restoration. The Conservation Management Plan (part of condition 42) states clearly in 2.0 Conservation Objectives, 2.1 Outline Conservation Aims:

"The outline aim of this Conservation Management Scheme (CMS) is during the operational phase, to maintain the populations of existing target bird species and other faunal groups and to create, post development, a sustainable habitat resource for those species and others of local and regional importance. The aim is to be achieved by focusing attention upon the enhancement and management of habitats within and adjacent to the site during operational phases, the phased restoration of the application site to a predominantly nature conservation after-use; and its management for long term use."

That phased restoration was clearly outlined (the phases were precise and synchronized rather than being "indicative"). Nine phases were planned which were clearly detailed in the attached plans.

The restoration is only at Stage 3, while the development is at stage 9.

Both the restoration and development should be synchronized at stage 9. We consider this to be a breach of the planning conditions.

See attachment (appendix 1). Phase 3 synchronized plan. This is where the restoration is currently at.

See attachment (appendix 2). Phase 9 synchronized plan. This is where the restoration should be at.

2. Recommendations

- 2.1 To note that the relevant condition (42), subject to which planning permission was granted in May 2014, does not require the restoration of the land until 2023. As a consequence, there can be no breach of planning control until the period for compliance has expired and therefore enforcement is not an option at this time.

The planning permission requires the phased restoration of Beddington Farmlands and the preservation of the target species. These are precise requirements within the planning conditions which we believe have been breached and enforcement action should be taken.

The need for urgent action is illustrated by the reality that the target species have not been preserved on site as a result of the delays in the restoration (Table 1, below). Most significantly the local iconic species, Tree Sparrow has crashed and is threatened with local extinction. (see attachment, appendix 3)

	1995	2000	2005	2010	2014	2015	2016	2017	2018	Notes on breeding population
Little Ringed Plover	1	1	1	0	0	0	0	0	0	Extinct as a breeding bird on site but breeds locally
Ringed Plover	0	1	0	0	0	0	0	0	0	Failed
Lapwing	11	18	22	14	10	10	11	12	13	Initial improvement on baseline numbers, now declining
Redshank	4	1	2	0	0	0	0	0	0	Extinct as a breeding bird but occurs as a migrant
Common Tern	0	0	0	0	0	0	0	0	0	Failed
Yellow Wagtail	5	0	0	0	0	0	0	0	0	Extinct as a breeding bird and declining migrant
Sedge Warbler	11	25	1	2	0	0	1	2	5	Drastic decline
Reed Warbler	31	19	13	32	13	32	36	47	47	Currently increasing
Tree Sparrow	83	52	75	80	1	1	5	2	2	Near-extinct
Reed Bunting	23	17	5	3	2	2	1	3	2	Drastic decline, now vulnerable

Table 1. Breeding pairs of the target species for selected years (extracted from BBS data)

2.2 To support the Planning Service in their work to secure delivery of the restoration by 2023.

Viridor has consistently missed deadlines over the whole period of this project and its reassurances should be considered in light of this history. The table below shows various deadlines which have not been met in the past.

Table 2. Restoration delays at Beddington Farmlands

	1995 application	2005 application	Actual date of restoration
Northern Lake	2000	#	2000 and 2009
Southern Lake	2003	#	2009
Reedbed in SE	2004	#	Not restored; now proposed to be wet grassland
Reedbed in southern lake	*	*	Attempted in 2010 and 2011. Partially implemented.
Sacrificial crops	2010		A mixed story of planting with limited success
Wet grassland	2010-2011	2010-2011	To be restored. Works have now commenced but still potentially 2-3 years away from completion.
Acid grassland	2003 onwards	2021 onwards	To be restored, Trails have started.
Neutral grassland	*	2008 onwards	Some restoration none complete

* = not proposed so no date

= no date since the 2005 application assumed that they had already been created

2.3 Background

- 2.4 A petition has been submitted to the council on behalf of Mr Tony Burton, Chair of The Wandle Valley Forum.
- 2.5 The [petition](#) has 1121 eligible signatures from within the borough and the petition prayer is set out below:

The petition has been signed by **over 6500** signatories displaying the regional and national importance of this site.

<https://www.change.org/p/councillor-ruth-dombey-deliver-the-promised-beddington-farmlands-nature-reserve-by-enforcing-planning-conditions>

“Deliver the promised Beddington Farmlands nature reserve by enforcing planning conditions: We call on Sutton Council to put an end to the delay. It is time to enforce the planning conditions and require Viridor to restore the Beddington Farmlands and deliver the nature reserve it promised.”

A further note was submitted alongside the petition, attached at [Appendix A](#), along with officer comments.

- 2.6 In accordance with the scheme for dealing with petitions set out in Part 4E of the Council’s Constitution, the petition organiser is given up to 5 minutes to present the petition before it is debated by members for a maximum of 15 minutes.
- 2.7 The petition was previously scheduled for hearing at the HEB meeting in July but was moved to this meeting in order to accommodate the availability of the petitioners from Wandle Valley Forum who were not available in July.
- 2.8 Since July there have been meetings with Viridor at which they agreed to present an update on the restoration to this meeting and answer questions from members. The Chair of HEB has also written to the Wandle Valley Forum explaining the legal position in relation to the councils use of

planning enforcement measures and to explain that Viridor would be invited to the HEB meeting in October.

3. Issues

Planning History

- 3.1 Planning permission was granted in 1995 for the extraction of sand and gravel and restoration by landfill and landscaping for public open space. These operations were permitted until 2015, and the land then required to be restored in 2017. The means by which the restoration would be implemented and monitored was stipulated in an approved Conservation Management Plan.
- 3.2 The promised restoration of Beddington Farmlands is welcome and supported by the Council and the community as it will provide significant benefits for nature conservation and public engagement with nature, as well as movement for people north to south and east to west, through land which is currently restricted for public access
- 3.3 The complexity of the restoration was acknowledged in 1995, when it was a requirement on Viridor as part of the original landfill permission. A Conservation Science Group (CSG) was established to provide technical advice to Viridor on the restoration, and has been chaired by the Council's ecologist since establishment. The CSG meets quarterly and provides technical scrutiny of the work undertaken. Viridor's activity in this area is also monitored by the Council's Senior Biodiversity Officer and the Planning Enforcement Team.
- 3.4 In 2013, planning permission was granted for the anaerobic digestion of household waste. This permission also granted revisions to the landfill plan which extended waste management activities on the site until 2023. A revised Conservation Management Plan was approved as part of the grant of permission.
- 3.5 In 2014, a further planning permission was granted for the development of an Energy Recovery Facility (ERF) which included a further updated Conservation Management Plan and a Restoration Management Plan (RMP). These details were approved by the Council in June 2016, following extensive negotiations to ensure the restoration delivered the best possible outcomes for nature conservation on the site.
- 3.6 A legal challenge to the decision to grant the 2014 permission for the ERF introduced further delay in finalising details. The legal challenge was rejected by the Court of appeal in April 2015.

This is misleading. The site of the incinerator is on an area that was supposed to be wet grassland by approx. 2011 as per the synchronised plans. (see appendix 4 and table 2). The delays to the restoration were caused by the incinerator application, part of that application involved legitimate judicial review. The judicial review did not delay the restoration, the incinerator planning application did.

Following this, a complaint was received from a member of the public alleging delays to the restoration in May 2015.

- 3.7 The complaint alleged that the “Council has failed to enforce planning conditions regarding conservation management at a large site”. This was investigated by the Local Government Ombudsman (LGO), who concluded that as conditions relating to restoration associated with the digester application had only been approved in August 2014, the Council could not reasonably have been able to enforce their requirements in such a short time period. The LGO also accepted that the ERF planning permission included additional wet grassland habitat and that the developers preference was to build the ERF rather than the digester, if the legal challenge failed. On this point, the LGO concluded there was no fault by the Council causing significant injustice to the complainant. The LGO’s decision was issued on 6 November 2015 and concluded that “.... *to avoid the risk of future justified complaints, the Council should now seek to discharge the relevant conditions without delay. It should also seek to avoid any slippage in monitoring progress and in deciding what to do about any alleged or actual breaches in the future.*”

This is misleading. The Ombudsman only looked into the previous few years (and didn't back date to 1995 when the application had started). The reason for this is that the Ombudsman felt that the complaint had been left too long so would only look into the complaint for the previous two to three years so would not be recommending enforcement action within the time scale he reviewed. The LGO ruling was in 2015 and delays have continued since then.

- 3.8 It is important to note the distinction between the Council being required to discharge conditions as opposed to taking enforcement action. The process of discharging conditions is the Council receiving and agreeing details required by a condition of a planning permission. A condition is only discharged once there is no requirement for a developer to take any further action. This is different to a requirement to enforce. To take enforcement action, the Council must establish there is a breach of planning control which it is considered expedient to enforce against. As noted, Condition 42 (the RMP) was approved in June 2016 and is currently being implemented, albeit it is taking a significant amount of time to undertake the main habitat works. There is, however, no actual breach of condition 42 at this time against which the council could take enforcement action.

We believe the planning conditions have not been met and enforcement action is required. The Conservation Management Plan is very precise in its objective and the synchronised approach to the phasing of both the development and the restoration is clearly detailed.

3.9 Current Position

- 3.10 The approved RMP does not set out dates for the completion of each of the 11 phases of the restoration. Instead it states “*The intention is that as discrete areas of land become available following operational activity, they will be restored at the earliest opportunity*”. The RMP to the

ERF permission only stipulates the end date by which restoration must be completed (by 2023) therefore the developer cannot be in breach of condition 42 of the relevant permission and liable to enforcement action (under Part VII of the Town and Country Planning Act 1990(the 1990 Act)), unless the restoration is not completed by the end of 2023.

The synchronised phased plans and conservation management plan laid out precise synchronised activity and targets to be met. That synchronization and targets have not been met and the failure to synchronise is an appropriate focus for enforcement action.

3.11 Notwithstanding the above, the Council has held an open enforcement file against Viridor since 2017, as concern over the pace of restoration was identified by officers.

The important wildlife populations at Beddington Farmlands have crashed dramatically (see table 1). Out of the 10 species targeted for conservation, 9 out of the 10 (90%) are either extinct or in decline. Habitat loss and delays in restoration are the main cause. This supports the need for urgent action to accelerate the restoration.

3.12 Viridor have appointed a National Aftercare Manager (NAM) to effectively project manage the restoration of Beddington Farmlands. However, they have a remit for restoring a large number of Viridor sites and are not solely devoted to the restoration of Beddington Farmlands. There is also an apparent lack of support (in regards time and resources) afforded to them by Viridor.

We share officers' concerns and it highlights the need for Sutton Council to intervene to ensure appropriate priority and urgency is given to the restoration of Beddington Farmlands.

3.13 The concerns raised about delays to restoration are understood by Viridor and they do not dispute that restoration has been slower than desired and has likely impacted on the target species for wet grassland. However, there are some mitigating factors, including the technical difficulties in creating new habitats e.g. acid grassland which involves artificially changing soil conditions, to ensure they are effective, but unless Viridor commit further resources, habitats may not be delivered in time for restoration to be completed by the end of 2023.

These are technical difficulties which is why the synchronised restoration set the targets dates for six to seven years ago (the wet grassland was due to be complete in 2011) to enable them to be overcome in a timely manner.

3.14 In their regular meetings and correspondence with Viridor, officers continue to press Viridor for specific timescales for restoration. While the petitioners' concerns about the pace of restoration are acknowledged and, indeed, shared by the Council, the fact remains that action to enforce the requirements of Condition 42 cannot be undertaken unless and until Viridor fails to fully comply with the agreed details of the condition and it has until 2023 to secure compliance.

We disagree on this point. It is based on an unduly narrow interpretation of the planning conditions. Enforcement action against the failure to ensure the synchronicity of the incinerator development and the restoration of Beddington Farmlands is appropriate even without specific timescales. One way forward will be to agree specific timescales, in consultation with interested groups, and ensure they are met.

3.15 The Conservation Access and Management Committee (CAMC) was established through the legal agreement subject to which the ERF planning permission was granted. The role of the CAMC is to oversee and direct the restoration of Beddington Farmlands and public engagement, as well as an ongoing role in the long term management of this important nature reserve .

3.16 At its AGM in June 2019, the CAMC was reconstituted by electing a new Chair and agreement on community representatives. The CAMC on 12 September 2019 also received a draft of amended terms of reference for the CAMC which expands the role of the group to include scrutiny of restoration progress. There was a further update on Viridor's roadmap for restoration in which it was emphasised that urgent progress is required on the remaining parts of the restoration including the wet grassland and acid grassland habitat.

Viridor has not met numerous previous deadlines and target dates. If the CAMC is to be effective it will need to be operating in an environment where Sutton Council is taking assertive action to ensure delivery of the restoration of Beddington Farmlands.

3.17 In order to ensure further oversight, officers met with Thames Water as the major landowner in August to discuss concerns over the pace of restoration, and obtained their commitment to work with all parties to ensure that work is completed in a timely manner. As part of their commitment to this project, Thames Water will sit on the CSG and the CAMC, and their participation in both is welcome.

This is another important conservation concern on site. Nearly 200 acres of the 400 acre site of importance for nature conservation is outside the Viridor lease area and is owned by Thames Water. These 200 acres have recently been decommissioned from waste treatment usage. The land use has supported the lapwing population (a red data list species) which relies on wetland habitat. Due to the decommissioning these areas of habitat are drying out. There are currently no finalised management plans to preserve this important population and unless action is taken this species will disappear too.

The wet grassland habitat in the CMP was supposed to create habitat for lapwings but due to the delays in restoration that habitat will not be available to provide alternative breeding areas for the lapwings as the habitat decommissioning leads to wet land habitat loss.

4. Options Considered

4.1 Local Planning Authorities have discretion whether to take enforcement action, and may do so where they consider it expedient to do so, having regard to the development plan and any other material considerations. The Council published a 'Planning Enforcement Protocol' in November 2013 which states that enforcement powers may be exercised where it appears there has been a breach of planning control, or where local amenity has been harmed. In the case of this petition, while it is acknowledged that the restoration work to date has taken longer than expected, there is no breach of planning control at this time. A breach would however arise in the event that restoration is not completed in accordance with Condition 42 and the RMP by 2023.

We believe the requirement for synchronous progress on both the development and the restoration has not been met and so enforcement action is appropriate as this constitutes a planning breach. There is evident harm to local amenity as a result of the decline in the site's wildlife value and the loss of potential for education and public engagement.

- 4.2 This leaves the question of whether the local amenity has been harmed. This is directed to other planning enforcement powers the Council has which are not reliant on a breach of planning control, as defined by the 1990 Act e.g. powers to deal with untidy land or certain special controls e.g. in relation to trees or listed buildings. Whilst the concerns raised in the petition are acknowledged, the impact of the delay to restoration is not regarded as resulting in harm to local amenity and, even if it did, there are no enforcement powers available now to address such delays.

The loss of the iconic tree sparrows and extinction or decline of nine out of ten target species is an enormous loss of local amenity and resources.

- 4.3 Local Planning Authorities are encouraged by Central Government, where possible, to resolve issues without recourse to formal enforcement action, which can be a lengthy process and does not guarantee that any harm identified is remedied.

Officers have identified the lack of resources being committed by Viridor to securing the restoration of Beddington Farmlands. They also share our concerns over the delays and we have shown how Viridor has not met previous commitments. Viridor has also chosen not to support local community proposals for the development of visitor facilities which would serve Beddington Farmlands from Hackbridge.

There is a clear cut case for enforcement action to create the environment within which progress can be made.

- 4.4 As noted, officers are investing significant amounts of time to provide advice on and scrutiny of Viridor's restoration plans to ensure, in so far as possible, that this important nature conservation project is delivered by 2023.

This time and effort will be more effective when invested in the context of active enforcement of the planning conditions.

- 4.5 The decision whether to take formal enforcement action is a judgement for the Council, acting as the Local Planning Authority and the exercising of this function is delegated to officers under the provisions of the scheme of delegation set out in the Constitution.

There is a clear cut case for enforcement action.

- 4.6 It is, therefore, recommended that the Committee notes the contents of petition, supports the continued efforts of officers working with and scrutinising Viridor's plans, alongside the CSG and the CAMC, to ensure that the restoration works are completed by 2023.

This recommendation will not achieve Sutton Council's own ambitions for the site and fails to address the huge public interest in securing the restoration of Beddington Farmlands. It is a continuation of current practice which has singularly failed to address Viridor's failure to synchronise development of the incinerator with restoration of Beddington Farmlands as required by planning conditions. More assertive action, including planning enforcement, is required to address the problem and avoid a further escalation of public action to ensure the promised Beddington Farmlands nature reserve is delivered.

5. Impacts and Implications

Financial

- 5.1 There are currently no breaches of planning control and therefore will be no revenue implications that may result of enforcement action
- 5.2 Officers involved in the advice/monitoring of the works are funded within existing resources so do not present any financial pressures
- 5.3 There are no other financial implications within the report.

Legal

- 5.4 Planning enforcement is a regulatory function with all decision making delegated to the Strategic Director and their reports in the Planning Service under the scheme of delegation and the scheme of management under the Council's Constitution.
- 5.5 The petition ultimately needs to make its way to the Planning Service for a decision on whether enforcement should be pursued. This function lies with the Planning Committee but is delegated to officers, subject to certain reserved matters, as indicated above. Officers have the discretion to refer any delegated matter to the Planning Committee to determine (Article 8 of the Constitution and the scheme of delegation in section 3 of the Constitution).
- 5.6 An enforcement notice may only be issued under Section 172 of the Town and Country Planning Act 1990 (the 1990 Act) where it appears to the Local Planning Authority there has

been a breach of planning control and that it is expedient to do so, having regard to the provisions of the development plan and any other material considerations. Alternatively, a breach of condition notice may be issued under Section 187A of the 1990 Act although the discretion is not expressly made subject to expediency.

- 5.7 Since the period for compliance with the relevant planning condition (42) does not expire until 2023 when the restoration works must be completed, there is no breach of planning control at this time enabling enforcement action to be taken.

We believe the requirement for synchronous progress on both the development and the restoration hasn't been met & so enforcement action is appropriate due to a planning breach

Appendix	Beddington Farmlands ERF & Landfill - site restoration and related matters - September 2019 (Viridor)

6.0 Appendices and Background Documents

Background documents
Signed petition

Audit Trail		
Version	Final	Date: 24 September 2019
Consultation with other officers		
Finance	Yes	Insert name of relevant officer
Legal	Yes	David Fellows
Other Officers: (This row can be deleted if no other comments sought)	Yes	David Warburton (Senior Biodiversity Officer)

Equality Impact Assessment required?	No	N/A
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PETITION

DELIVER THE PROMISED NATURE RESERVE AT BEDDINGTON FARMLANDS BY ENFORCING PLANNING CONDITIONS

A note from Wandle Valley Forum for Sutton Council - April 2019

1. Wandle Valley Forum provides support and an independent voice for over 130 community groups, voluntary organisations and local businesses and for everyone who shares a passion for the Wandle.
2. We are presenting this petition to ensure delivery of the nature reserve on Beddington Farmlands promised as part of the restoration plans associated with the development of Viridor's Energy Recovery Facility (incinerator).
3. The wildlife importance of Beddington Farmlands is well established. It is a recognised site of Metropolitan Importance for birdlife and a Site of Importance for Nature Conservation. This wildlife importance is in decline as reported in the Beddington Farmlands Bird and Wildlife Reports for successive years, including the area's iconic tree sparrow.

Tree Sparrow - No of broods

1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
77	50	80	113	165	159	213	151	149	262	280	143
2009	2010	2011	2012	2013	2014	2015	2016	2017	2018		
-	168	156	117	9	1	2	5	2			

The story for other species is equally depressing – Little Ringer Plover (extinct), Ringed Plover (failed), Lapwing (now declining), Redshank (extinct), Sedge Warbler (drastic decline), Reed Warbler (currently increasing), Whitethroat (overall declining).

4. Investigating concerns about delays in delivering on conservation requirements for the site the Local Government Ombudsman concluded in 2015 that *"to avoid the risk of future justified complaints, the Council should now seek to discharge the relevant conditions without delay. It should also seek to avoid any slippage in monitoring progress and in deciding what to do about any alleged or actual breaches in future"*. Implementation of the conservation requirements for the area has in reality now fallen even further behind development of the Energy Recovery Facility itself.
5. Our petition to secure delivery of these conservation requirements has support from over **6,272** people at the time of submission (details provided).
6. To satisfy the petition we are asking Sutton Council to enforce delivery of the Conservation Management Scheme and restoration conditions associated with the Energy Recovery Facility. This will require immediate action to secure delivery of habitats of the required standard according to the agreed timetable. It is not sufficient to wait till the planned completion date for the restoration in 2023. This will result in further wildlife loss. We ask that a critical timeline is prepared with key stages towards the completion date that are then enforced.

General enquiries: wandlevalleyforum@gmail.com
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BEDDINGTON BRIEFING

Beddington Farmlands ERF & Landfill – site restoration and related matters. September 2019

Beddington ERF

The testing and reliability phase of the ERF continues, and successful operational take-over has seen formal hand-over of large parts of the ERF to the Viridor operations team. Viridor is providing the residual waste treatment service to the South London Waste Partnership with the ERF running consistently. Viridor, in partnership with the SLWP, is working to help inform and educate residents about putting the ‘right stuff in the right bin’, to maximise recycling and to avoid the wrong materials being sent to the ERF. The Virtual Visitor Centre, www.beddingtonerf.info, continues to host emissions monitoring data and has received >2000 visitors since April.

The administration building is nearing completion, and this will align with the education centre being available to host visits. Viridor’s education officer is working with the SLWP to develop a programme of visits focusing on schools and community groups in the immediate vicinity of the facility. The image right features the nearly completed administration building and installed electric charging points.



Swift boxes have now been installed to the Beddington ERF external cladding, these overlook the brown roof of the administration building. Viridor has committed to the Conservation and Access Management Committee – once its construction partners depart the site, that it will explore installing a barn owl nesting box in a secure location. A rainwater harvesting system is operational for flushing toilets in the administration building.

Viridor continues to meet regularly with the London Borough of Sutton planning department around ERF matters to ensure adherence to planning requirements.

Beddington Farmlands

Restoration work continues across the Beddington Farmlands with capping work to the closed landfill cells across the centre of the site continuing ahead of schedule (pictured right). The clay capping material has been recovered from stockpiles across the Beddington site, reducing the requirement to import material.



The area of capping completed to date is 56,350m². This leaves circa 7,000m² to be completed later in the year, and is on schedule. The remaining area is being left available for contingency tipping for any ERF maintenance outages (as agreed with LBS until 31st Dec 2019).



BEDDINGTON BRIEFING

Viridor remains committed and confident that the Beddington restoration programme will be completed in accordance with its planning requirements by 2023, and will continue working with the London Borough of Sutton as this progresses. Viridor's landfill restoration and aftercare teams have prioritised delivering and then supporting the habitats outlined in the Restoration Management Plan, allowing them to establish before focusing on broader access for the local community.

Over the summer Viridor has mobilised its specialist engineering team to lead the delivery of the Farmlands restoration project. This includes utilizing specialist contractors to deliver packages of work including the excavation of the wet grassland phases to the north and also finishing the capping to the landfill cells that have recently closed to active waste.

The wet grassland habitat to the north of the site, known as 'south of pylons' is progressing well with the first phase now excavated, the islets and gullies have been contoured and awaits seeding later in the year. One of the bird hides overlooks this habitat and herons have already been seen stalking in this area. The second phase (the area next to the first phase and running up to the ERF construction car park, known as 'north of pylons') is now undergoing its bulk excavation. The material is being used for capping and engineering works on site. Once the ERF construction carpark is removed work will take place to excavate this area too.



Installation of the fence lines across the Farmlands have been completed with the north/south cycleway being clearly marked out along with the field enclosures across the meadowlands towards the south of the site. Hedgerows supporting these fences have also been planted to help them mature alongside the fences, to not delay future public access (which will be enabled in a zonal fashion). The first stage of the access includes the recently installed bird hides. Site open days have also been held over the summer of 2019 and have proved popular. The second phase will include opening the cycleway to guide members of the community along corridors of access.

In liaison with Sutton's biodiversity officer and the onsite ecologist, sections of the southern meadowland have been mowed to manage this habitat for ecological benefit. Viridor has also installed security enhancements to landfill infrastructure across the site. Work is being planned for the lake islands and habitats.



Positive feedback has been received following installation of the three new bird hides. Viridor will now work to retrofit these fully (with seating and additional viewing points) and will also hold a stakeholder workshop with representatives of the local community to inform the design of the next four hides.



BEDDINGTON BRIEFING

Viridor continues to stock large bird feeding stations across the site to attract small seed eating birds. In recent weeks, Crows have started to dominate this feeding environment, and Viridor has been working with the Beddington Farm Bird Group to enhance the 'chicken-wire' protection to enhance this environment for smaller seed eating birds. The acidic grassland trials continue with external experts leading on work to determine if impregnating the soil with acidic pellets will be sustainable and deliver this complex habitat requirement.

The pumping and sludge management site infrastructure by the Thames Water lagoons has been decommissioned.

The Beddington Conservation and Access Management Committee (CAMC) held its AGM in June, and Cllr Tim Foster was appointed Chair. The Committee also reviewed its terms of reference and the next meeting will take place on 12th September.



In addition to the recently published 'Restoration Roadmap', Viridor continues to communicate with local members of the community by sharing monthly 'snapshots of restoration progress at the Farmlands.' Others have been sharing these updates on their social media channels to further broaden the reach with the local community.

Following the completion of the Sutton Decentralised Energy Network Pipeline installation, Viridor worked with contractors to re-open the permissive footpath in July. Viridor has also installed several litter bins

along the permissive footpath and these appear to be well used.

The permissive footpath, since its re-opening, has suffered from excessive puddling after heavy rainfall events. This was mainly as a result of the clearing and the specification of replaced footpath (though it should be noted that the path had an 'unmade' surface that did puddle previously). Viridor has started work on enhancing the footpath surface to ensure it responds to heavy rainfall events and remains passable.

Viridor has hosted two Farmlands open days in June and August with over 80 people attending the events, these were held at the landfill offices and following a safety induction, members of the community were guided across the restored Farmlands with the closed landfill site manager to view the wet grassland, meadowland and lake habitats.

Next steps for the Farmlands

Aligning to the work programme for the site in the next 9-12 months, the cycleway connecting the permissive footpath to the west of the site and Beddington Park will be designed to a Sustrans standard. The CAMC will be consulted on its route along with key user stakeholders. This will then be progressed for use by the community. Viridor planted the hedgerows and established the fence lines along this habitat in spring and summer of 2019 to enable them to mature ahead of the cycleway's creation.

The contouring of the first phase of wet grassland will be completed autumn 2019. The seedbed preparation and vegetation planting across the islets and surrounding banks will take place in the spring 2020, in accordance with the Restoration Management Plan. Viridor's contractor is now working to excavate the



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second portion of the northern wet grassland and will deliver the portion of wet grassland in the southern section of the Farmlands by mid-late 2020.

Viridor will be completing an updated version of the Restoration Roadmap in the autumn 2019 to reflect on the progress made since the first edition was published, and to highlight the work to be completed in the coming 12 months. This will be shared with the local community and hosted on Viridor's website.

The first three bird hides have been installed and Viridor is working with the CAMC and wider stakeholders to collate feedback on the hides and their usability. Viridor will be making a series of enhancements to the existing hides along with hosting a workshop to define the designs for the further four bird hides in the next 15-18 months to align with the opening of the cycleway through the site and meadowland pathways.

Community affairs



As part of the national review of Viridor's charitable donations, three (of 12) national charity partners for 2019/20 were selected around the Beddington ERF. **St Raphael's Hospice** is a local charity that provides exceptional end of life care to the people of Merton and Sutton. Based at the Chaucer Centre in Morden, **Merton Mencap** supports children and adults with a learning disability, and their family carers. **The British Home** is based in Croydon and offers care for people with severe disabilities and long-term medical conditions.

This is the latest in a long-term partnership between the Beddington ERF and the charities, which were initially selected for support by construction workers at the Beddington ERF to recognise safe working milestones in 2016, 2017 and 2018. Viridor welcomed representatives to receive a cheque for £3333 each in August.

The **Beddington Community Benefit Fund** continues to fund community projects and nearly £100,000 has been donated to date to community projects across the four London Boroughs of the South London Waste Partnership.

For further information, please [contact: enquiries@viridor.co.uk](mailto:enquiries@viridor.co.uk)



APPENDIX ONE: Phase 3- this is where the restoration has progressed too.



APPENDIX TWO: Phase 9. This is where the development has progressed to and this is where the restoration should be at.

APPENDIX THREE: The Tree Sparrow crash



Fig 1: Tree Sparrow broods 1997 to 2018 (Lee Dingain)

1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
77	50	80	113	165	159	213	151	149	262	280	143
2009	2010	2011	2012	2013	2014	2015	2016	2017	2018		
-	168	156	117	9	1	2	5	2	5		

Table 1: Tree Sparrow, number of broods

APPENDIX FOUR : The restoration plan before the incinerator

