

To: Planning & Regulatory Committee

Date: 16 June 2021

By: Planning Development Manager

District(s) Mole Valley District Council

Electoral Division(s):

Dorking Rural
Mrs Clack

Case Officer:

Dustin Lees

Purpose: For Decision

Grid Ref: 521980 141454

Title: Waste Management Application Ref. MO/2020/1804

Summary Report

Land at Rolls Farmhouse, Partridge Lane, Newdigate, Surrey RH5 5BW

Change of use of land, existing storage bays and existing building for the storage and sorting of green waste. Erection of roof on storage barn and retaining bund.

The proposed development is for the material change of use of agricultural land to waste green waste management. It includes the importation, deposit, storage, and processing of some 1,350 tonnes waste generated by arboricultural contractors per annum, and the export of resulting materials for use as biomass fuel, logs and firewood for use in energy production. It would also result in the export of material to a mill to be planked when required.

The development would involve the use a range of range of plant and machinery including a woodchipper, log splitter, chainsaw, telehandler, and digger to process waste material on the application site. In doing so it would generate some 30 LGV movements per day over and above the 8 daily car movements associated with employees and two HGV movements per week to collect and remove processed waste.

The proposal also includes the completion and extension (by a 130m²) of an existing building to be used as a machinery store, and the retention of an existing bund along some of the boundaries of the application site, and three existing storage bay-type structures to be used for storage of arboricultural waste. The development would be operational from 07:00 to 19:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturdays, with no working proposed on Sundays, Bank, National or Public Holidays.

The application site, which is in the Metropolitan Green Belt, is largely surrounded by rural countryside and agricultural land save for residential properties which front both sides of Partridge Lane. Rolls Farm House is located some 45 metres (m) to the north of the application site's boundary whilst Mallard's Farm House is about 55m to the south beyond several agricultural buildings adjacent to the southern boundary of the application site. Rolls Farm House is a Grade II Listed Building. A further dwelling is located about 30m to the east of the application site boundary on the opposite side of Partridge Lane.

Public Footpath No. 309 runs from north west to south east diagonally across the field immediately north of the application site ending at Partridge Lane just to the north of the site's vehicular access point.

A total of 25 public representations have been received by the County Planning Authority (CPA) in respect of the proposed development. Of these, 21 support the grant of planning permission, and 4 raise concerns about or otherwise oppose the grant of consent.

Mole Valley District Council has objected to the grant of planning permission for the proposed development as they consider that it is inappropriate in the Green Belt and there are no very special circumstances which clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, and the harm caused to the character and appearance of the area. Newdigate Parish Council has objected to the grant of consent for similar reasons.

The development proposed would make a modest contribution to achieving relevant targets for recycling, recovery, and the diversion of waste from disposal and so it complies with Policy 1 of the Surrey Waste Plan 2019 (SWP). However, the application site is not allocated or otherwise identified in the SWP (or any other development plan document), it is not an existing lawful waste management site, and it does not benefit from previously developed land status. Consequently, it does not accord with the locational criteria for waste management development as set out in Policies 2 and 10 of the SWP.

Subject to the imposition of a range of planning conditions limiting vehicle movements generated by the development; hours of operation; and formalising vehicle turning and parking, manoeuvring, and loading arrangements officers do not consider that the proposed development would have an unacceptable impact on highway safety, or result in severe residual cumulative impacts on the road network. The County Highway Authority has not objected to or otherwise raised any concerns about the proposed development. Accordingly, subject to planning conditions, the proposed development satisfies the requirements of Policy 15 of the SWP, Policies MOV2 and RUD19 of the Mole Valley Local Plan 2000 (MVLPL), and Policy CS18 of the Mole Valley Core Strategy (MVCS).

Having assessed the proposed development in line with paragraphs 190 and 193 of the National Planning Policy Framework 2019, SCC's Historic Building's Officer is satisfied that the proposed development will not have a material impact on the special interest of the Grade II Listed Rolls Farm House. On this basis, and subject to conditions, officers are satisfied that the proposed development will not have a material impact on the special interest or setting of the listed building in accordance with Policy 14 of the SWP.

Similarly, subject to the imposition of planning conditions and/or informatives on any consent issued to secure the measures proposed by SCC's Senior Countryside Access Officer the development proposed will not have an unacceptable impact on Public Footpath No. 309 or its users, and so satisfies Policy 14 of the SWP.

The Lead Local Flood Authority does not consider that the proposed development, in the context of the application site, would result in a material change to the existing surface water drainage strategy or increase in surface water runoff, and therefore the proposed development satisfies Policy 14 of the SWP in respect of flood risk and surface water management.

In respect of air quality, the proposed development has been assessed in the context of bioaerosol, dust, and vehicle emissions. Having regard to the nature and scale of the development, and subject to the imposition of a range of conditions on any consent granted, officers do not consider that the proposal would give rise to adverse air quality which may in turn have an unacceptable impact on local amenity or the environment. For these reasons the development satisfies Policy 14 of the SWP and Policy ENV22 of the MVLPL.

Similarly, subject to the imposition of planning conditions on any consent granted to secure, amongst other matters, the operational hours specified in the applicant's noise assessment officers are satisfied that the development would not give rise to unacceptable levels of noise emissions and therefore satisfies Policy 14 of the SWP and Policy ENV22 of the MVLPL.

The proposed development is unlikely to result in significant harm to bats, great crested newts, and reptiles; and some ecological enhancement would be provided as part of the development. For these reasons officers consider that, subject to conditions, the proposed development satisfies Policies 13 and 14 of the SWP, and Policy CS15 of the MVCS.

However, having regard to the nature and scale of the development proposed, particularly the number and frequency of vehicle movements to be generated by the development and the open storage and processing of waste, officers consider that the development will have an industrial feel which would give rise to adverse visual impacts and contrast with the local landscape character. The proposed development would not conserve or enhance the appearance, quality, and character of the local landscape. The application site and proposed development provide limited opportunities for landscape enhancement and so planning conditions would not overcome the relevant harm. For these reasons the proposed development is contrary to Policies 13 and 14 of the SWP, Policies ENV4, ENV22, and RUD19 of the MVLP, and Policies CS13 and CS15 of the MVCS.

The wider environmental and economic benefits of the proposed waste management use are afforded some weight in favour of the development. This is however insufficient to clearly overcome the substantial weight given to the harm to the Green Belt and other identified harm to the local landscape character and visual amenities of the rural countryside. Consequently, the very special circumstances necessary to justify the use of the application site for waste management do not exist and therefore the proposed development is contrary to Policy 9 of the SWP and Policy RUD19 of the MVLP. Planning conditions would not overcome these Green Belt deficiencies.

The recommendation is to REFUSE planning application Ref. MO/2020/1804.

Application details

Applicant

South East Tree Surgeons

Date application valid

7 October 2020

Period for Determination

23 June 2021

Amending Documents

Ambiental Environmental Assessment Letter dated 27 July 2020 with attached Surface Water Drainage Pro-forma dated 27 July 2020

Phlorum Ltd. Bioaerosols Monitoring Report dated 2 February 2021 received on 25 May 2021

Anderson Acoustics Noise Impact Assessment dated January 2021 received on 25 May 2021

Summary of Planning Issues

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Sustainable Waste Management	No	Paragraphs 42 - 54
Highways, Traffic and Access	Yes	Paragraphs 55 - 73

Heritage Assets	Yes	Paragraphs 89 - 93
Rights of Way	Yes	Paragraphs 94 - 96
Flood Risk/Surface Water	Yes	Paragraphs 97 - 102
Air Quality	Yes	Paragraphs 103 - 114
Noise	Yes	Paragraphs 115 - 120
Biodiversity	Yes	Paragraphs 121 - 129
Visual/Landscape Impact	No	Paragraphs 130 - 138
Metropolitan Green Belt	No	Paragraphs 139 - 161

Illustrative material

Site Plan

Drawing Ref. SCC Ref 2020/0068 Site Location and Application Site Area dated 20 October 2020

Drawing Ref. 14/169SK11 Plans & Elevations Timber/Open Store dated April 2015

Drawing Ref. 14/169SK12 Site Layout/Block Plan dated April 2015

Drawing Ref. 14/169SK13 Landscape Bunds dated April 2015

Aerial Photographs

Aerial 1 – Land at Rolls farmhouse, Newdigate

Aerial 2 – Land at Rolls farmhouse, Newdigate

Site Photographs

Figure 1 – Looking East at Access to Partridge Lane with Office Building Right

Figure 2 – Looking East at Incomplete Building

Figure 3 – Incomplete Building

Figure 4 – Looking West towards South-Western Boundary

Figure 5 – Looking along Southern Boundary towards North and Existing Storage Bays

Figure 6 – Existing Open Storage on North-Eastern Boundary

Background

Site Description

1. The application site, which is presently used by the applicant for arboricultural activities including waste management, measures some 0.5 hectares (ha) and is located within the Metropolitan Green Belt. It is 'L' shaped extending from Partridge Lane on its eastern boundary in a westwards direction before extending northwards.
2. It is situated between Newdigate to the north-west and Charlwood to the east with Gatwick Airport beyond; and is accessed via Partridge Lane (C60) which has a speed limit of 40 miles per hour.
3. The application site is largely surrounded by rural countryside and agricultural land save for residential properties which front both sides of Partridge Lane. Rolls Farm House is located some 45 metres (m) to the north of the application site whilst Mallard's Farm House is about 55m to the south beyond several agricultural buildings adjacent to the southern boundary of the application site. Rolls Farm House is a Grade II Listed Building (Ref.SHHER_9810). A further dwelling is located about 30m to the east of the application site boundary on the opposite side of Partridge Lane.

4. Part of the western boundary of the application site abuts a small linear block of established woodland. This woodland includes a series of ponds which are linked to Beam Brook some 850m to the north. The northern boundary and parts of the western southern, and north-eastern boundaries of the application site comprise an established bund ranging from 1.2 to 2m in height. The remainder of the application site boundaries comprise established hedgerows. The bund has been in situ for at least 5-years and is therefore immune from enforcement action.
5. Public Footpath No. 309 runs from north west to south east diagonally across the field immediately north of the application site ending at Partridge Lane just to the north of the site's vehicular access point.
6. The application site is located within Flood Zone 1 (land with the lowest probability of flooding).
7. There are two existing buildings within the application site, the larger of which is presently used as an office/workshop by the applicant i.e. South East Tree Surgeons. The applicant has confirmed that this larger building, and its use, does not form part of the application site for the purposes of the relevant planning application. The smaller of the two buildings, which has no roof and is incomplete, measures about 104 square metres (m²) and does form part of the application site and proposal. This building is located in the central area of the application site. In addition to the smaller building, the northern part of the application site is currently occupied by three crude storage bay-type structures presently used for storage of arboricultural waste.

Planning History

8. For the purposes of this report the relevant planning history associated with the application site is brief.
9. On 3 June 2019 the Planning Inspectorate, on behalf of the Secretary of State, dismissed a ground A appeal for deemed consent and upheld¹ a planning enforcement notice (Ref. 2016/234/ENF(a)) issued by Mole Valley District Council (the District Council) on 16 April 2018. The corrected description of the breach alleged in the notice is *“without planning permission the material change of use of the land as an arboricultural contractor's depot”*.
10. The requirements of the notice were to cease the use of the land as an arboricultural contractor's depot and to remove from the land all items associated with the use of the land for the storage of equipment, machinery, vehicles, tools and plant for use in an arboricultural contractor's depot. Compliance with the requirements of the enforcement notice was set to be due by 3 June 2020 i.e. within 12-months.
11. The summary reasons for dismissing the applicant's appeal against the District Council's enforcement notice are that the unauthorised development is inappropriate development in the Green Belt and that there were no very special circumstances which clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, its adverse impact on openness, encroachment on the rural countryside, and the harm caused to the character of the local landscape contrary to Policies RUD19, ENV4, and ENV23 of the Mole Valley Local Plan 2000, and Policy CS13 of the Mole Valley Core Strategy 2009.
12. Subsequently, on 13 March 2020, the District Council issued a lawful development certificate (Ref. MO/2020/0527/PCL) confirming that the proposed use of the application site subject to planning application Ref. MO/2020/1804 (and land to the north) for

¹ Enforcement appeal Ref. APP/C3620/C/18/3202808.

forestry purposes would be lawful within the meaning of s192 of the Town and Country Planning Act 1990 (the 1990 Act). The reasons for issuing the certificate are documented as:

- I. *“The proposed use of the land would fall within the definition of forestry including afforestation. Namely, the science or practice of planting, managing and caring for forests and the process of planting areas of land with trees in order to form a forest.”*
- II. *“The Council upholds that no arboricultural activates (sic), namely use of land for the storage of equipment, machinery, vehicles, tools and plant for use as an arboricultural contractors depot can be carried out on the land.”*

13. There is no current grant of planning permission authorising activities on the application site which remain in breach of the District Council’s enforcement notice. There is no evidence to suggest that the application site, between 3 June 2019² and 29 April 2020³, has been used for the purposes of ‘forestry’ as described by lawful development certificate. There has also been no grant of consent for any non-agricultural development between these dates or after 29 April 2020. Accordingly, the lawful use of the application site remains ‘agriculture’ as agreed between the District Council and applicant at the time of the 2019 enforcement appeal⁴.
14. Without any pre-application discussions, planning application Ref. MO/2020/1804 was submitted to the County Planning Authority (CPA) on 29 April 2020. This application was subsequently validated in October 2020 following which the CPA formally commenced the statutory consultation process and public notification.
15. Prior to the submission of planning application Ref. MO/2020/1804 the CPA had no prior knowledge about or involvement in any formal proceedings initiated by the applicant or the District Council in respect of the application site.

The proposal

16. Planning application Ref. MO/2020/1804 seeks consent for *“change of use of land, existing storage bays and existing building for the storage and sorting of green waste. Erection of roof on storage barn and retaining bund.”* Further information about the proposed scheme is provided in the applicant’s Planning Heritage Statement (PHS) dated September 2020 where it is explained that:
- *“The proposed use will enable the green waste to be broken down into biomass fuel, logs and firewood for use in energy production.”* (paragraph 1.1)
 - *“The applicant currently runs the business out of the site but this use is currently limited, under the prevailing agricultural and forestry use to the storage rather than the sorting and processing of the company’s green collections from their contract work.”* (paragraph 1.2)
 - *“Activities on site for recycling would be receiving green arboricultural residues, its sorting through and the process using a differ (sic) for the wood chip and the green cord wood, either for G50 (Olympic) chip or for log splitting or to the mill to be planked. The wood will be stored as the woodchip for collection. Cord timber will be stored and dried for splitting into logs. The cord lengths will be taken to the mill for planking.”* (paragraph 1.3)

² The date of the 2018 enforcement notice appeal decision letter.

³ The date that application Ref. MO/2020/1804 was made.

⁴ Paragraph 20 of the appeal decision letter

- *“At convenient times contractors would collect the woodchip to recycle into biomass fuel. Approximately once a year a Heizohack [chipping plant] will be needed to chip all of the green cordwood into Olympic chip which can then be recycled for Premium Biomass fuel. Logs will be split approximately once a month and stored in the proposed dry bay to be bagged as ordered. Green cord lengths are taken to the mill to be planked when required.”* (paragraph 1.4)
- *“The plant and machinery that is required on site is a Matbro or Manitou [plant used to handle and move material] to move timber and load log bags etc. A digger, with a timber grab, will be required to move timber and sort through into storage areas as it is far more agile than the matbro/manitou. Small vans will bring in Green cordwood timber and green chip whilst lorries will occasionally be required to bring in large Green cordwood lengths.”* (paragraph 1.5)
- *The premises will provide a base for the tree surgery business. Staff will use the site to load up in the mornings before going to site for the day. In the evening they will then unload tools and bring back the green arboricultural residues in the form of woodchip and timber. The permission will also allow for external contactors to also bring waste use (sic) to the site in future.”* (paragraph 1.7)

17. The applicant has also confirmed that:

- There are 5 car and 3 light goods vehicle (LGV) parking spaces on the application site and that these will remain consistent should planning permission be granted for the proposal. (section 9 of planning application form dated 7 October 2020)
- The existing and incomplete building is proposed to be enlarged to measure some 234m² which is about an additional 130m² of floorspace. (section 17 of planning application form dated 7 October 2020)
- The existing building is to be completed and then used for storage activities associated with the proposed use of the application site. (paragraph 4.23 of PHS)
- The proposal is anticipated to have an annual operational throughput of some 1,350 tonnes of arboricultural waste per annum. (section 20 of planning application form dated 7 October 2020)
- The proposal would generate some 30 LGV movements per day over and above the 8 daily car movements associated with employees. (Figure 4.2, Transport Statement dated August 2020 (TS)). The applicant’s TS also suggests that one HGV would access the application site weekly to collect and remove processed waste (paragraph 4.10 of the TS).
- The application site is used by South East Tree Surgeons as a base for storing their vehicles overnight as well as wood chippings generated as a by-product of the tree surgery business; and an articulated vehicle arrives once a month to collect the wood chippings (paragraph 2.3 of TS)
- The application site will continue to operate for use by the South East Tree Surgeons business. It is intended that the site’s annual throughput of waste will be increased from the current 350 tonnes per annum to 1,350 tonnes per annum. (paragraph 3.1 of TS)
- The increase in throughput will be generated by offering the use of the yard to other local tree surgeons. This will increase the rate at which wood chip material is brought to and removed from the site by LGVs and HGVs. (paragraph 3.2 of the TS)

- Employees currently working for the existing business on site arrive in their private cars, parking them for the day and using the company vehicles to go and see clients. (paragraph 3.8)

Consultations and publicity

District Council

18. Mole Valley District Council

- Object to the grant of consent as the development is inappropriate in the Green Belt and there are no very special circumstances which clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, and the harm caused to the character and appearance of the area.

Consultees (Statutory and Non-Statutory)

19. Environment Agency South East

- Due to increased workload prioritisation the EA are unable to make a detailed assessment of this application. Applicant referred to general EA guidance.

20. English Heritage

- No views received.

21. Natural England

- No comments to make.

22. Sutton and East Surrey Water

- No views received.

23. Health and Safety Executive

- No interest in the development.

24. Lead Local Flood Authority

- As there is no change to the impermeable area, the existing drainage strategy or Surface Water drainage system the LLFA have no comments.

25. County Highway Authority

- The CHA has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The CHA therefore has no highway requirements.

26. SCC Ecologist

- No objection subject to the avoidance, mitigation, and enhancement measures recommended by the applicant's ecological assessment being secured by the imposition of planning conditions.

27. SCC Environmental Assessment Officer

- The scheme to which the application relates is not classed as 'EIA development'.

28. SCC Historic/Listed Buildings Officer

- Proposal assessed in accordance with paragraphs 190 and 193 of the NPPF and find that there will be no material impact on the

- 29. SCC Landscape Architect

special interest of the nearby listed building.

The site benefits from a good degree of general screening by established vegetation, but views of taller elements such as machinery and potentially higher material stores are still likely to be possible beyond the site boundaries,

 - particularly in winter. Whether harm to visual amenity and landscape character will arise from the proposed use is likely to depend on the intensity of the use and its operational characteristics, i.e. whether this results in an 'industrial feel' to the area.

- 30. SCC Arboriculturist

 - No views received.

- 31. SCC Rights of Way

While the plans submitted do not show the route of the public footpath, having considered the information available, SCC's Senior Countryside Access Officer does not believe the proposed development will have any impact on the public right of way or its users.

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- 32. SCC Dust and Air Quality Consultant

Surrey County Council should request further information from the applicant to give confidence that the residual bio-aerosol and dust effects are not significant.

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- 33. SCC Noise Consultant

Based on the information submitted by the applicant, SCC's Noise Consultant has residual concerns regarding the noise assessment as it does not adequately demonstrate that noise will not be an issue. Until further and satisfactory information is provided by the applicant the noise aspects of the application cannot be endorsed.

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Parish/Town Council and Amenity Groups

- 34. Newdigate Parish Council

 - The Parish Council fully supports all that is being done by the Mole Valley planning and enforcement teams in respect of activities at Rolls Farm and it strongly supports their letter of objection dated 5 November 2020.

- 35. Charlwood Parish Council

 - No views received.

Summary of publicity undertaken and key issues raised by public

- 36. The application was publicised by the posting of two site notices in the vicinity of the application site and an advert was placed in the Surrey Mirror on 29 October 2020. A total of 6 owner/occupiers of neighbouring properties were directly notified by letter.

- 37. A total of 25 public representations have been received by the CPA. Of these 21 support the grant of planning permission, and 4 raise concerns about or otherwise oppose the

grant of consent. A summary of the material comments made in this regard is provided below:

General

- The processes to be undertaken on the application site are not fully described and it is difficult to know the extent of the industrial processes and hence noise disturbances etc.
- Concerned about the industrial nature of the development.
- The development is unauthorised, and the subject of an existing enforcement notice issued by Mole Valley District Council. Approval of the application would make a mockery of the planning and enforcement regimes in Surrey.
- The application site is very secluded and non-intrusive to neighbours.
- Rural businesses should be encouraged and supported.
- I give my full blessing to the local rural business and I hope the development is granted consent.
- The applicant uses biodegradable products which is so important.
- In a deeply uncertain economic environment, local authorities should be facilitating local businesses to diversify, especially where the change has a positive impact on the UK's overall shift towards 'lower carbon'.

Highways, Traffic and Access

- Partridge Lane is not suitable for heavy vehicles.
- Partridge Lane is a narrow country lane with no pavements. It is not suitable for heavy industrial traffic, which will lead to more rapid deterioration of the road and increase the risk to residents out with children or pets.
- Concerned that traffic congestion arising from the development would lead to vehicles queuing outside the site on Partridge Lane causing danger of accidents and disruption to residents gaining access to and from their properties.
- The proposal includes 22 vehicle movements per day. This would mean that a vehicle would be entering or leaving the site every fifteen minutes or so on a normal day.
- Partridge Lane includes sharp corners and dangerous ditches to trap the unwary and is unsuitable for industrial development that generates significant vehicle movements.
- Partridge Lane is not wide enough to accommodate even a standard car and a commercial vehicle travelling in opposite directions, without one or the other having to take to the verge.
- Allowing the proposed development to proceed would guarantee an immediate and without doubt, increasing level, of potentially dangerous, commercial vehicle movements along a lane that is patently unsuitable for this type of traffic movement.
- It is a matter of fact, that most of the lanes around the application site are really only suitable for low volume use by small vehicles and any increase in HGV traffic will be a totally negative move, increasing the risk of accident and accelerating the deterioration of the road surface dramatically.
- The application site is large enough to allow vehicles to pull off into the large area set back from Partridge Lane and so does not cause any disruption to traffic.
- There is an enormous amount of local and national companies that use Partridge Lane and it is safe to do so.
- Vehicles to and from the application site are driven respectfully and safely on the Partridge Lane, in fact they are significantly small in comparison to some of the other vehicles.
- Partridge lane is rural, and we have agricultural tractors and lorries carrying plant etc. up and down the lane daily.
- The proposed development does not produce unacceptable levels of traffic.

- With proper management it is hard to see how anyone can be offended by the maximum of one lorry a week (over and above the usual movement of traffic in and out the site gate which already has splays as suggested by Surrey Highways).
- The proposal is for up to one recycling lorry a week which is very acceptable. Other businesses in the vicinity use lorries far more frequently, often several times a day so in comparison once a week is harmless.

Visual and Landscape Impact

- The proposal is not in line with the development plan in force for the area. This is a rural area and the development proposed is industrial in nature.
- The proposed development would be tantamount to the de-ruralisation of the countryside.
- The application site is unpretentious, hidden behind an established hedgerow and gates.

Metropolitan Green Belt

- The Green Belt is not suitable for industrial development.
- By any reasonable definition the proposed development is an industrial operation and normally not permitted in the Metropolitan Green Belt.
- The buildings are existing and only being reused which is not harmful to the greenbelt because they are pre-existing. The land is open & will be used to store natural timber and timber products, it's a perfect location for this type of business.
- The import, storage and recycling of timber and wood chip fits perfectly in with the Green Belt countryside.
- The proposed development does not threaten to encroach on the Green Belt.
- Why can the harm to openness not be mitigated by planning conditions?
- The application as proposed will barely impact on the openness of the Green Belt.
- Permitted waste sites are allowed within the Green Belt as an appropriate development and this site would comply to that idea.

Pollution (Noise, Dust, Vehicle Emissions, Bioaerosols etc.)

- Noise and air pollution from activity will directly affect close neighbours – from chipping, sawing and road traffic.
- The burning of imported green waste on the application site has been a real problem. The smoke from these fires is particularly unpleasant and evil smelling and renders sleep and outdoor activity difficult in properties downwind.
- Handling of green waste can spread particulates that can create and exacerbate respiratory and cardiovascular problems and even immune responses of all residents of all ages.
- The development will result in excessive levels of added noise and increased levels of air pollution.
- The development is non-intrusive to neighbours. I regularly pass and you hardly notice it's there.
- The proposed development does not produce unacceptable levels of noise pollution.
- The proposal to store waste on the application site will cause no-one any offence as it is smell free with little or no noise emulating from the site.

Rights of Way

- Industrial development in proximity to a public footpath will increase danger of harm to ramblers, local walking children or pets.

- Recycling of green waste into biomass product is the type of activity that should be encouraged, both to reduce the waste that would otherwise end up in landfill, and to provide inputs for paper and packaging production and as biomass fuel.
- Surrey County Council has claimed a Climate Change Emergency. An application to consolidate wood and chip waste and pass it on a lorryload a month to be made into eco-friendly product, should be praised, and treated as a positive and useful way to help stop climate change.

Planning considerations

Introduction

38. The guidance on the determination of planning applications contained in the Preamble/Agenda front sheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
39. In this case the statutory development plan for consideration of the application consists of the [Surrey Waste Plan 2019](#) (SWP), saved policies of the [Mole Valley Local Plan 2000](#) (MVLPA), and the [Mole Valley Core Strategy 2009](#) (MVCS).
40. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations.
41. In assessing the application against development plan policy, it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. In this case the main planning considerations relate to: sustainable waste management; highways, traffic and access; environment and amenity (heritage assets, rights of way, air quality, noise, biodiversity, landscape/visual impact); and the Metropolitan Green Belt.

Sustainable Waste Management

Development Plan Policy

Surrey Waste Plan 2019

Policy 1 – Need for Waste Development

Policy 2 – Recycling and Recovery

Policy 10 – Areas Suitable for Development of Waste Management Facilities

Policy 16 – Community Engagement

Policy Context

42. In England, the waste hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery⁵, and last of all disposal e.g. landfill.
43. The [National Planning Policy Framework 2019](#) (the Framework) does not contain policies relating to waste management. Instead national waste management policies are contained within the [National Planning Policy for Waste 2014](#) ('NPW').
44. The NPW sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country's waste ambitions through:

⁵ Including energy recovery

- Delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy
- Ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment

45. Paragraph 7 of the NPW explains that, when determining waste planning applications, the CPA should:

- Only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, the CPA should consider the extent to which the capacity of existing operational facilities would satisfy any identified need
- Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the WMP and the locational implications of any advice on health from the relevant health bodies. The CPA should avoid carrying out their own detailed assessment of epidemiological and other health studies
- Ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located
- Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. The CPA should work on the assumption that the relevant pollution control regime will be properly applied and enforced

46. Policy 1 of the Surrey Waste Plan 2019 (SWP) explains where relevant that “*planning permission for the development of new waste facilities will be granted where it can be demonstrated that the proposed development will contribute to achieving targets for recycling, recovery and the diversion of the waste away from disposal in a manner that does not prevent management of the waste at the highest point practical in the waste hierarchy.*” The relevant targets for ‘commercial and industrial waste’ recycling in Surrey are provided in Table 3 (page 19) of the Surrey Waste Plan 2019. These targets are expressed in a percentage rate of recycling for the years 2020 (65%), 2025 (70%), 2030 (70%), and 2035 (75%), and in the context of the rate of recycling recorded for 2017 (62%).

47. Part A of Policy 2 of the SWP specifically addresses recycling facilities and sets out that “*planning permission for the development of recycling or recovery facilities (other than inert C, D & E and soil recycling facilities) and any associated development will be granted where:*

- I. *The site is allocated in the Surrey Waste Local Plan for waste development (Policy 11a and Policy 11b)*
- II. *The activity involves the redevelopment of a site, or part of a site, in existing waste management use.*
- III. *The site is otherwise suitable for waste development when assessed against Policy 10 and other policies in the Plan.”*

48. Policy 10 of the SWP addresses the location of waste management development. It says that “*planning permission will be granted for the development of facilities (excluding permanent deposit) at the following locations:*
- I. *Sites allocated under Policy 11a – Strategic Waste Site Allocations, not in the Green Belt*
 - II. *On land identified as an ‘Industrial Land Area of Search’ as shown in the policies maps*
 - III. *On any other land identified for employment uses or industrial and storage purposes by district and borough councils*
 - IV. *On land considered to be previously developed and/or redundant agricultural and forestry buildings and their curtilages*
 - V. *On land that is otherwise suitable for waste development when assessed against other policies in the Plan.”*
49. Policy 16 of the SWP encourages applicants to undertake suitable proportionate steps to engage with the local community before submitting their application and ensure that comments from the community have been considered.

The Development

50. The applicant has not put forward any evidence to substantiate that the proposed development would make a material contribution to achieving relevant targets for recycling, recovery, and the diversion of waste from disposal. Nevertheless, it is reasonable to acknowledge that, at the proposed annual throughput of 1,350 tonnes of waste per annum, it would contribute to achieving the relevant targets albeit that this contribution would be modest. For this reason, the proposal complies with Policy 1 of the SWP.
51. In respect of Part A of Policy 2 of the SWP the application site is not allocated in the SWP, it is not an existing lawful waste management site, and its use for inappropriate waste management development as proposed is contrary to Policies 9 and 10 of the SWP. For these reasons the development proposed is contrary to Policy 2 of the SWP.
52. In relation to Policy 10 of the SWP the application site is agricultural land used for unauthorised arboricultural development with associated waste management since 2015 by the applicant’s own admission⁶. It is not allocated by the SWP, the MVCS, or the MVLP for any form of development or use. The application site is not identified as an ‘Industrial Land Area of Search’ in any development plan document. It is not previously developed as per the definition provided by the Framework’s Glossary⁷, and the use of the same for waste management is contrary to Policies 2 and 9 of the SWP. In respect of the building proposed as part of the waste management development there is no evidence to suggest that this has previously been in active use for any agricultural or forestry activities. Indeed, it appears that the building (which is incomplete) has been used to facilitate the breach of planning control described by the District Council’s 2018 enforcement notice.

⁶ Paragraph 3.8 of the applicant’s PHS

⁷ Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

53. In respect of Policy 16 of the SWP the applicant has provided no evidence to demonstrate that any suitable proportionate steps have been undertaken to engage with the local community before submitting the planning application Ref. MO/2020/1804.

Conclusion

54. The development proposed would make a modest contribution to achieving relevant targets for recycling, recovery, and the diversion of waste from disposal and so it complies with Policy 1 of the SWP. However, it does not accord with the locational criteria for waste management development as set out in Policies 2 and 10 of the SWP.

Highways, Traffic and Access

Development Plan Policy

Surrey Waste Plan 2019

Policy 15 – Transport and Connectivity

Mole Valley Local Plan 2000

Saved Policy MOV2 – Movement Implications of Development

Saved Policy RUD19 – Reuse and Adaptation of Rural Buildings

Mole Valley Core Strategy 2009

Policy CS18 – Transport Options and Accessibility

Policy Context

55. Paragraph 108 of the Framework advocates that in assessing specific applications for development, it should be ensured that:
- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location
 - b) Safe and suitable access to the site can be achieved for all users
 - c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
56. Whereas paragraph 109 of the Framework is clearly that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
57. In respect of traffic and access Appendix B of the NPW states that locational considerations will include suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports.
58. Part A of Policy 15 of the SWP explains that planning permission for waste development will be granted where it can be demonstrated that: (i) where practicable and economically viable, the development makes use of rail or water for the transportation of materials to and from the site; and (ii) transport links are adequate to serve the development or can be improved to an appropriate standard.
59. Where the need for road transport has been demonstrated Part 2 of Policy 15 of the SWP seeks to ensure that:
- I. Waste is able to be transported using the best roads available, which will usually be main roads and motorways, with minimal use of local roads, unless special circumstances apply
 - II. The distance and number of vehicle movements associated with the development are minimised
 - III. The residual cumulative impact on the road network of vehicle movements associated with the development will not be severe

- IV. There is safe and adequate means of access to the highway network and the vehicle movements associated with the development will not have an unacceptable impact on highway safety when compared against current national and local guidance
 - V. Satisfactory provision is made to allow for safe vehicle turning and parking, manoeuvring, loading, electric charging and, where appropriate, wheel cleaning facilities
 - VI. Low or zero emission vehicles, under the control of the site operator, are used which, where practicable, use fuels from renewable sources
60. Policy MOV2 of the MVLP states that development will normally only be permitted where it can be demonstrated that it is or can be made compatible with the transport infrastructure and the environmental character of the area, having regard to all forms of traffic generated by that development. In particular, proposals for major development will only be permitted where it can be demonstrated that in order to accommodate the traffic generated by that development appropriate measures are made to obviate the environmental impact, and there is appropriate provision for (a) off-street vehicular parking, (b) suitable servicing arrangements, (c) vehicular access and egress and movement within the site, (d) capacity of the transport network and in the vicinity of the development, (e) access and egress to be obtained, or improved, to and from the primary route and distributor networks, and (f) pedestrians and cyclists.
61. This policy goes on to state that where a particular part of the highway network already endures high traffic flows significantly above its operation and environmental capacity, then only small-scale development, which leads to little or no new traffic generation, will be permitted. The cumulative effects of existing and committed development on the operational capacity and environmental character of congested areas as a whole will be taken into account in the determination of development proposals. The provision of new accesses onto principal traffic routes will not normally be permitted where access can only be gained from those networks.
62. Policy RUD19 of the MVLP explains that the reuse and adaptation of buildings in the countryside will be permitted provided the amount of traffic likely to be generated by the proposal would not prejudice highway safety or cause significant harm to the environmental character of country roads.
63. Policy CS18 of the MVCS states that travel options and access will be given significant weight in considering development proposals and that such proposals should be consistent with, and contribute to the implementation of, the Surrey Local Transport Plan.

The Development

64. The application site is located centrally between Charlwood and Newdigate some 2.5 kilometres (km) east of the centre of Newdigate. It is on the western side of Partridge Lane in a speed limit zone of 40 miles per hour (mph). The application site's current access onto Partridge Lane measures some 13 metres (m) in width at its junction with Partridge Lane with a set of gates set back some 12m into the site for security purposes. The width between these gateposts is approximately 5.2m.
65. A visibility of 65.4m in each direction can be achieved from the existing site access at a setback of 2.4m which is compliant with the 40mph Design Speed based on Manual for Streets calculation methodology. The vegetation to the north of the access as well as that to the immediate south of the access is within the applicant's control and can be cut back slightly to ensure sightlines are maintained.
66. The swept path analysis provided by the applicant using a small (6.5m) tipper truck shows that two tipper trucks can manoeuvre around the site adequately without undue

issue and can also pass simultaneously through the existing access without obstruction or waiting on the carriageway.

67. The proposal would generate some 30 LGV movements per day over and above the 8 daily car movements associated with employees; and one HGV would access the application site weekly to collect and remove processed waste.

Conclusion

68. The proposed development would result in a modest increase in vehicle movements on the local highway network. Some of these vehicle movements may be undertaken on main roads and motorways. However, by its very nature, the applicant's enterprise forms part of the local rural economy and operates in the rural countryside along with a range of other rural based businesses. Consequently, most vehicle movements to be generated by the development are likely to be on local roads (including Partridge Lane). For these reasons it would not be practicable for the proposed development to make use of alternative forms of transport including rail or water.
69. Officers are satisfied that that the applicant has demonstrated that there the application site benefits from safe and adequate means of access to Partridge Lane. Vehicle movements to be generated by the development could reasonably be minimised by the imposition of conditions. Similarly, given the existing access arrangements relevant to the application site, satisfactory provision could be made to allow for safe vehicle turning and parking, manoeuvring, and loading by the imposition of planning conditions on any consent granted.
70. Given the nature and scale of the activities associated with the proposed development officers do not consider it appropriate or reasonable to require wheel cleaning facilities or the use of low or zero emission vehicles.
71. The County Highway Authority (CHA) has assessed the development in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The CHA therefore has no highway requirements.
72. Consequently, subject to the imposition of a range of planning conditions limiting vehicle movements generated by the development to those proposed by the applicant; hours of operation to those proposed by the applicant; and formalising vehicle turning and parking, manoeuvring, and loading arrangements officers do not consider that the proposed development would have an unacceptable impact on highway safety, or result in severe residual cumulative impacts on the road network.
73. Accordingly, subject to planning conditions, the proposed development satisfies the requirements of Policy 15 of the SWP, Policies MOV2 and RUD19 of the MVLP, and Policy CS18 of the MVCS.

Environment and Amenity

Development Plan Policy

Surrey Waste Plan 2019

Policy 13 – Sustainable Design

Policy 14 – Protecting Communities and the Environment

Mole Valley Local Plan 2000

Saved Policy ENV4 – Landscape Character

Saved Policy ENV22 – General Development Control Criteria

Saved Policy ENV23 – Respect for Setting

Saved Policy RUD19 – Reuse and Adaptation of Rural Buildings

Policy Context

74. Paragraph 127 of the Framework explains that planning decision should ensure that developments:
- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change
 - d) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience
75. Paragraph 163 of the Framework states that when determining any planning applications, the CPA should ensure that flood risk is not increased elsewhere; and paragraph 165 requires that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
76. Paragraph 170 of the Framework advocates that planning decisions should contribute and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and preventing new and existing development from contributing to, being unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise or land instability.
77. Paragraph 175 of the Framework explains that when determining planning applications, the CPA should apply the following principle: If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
78. Paragraph 189 of the Framework states that in determining applications, the CPA should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
79. Paragraph 190 of the Framework advocates that the CPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
80. Paragraph 193 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

81. In respect of environment and amenity matters Appendix B of the NPW states that locational considerations will include: (a) protection of water quality and resources and flood risk management; (b) landscape and visual impacts; (c) nature conservation; (d) air emissions including dust; (e) odours; (f) noise, light and vibration; and (g) litter.
82. Policy 13 of the SWP states that planning permission for waste development will be granted where it can be demonstrated that the development follows relevant best practice. All proposals for waste development should demonstrate that: (a) the development is of a scale, form and character appropriate to its location; and (b) during its construction and operation measures are included to:
- a) Maximise landscape enhancements and biodiversity gains, and other measures that may contribute to green infrastructure provision
 - b) Maximise efficiency of water use.
 - c) Minimise greenhouse gas emissions, including through energy efficiency
 - d) Ensure resilience and enable adaptation to a changing climate
83. Policy 14 of the SWP explains that planning permission for waste development will be granted where it can be demonstrated that it will not result in unacceptable impacts on communities and the environment relevant to:
- a) Impacts caused by noise, dust, fumes, odour, vibration, and illumination
 - b) Impacts on the rights of way network
 - c) Air quality
 - d) Flood risk arising from all sources
 - e) The landscape including impacts on appearance, quality and character of the landscape and any features that contribute to its distinctiveness, including character areas defined at the national and local levels
 - f) The natural environment including biodiversity
 - g) The historic landscape, on sites or structures of architectural and historic interest and their settings
 - h) Cumulative impacts arising from the interactions between waste developments and other forms of development
 - i) Any other matters relevant to the proposed development
84. Policy ENV4 of the MVLP seeks to ensure that development proposals in the countryside conserve and will not detract from the character of the local landscape. In determining planning applications account will be taken of the visual impact of the proposed development on the landscape, the extent to which the impact of new buildings has been softened and integrated into the landscape by careful consideration of siting, design, colour and associated planting and whether any existing landscape features such as trees and hedgerows should be retained.
85. Policy ENV22 of the MVLP states that where the principle of proposed development accords with the Development Plan a design and layout will be required which is (a) appropriate to the site in terms of its scale, form and appearance and external building materials; (b) does not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking or its overshadowing or overpowering effect; (c) respects the character and appearance of the locality; (d) has regard to attractive features of the site such as trees, hedges, walls or buildings that contribute to the character of the locality; (e) provides any necessary screening and landscaping suitable to the character of the locality; and (f) does not significantly harm the amenities of the occupiers of neighbouring properties by adverse environmental impacts.
86. Policy RUD19 of the MVLP explains that the reuse and adaptation of buildings in the countryside will be permitted provided:

- The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction
 - The associated uses of land surrounding the building(s) would not materially harm the character and amenities of the area
 - The proposed use and the form, bulk and general design of the building(s) are in keeping with their surroundings
 - The use can be contained within the building(s) without extension, or external storage, other than such provisions which can be made without any adverse effect on the building, or its surroundings
 - Any conversion works will be carried out in a manner appropriate to the character of the building(s) and have no adverse impact on its surroundings
87. Policy CS13 of the MVCS requires that all new development respect and, where appropriate, enhance the character and distinctiveness of the landscape character area in which it is proposed. It advocates landscape enhancement works, where required, to avoid adverse impacts associated with new developments.
88. Policy CS15 of the MVCS advocates the protection of biodiversity in accordance with European and National legislation and guidance. It states that all water courses, mature hedges and trees within development site should be, as far as practicable, retained, and that planting and other schemes that promote biodiversity will be expected as part of all development schemes.

Heritage Assets

89. Rolls Farm House is located some 45 metres (m) to the north of the application site. This building is a Grade II Listed Building (Ref.SHHER_9810) and so merits protection in terms of its physical structure and its setting.
90. The building dates from c1575. It is an example of an end smoke-bay timber-framed house subsequently altered and extended. The application site is in the same ownership but some distance to the rear with its own entrance. In the 2019 appeal decision letter, at paragraph 27, the Inspector did not find that the use of machinery on the application site would be harmful to the residential amenity of the site.
91. The applicant's heritage assessment concludes that in the context of the distance between the application site and the listed building, the proposed development will not compromise the setting of the listed building or detract from its historical context, and that the listed building will continue to be viewed in its proper context.
92. On this basis, and having visited the farmhouse and another nearby building in the past, SCC's Historic Building's Officer considers that that the distance of the application site from Rolls Farmhouse means the impact the proposed development would have on the acoustic and visual setting of the listed building would not be changed in a fashion that would be harmful to the building's special architectural or historic interest. Consequently, having assessed the proposed development in line with paragraphs 190 and 193 of the Framework, SCC's Historic Building's Officer is satisfied that the proposed development will not have a material impact on the special interest of the listed building.
93. Accordingly, in respect of heritage assets, the development complies with Policy 14 of the SWP.

Rights of Way

94. Public Footpath No. 309 runs from north west to south east diagonally across the field immediately north of the application site ending at Partridge Lane just to the north of the site's vehicular access point.

95. The applicant's planning application documentation does not appear to have considered this footpath in the context of the proposed development and any resulting implications. However SCC's Senior Countryside Access Officer does not consider that it will have any impact on the public right of way or its users subject to the following measures:
- Any fruit trees should be properly maintained and pruned to ensure the definitive line of the path remains unobstructed
 - During operational hours, safe public access must be maintained along the public footpath at all times
 - There are to be no obstructions on the public right of way at any time, this to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals
 - Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Rights of Way Group
 - The applicant must consult with SCC's Countryside Access Team should they propose any change to the surface of the right of way.
96. Accordingly, subject to conditions and/or informatives imposed on any consent issued to secure the measures proposed by SCC's Senior Countryside Access Officer, the development proposed satisfies Policy 14 of the SWP in respect of Public Footpath No. 309.

Flood Risk and Surface Water Management

97. A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1 (land with the lowest probability of flooding), an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency (EA) as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use (such as residential development).
98. The application site is within Flood Zone 1 and measures some 0.5 hectares (ha), and it has not been identified by the EA as having a critical drainage problem or at risk of flooding in future. For these reasons a flood risk assessment is not required in support of the proposed development.
99. However, waste management development is major development and should incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. In this regard the applicant has considered SuDS in the context of the nature and scale of the development proposed.
100. The existing hardstanding on the application site is 'permeable hardstanding' which would be retained post development. These existing impermeable areas are attributed to an existing building (machinery store). The only change proposed in respect of surfacing is the construction (completion of) an existing building. As such, surface water runoff from the completed building (roof area) would drain to the ground below as per the existing situation.
101. For these reasons the applicant's SuDS assessment explains that there should be no impact on the existing surface water run off regime, and it would be impractical to retrofit SuDS measures on the application site. Consequently, the proposed development seeks to maintain the existing arrangements for surface water i.e. discharge to ground.
102. The Lead Local Flood Authority (LLFA) has assessed the against the requirements of the Framework, its accompanying practice guidance, and the Non-Statutory Technical

Standards for sustainable drainage systems. The LLFA concurs with the applicant's assessment in that there would be no change to the existing impermeable area and as such they have no comments to make in respect of the proposed development. Accordingly, the proposed development satisfies Policy 14 of the SWP in respect of flood risk and surface water management.

Air Quality

103. In respect of the air quality implications of the proposed use of land, the proposed development involves the importation, deposit, storage, and processing (in the open) of some 1,350 tonnes waste generated by arboricultural contractors per annum, and the export of resulting materials for use or processing elsewhere. It would generate some 30 LGV movements per day over and above the 8 daily car movements associated with employees and two HGV movements per week to collect and remove processed waste. Consequently, the proposed development has the potential to generate emissions to air in the form of bioaerosols and dust and will result in additional vehicle emissions over and above the baseline situation associated with the application site (agricultural use).
104. The Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) Land-Use Planning & Development Control: Planning For Air Quality document indicates that air quality assessments should include developments increasing annual average daily Heavy Duty Vehicle (HDV) traffic flows by more than 25 within or adjacent to an Air Quality Management Area (AQMA) and more than 100 elsewhere.
105. The District Council has not designated any AQMAs so the higher threshold would apply in this case. Both the increase in the number of HGVs and the total number of annual average daily movements proposed by the applicant is well below 100. The EPUK & IAQM guidance continues by stating that "If none of the criteria are met, then there should be no requirement to carry out an air quality assessment for the impact of the development on the local area, and the impacts can be considered as having an insignificant effect." On this basis, while an air quality assessment of the change in vehicle emissions has not been undertaken by the applicant, SCC's Air Quality Consultant considers that the impacts of changes in vehicle emissions would not have a significant effect. Accordingly, the development complies with Policy 14 of the SWP and Policy ENV22 of the MVLP in respect of vehicle emissions and air quality.
106. In respect the air quality implications of the proposed development in the context of potential bioaerosol emissions SCC's Air Quality Consultant explains that the CPA should seek an assessment from the applicant that demonstrates that the residual effects of bioaerosols⁸ on surrounding land-users are not significant before granting planning permission.
107. To address the issue of bioaerosols the applicant has provided a Bioaerosol Monitoring Report in support of the proposed development. This assessment reports results of bioaerosol monitoring, sampling and assessment undertaken in respect of the application site and in accordance with British Standards and Environment Agency technical guidance. Its conclusions explain that median results show no detection of *Aspergillus fumigatus* and mesophilic bacteria at the upwind monitoring locations, which reflects the background concentration at that time. Median bioaerosol monitoring results

⁸ Bioaerosols are airborne particles consisting of, or originating from micro-organisms (i.e. bacteria, viruses, and fungi), metabolites, toxins or fragments of micro-organisms. These particles come from organic matter, plants, soil, animals and humans. They may be put into suspension in the air, adhere to organic dust particles and tiny droplets of water with which they come into contact and then may be transported, creating bioaerosols. Typically, bioaerosols consist of very fine particles measuring less than 20 microns in diameter. These particles can be inhaled and held in the nose and mouth while the smallest, less than 10 microns, are respirable and can penetrate deep into the lungs.

at the downwind monitoring locations showed no detection of *Aspergillus fumigatus* at all monitoring locations and no detection of mesophilic bacteria at all but two monitoring locations. However, where mesophilic bacteria was detected this was significantly below the Environment Agency threshold levels for the bacteria.

108. Officers are therefore satisfied that the proposed development will not give rise to unacceptable levels of bioaerosols emissions subject to the imposition of planning conditions limiting the annual throughput of waste to no more than 1,350 tonnes per annum and specifying the types of processing operations that can be undertaken on the application site. Accordingly, for these reasons the development complies with Policy 14 of the SWP and ENV22 of the MVLP in respect of bioaerosols emissions and air quality.
109. In respect of dust emissions arising from the proposed development the applicant has provided a Dust Assessment in support of the relevant application. However, this assessment has provided high level consideration of the proximity and orientation of the nearest receptors. It does not combine this information with the likely dust magnitudes of the sources to be introduced by the proposed development.
110. Nevertheless, in the absence of such information, given the nature and scale of the development officers are satisfied that a planning condition could be imposed on any consent issued to control any dust emissions resulting from the development to acceptable levels. For example, planning conditions could reasonably require that the applicant submit a Dust Management/Action Plan (DAP) to the CPA for approval within say 2-months of the grant of any consent.
111. Any DAP submitted for approval would describe the management and operational actions the applicant/operator will use to deal with both anticipated (e.g. forecast) and actual high-risk conditions (e.g. measured dry dust winds above moderate breeze). The DAP would describe the conditions under which dust is most likely to pose a nuisance risk at sensitive receptors close to the site and set trigger levels which, when exceeded, would require further dust control measures to be implemented (i.e. over and above the routine measures) by the applicant/operator.
112. Subject to the imposition of a planning condition requiring the submission of a Dust Management/Action Plan to the CPA for approval, officers are satisfied that the development would not give rise to unacceptable levels of dust emissions and therefore satisfies Policy 14 of the SWP and Policy ENV22 of the MVLP in respect of dust emissions and air quality.
113. Some objectors to the proposed development have raised the issue of burning of waste on the application site and the amenity affects this has. To address this issue a planning condition could be imposed on any consent issued prohibiting any fires taking place on the application site.
114. Having regard to paragraphs 103 to 113 above officers do not consider that the development proposed, subject to such a range of planning conditions, would give rise to adverse air quality which may in turn undermine local amenity or the environment to an unacceptable degree. For these reasons the development satisfies Policy 14 of the SWP and Policy ENV22 of the MVLP.

Noise

115. The application site is about 120m to the west of Partridge Lane and some 3 kilometres west of Gatwick Airport. Rolls Farmhouse is located approximately 45m to the north (Rolls Farmhouse) of the application site boundary with a further residential property beyond at some 75m from the application site's northern boundary. There are also residential properties located approximately 55m and 110m to the south of the

application site boundary, and residential properties located approximately 30m to the east of the application site boundary on the opposite side of Partridge Lane.

116. The development involves the use a range of range of plant and machinery including a woodchipper, log splitter, chainsaw, telehandler, and digger to process and move waste material on the application site. Additionally, the development will give rise to some 30 LGV movements per day over and above 8 additional vehicle movements associated with employees. The development would be operational from 07:00 to 19:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturdays, with no working proposed on Sundays, Bank, National or Public Holidays⁹.
117. The applicant has provided a noise impact assessment in support of the proposed development. This assessment is based upon operational hours¹⁰ which differ from those indicated in the applicant's planning application form.
118. The applicant's noise assessment has been undertaken in accordance with, inter alia, Surrey County Council's Guidelines for Noise and Vibration Assessment and Control (2020) which advocates the assessment approach set out by British Standard 4142:2014+A1:2019 (methods for rating and assessing industrial and commercial sound). It concludes that whilst the background noise levels (noise levels in the absence of the proposed development) would be exceeded, noise levels arising from the proposed development will be relatively low and not dissimilar from existing levels. It suggests that the noise arising from site activities would not be entirely out of keeping with the rural/agricultural nature of the area. In this context the applicant's assessment indicates that no adverse observed noise effect is anticipated and there is no requirement for specific control measures.
119. This assessment is similar in conclusions to that reached by the Inspector in determining enforcement appeal Ref. APP/C3620/C/18/3202808. At paragraph 27 of the decision letter the Inspector explained that, in terms of living conditions, *"the use of machinery on the site may be noisy at time although no dwellings are positioned immediately next to the site. Occupants at Rolls Farmhouse may notice some activity but from the evidence submitted, in relation to the main issue, I do not consider that this is to a harmful extent."*
120. Accordingly, subject to the imposition of planning conditions on any consent granted to secure, amongst other matters¹¹, the operational hours specified in the applicant's noise assessment officers are satisfied that the development would not give rise to unacceptable levels of noise emissions and therefore satisfies Policy 14 of the SWP and Policy ENV22 of the MVLP in respect of noise.

Biodiversity

121. The application site comprises an area of some 0.5ha of mainly compacted bare ground and gravel hardstanding. The bare ground is surrounded on three sides by a bund made primarily of earth, some rotting vegetation, and covered with wood chippings. Large log piles and felled tree limbs are sored within the application site. There is some ephemeral/short perennial, scrub, tall ruderal habitats, and some scattered trees that have colonised the edges of the application site. Two mature scattered trees are situated within the site. The site is bounded by mature hedgerow to the south, and a recently planted hedgerow to the east. A small dry ditch is situated in the southern boundary in the south-western corner. Mature broad-leaved woodland is situated to the west.

⁹ Section 19 (Hours of Opening) of planning application form dated 7 October 2020

¹⁰ 0800 to 1700 hours Monday to Friday only

¹¹ Limiting plant/machinery types and numbers, limiting vehicle movements, limiting annual operational throughput

122. The applicant's preliminary ecological assessment (June 2020) explains that foraging and commuting habitat for bats is limited on the application site, however the surrounding area would provide some opportunities¹². It confirms that the application site is known to support great crested newt in its terrestrial phase, and that a previous survey recorded a single great crested newt under refugia in 2015 around the base of the bund¹³. It goes on to explain that the site has potential to support hibernating great crested newt due to the presence of bunds and log piles. A pond lies approximately 15 metres to the west of the site in an adjoining property. This pond, which has the potential to support great crested newt which are common in this part of Surrey, is situated amongst sparse open hazel dominated scrub, which is surrounded by semi-improved grassland and mature broad-leaved woodland. However, the assessment also concludes that it is unlikely that newts would climb over the bund to access the application site proper, and the constant movement of log piles would make it less likely that they will be used for refugia¹⁴.
123. Notwithstanding great crested newts, the applicant's assessment also confirms that the application site holds potential to support hibernating reptiles, due to the presence of bunds and log piles; and that reptiles are likely to persist in the surrounding habitat of grassland, hedgerows and woodland edges¹⁵.
124. Considering the potential for the application site to support protected and priority species the applicant's ecological assessment proposes general and specific avoidance and mitigation measures to ensure that the proposed development does not result in significant harm to bats, great crested newts, and reptiles.
125. In respect of bats, measures recommended relate to any artificial lighting to be used on the application site including direction of lighting; the use of cowls or hoods; minimising ultra-violet light and light levels, and control of lighting through the use of timers and triggers. The proposed development does not include any form of artificial lighting over and above such lighting that may be provided for by permitted development rights. Any such rights could be removed relevant to the application site by the imposition of a planning condition on any consent granted in the interests of biodiversity (bats). Accordingly, the applicant would need to seek express consent for any lighting to be introduced on the application site.
126. In respect of great crested newts and reptiles the measures proposed comprise retaining the perimeter bund in the long-term; movement of log piles to the southern site boundary away from suitable terrestrial habitat for newts; cessation of work (and summoning of an ecologist) upon encountering a great crested newt within the application site; and cessation of work and carefully and gently moving any other species of amphibian or reptile to a safe place on the other side of the bund or outside the working area of the site. Should consent be granted for the proposed development such measures could be secured by way of planning conditions¹⁶.
127. In addition to the avoidance and mitigation measures recommended by the applicant's ecological assessment, enhancement measures are also proposed by the applicant. These comprise the enhancement and 5-year management of hedgerows which abut the site's working area; additional hedgerow planting along the western perimeter bund together with long-term management; and the creation of two hedgehog homes outside

¹² Paragraph 5

¹³ Paragraph 6

¹⁴ Paragraph 5.2.2

¹⁵ Paragraph 7

¹⁶ Paragraphs 5.2.2 to 5.3.2

the working area of the application site¹⁷. Should consent be granted for the proposed development these measures could be secured by planning conditions.

128. Natural England has not made any comments in respect of the proposed development, and Surrey County Council's Ecologist has not raised objection subject to the avoidance, mitigation, and enhancement measures recommended by the applicant's ecological assessment being secured by the imposition of one or more planning conditions on any consent granted.

129. Accordingly, subject to conditions, the proposed development is unlikely to result in significant harm to bats, great crested newts, and reptiles; and some ecological enhancement would be provided as part of the development. For these reasons officers consider that the proposed development satisfies Policies 13 and 14 of the SWP, and Policy CS15 of the MVCS.

Visual/Landscape Impact

130. The application site is located within the Cranleigh to Charlwood (WW8) Wooded Low Weald Landscape Character Area, which is a rural, tranquil landscape, with a sense of remoteness and intimacy due to woodland/tree cover. It is not within close to an Area of Outstanding Natural Beauty (AONB) or an Area of Great Landscape Value (AGLV). It does not appear to be visually prominent within the wider local landscape due to the relatively flat landform combined with the screening effects of the many hedgerows, belts of trees and copses present in local landscape. An established bund forms part of the application site's boundary, which provides additional visual screening. There is an established mature hedgerow on top of/adjacent to the eastern part of this bund. The nearest public views of the site are available from the public footpath (FP 309) which runs diagonally across the neighbouring paddocks at Rolls Farmhouse, in a north-westerly direction from Partridge Lane.

131. The current proposal seeks to change the use of land and buildings from 'agriculture' to waste management including open processing and storage of green waste. A roof would be put on the existing (and incomplete) building in the central area of the application site. This building would also be enlarged by 130m² and used as a machine/plant store. There are three existing crude storage bays at the northern end of the site which are to be used for the storage of logs etc. The development would involve the use a range of range of plant and machinery including a woodchipper, log splitter, chainsaw, telehandler, and digger to process waste material on the application site. The proposed use would generate some 30 LGV movements per day over and above the 8 daily car movements associated with employees and two HGV movements per week to collect and remove processed waste.

132. In determining enforcement appeal Ref. APP/C3620/C/18/3202808 the Inspector, at paragraphs 24 and 25, explained that *"the area surrounding the site provides a generally pleasant rural setting. Surrounding fields are largely undeveloped with traditional boundary hedges including strong lines of trees and also larger clumps of woodland. In contrast, although the use of the site is based upon tree management it has an industrial feel. Although there is some screening of the activities as previously explained and some other industrial uses nearby, I consider that there would be visual impacts that contrast with this general character of the area. In relation to this main issue, the development has a small but nevertheless harmful impact upon the otherwise generally undeveloped rural area. This detracts from the character of the local landscape which does not comply with CS Policy CS13 as well as LP Policies ENV23 and ENV4."*

¹⁷ Paragraph 5.4

133. SCC's Landscape Architect, having examined planning application Ref. MO/2020/1804, considers that the proposed use for the storage and sorting of green waste is likely to share some visual characteristics with agricultural machinery operations and storage, which are prevalent within the local landscape. However, he also considers that the scheme refused on appeal (Ref. APP/C3620/C/18/3202808) in 2019 shares similar characteristics with the development now proposed in terms of the open receipt, storage, and processing of green waste and the movement of associated vehicles. He considers that these activities may be visible beyond the application site, particularly in winter.
134. Moreover, SCC's Landscape Architect notes that artificial bunds are not characteristic features of the surrounding local landscape. However, he also notes that there is a hedge above/adjacent to the bund along part of its length, and other vegetation including mature/semi-mature trees, which help screen and integrate the bund into the landscape. The landscape architect considers that the effect of the bund, hedge and other vegetation is to provide some low to mid-level screening of the site in views from the east, including from FP 309. The northern and western parts of the site are also screened by taller groups of mature trees. SCC's Landscape Architect considers that this screening effect will reduce in winter when leaves have been lost.
135. In summary, SCC's Landscape Architect explains that *"the site benefits from a good degree of general screening by established vegetation, but views of taller elements such as machinery and potentially higher material stores are still likely to be possible beyond the site boundaries, particularly in winter. Whether harm to visual amenity and landscape character will arise from the proposed use is likely to depend on the intensity of the use and its operational characteristics, i.e. whether this results in an 'industrial feel' to the area..."* SCC's Landscape Architect considers that there are some limited opportunities to extend the hedge along the northern section of the bund, which could provide additional screening of the existing stores.
136. The District Council consider that the proposed development is to take place in an unspoilt and undeveloped area and would result in harm to the character and appearance of the same. Newdigate Parish Council support this view.
137. Officers do not consider that the proposed development is dissimilar in nature or character to the scheme considered on appeal (Ref. APP/C3620/C/18/3202808) in 2019. The only ostensible difference is that the incomplete building in the centre of the application site is to be enlarged by some 125%. Otherwise, for all intents and purposes and as a matter of fact, the two schemes remain very similar.
138. Having regard to the nature and scale of the development proposed, particularly the number and frequency of vehicle movements to be generated by the use and the open storage and processing of waste, officers consider that the development will have an industrial feel which would give rise to adverse visual impacts and contrast with the local landscape character. The proposed development would not conserve or enhance the appearance, quality, and character of the local landscape. The application site and proposed development provide limited opportunities for landscape enhancement and so planning conditions would not overcome the relevant harm. For these reasons the proposed development is contrary to Policies 13 and 14 of the SWP, Policies ENV4, ENV22, and RUD19 of the MVLP, and Policies CS13 and CS15 of the MVCS.

Metropolitan Green Belt

Development Plan Policy

Surrey Waste Plan 2019

Policy 9 – Green Belt

Mole Valley Local Plan 2000

Saved Policy RUD19 – Reuse and Adaptation of Rural Buildings

139. The Framework 2019¹⁸ explains at paragraph 133 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
140. In addition to its aim, paragraph 134 of the Framework clarifies that the Green Belt serves five purposes: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns; and (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
141. Paragraph 143 of the Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 qualifies that when considering any planning application, the decision maker should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
142. Paragraphs 145 and 146 of the Framework confirm that certain forms of development are not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it. One of these exemptions is *"the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building."*
143. Paragraph 80 of the Framework explains that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 84 goes on to state that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport; and that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
144. Policy 9 of the SWP explains that *"planning permission will not be granted for inappropriate waste management development in the Green Belt unless it is shown that very special circumstances exist. 'Very special circumstances' will not exist unless the potential harm caused to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations associated with the proposal, either on their own or in combination."*
145. In this regard paragraph 5.3.1.5 of the SWP explains that it is *"unlikely that the anticipated waste management needs of the county will be met without developing waste management facilities on Green Belt land. The overarching need for waste management in Surrey combined with a lack of suitable alternative sites outside the Green Belt and the need to locate facilities close to sources of waste, such as households and businesses, are among the reasons why it is considered that very special circumstances may exist for allowing development within the Green Belt. Further reasons are the wider social and environmental benefits associated with sustainable waste management, including the need for a range of sites."*

¹⁸ The Green Belt section of which is not materially different to the 2018 version of the Framework as considered in the 2019 enforcement appeal decision letter

146. It also provides a non-exhaustive list of other considerations which may need to be weighed in the balance when determining whether 'very special circumstances' exist:

- The need to find locations well related to the source of waste arisings
- The characteristics of the waste development include scale and type of facility
- The wider environmental and economic benefits of sustainable waste management, including the need for a range of sites
- The site is allocated in a development plan for waste management use
- The wider environmental benefits associated with increased production of energy from renewable sources

147. Policy RUD19 of the MVLP explains that the reuse and adaptation of buildings in the countryside will be permitted provided:

- The proposal does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it
- The associated uses of land surrounding the building(s) would not materially harm the character and amenities of the area, and conflict with the openness of the Green Belt and the purposes of including land within it
- The use can be contained within the building(s) without extension, or external storage, other than such provisions which can be made without any adverse effect on the building, its surroundings or, the openness of the Green Belt

The Development

148. Although the applicant's PHS does not explicitly recognise that the waste management development proposed by planning application Ref. MO/2020/1804 is inappropriate development in the Green Belt it does suggest this by explaining that *"there are very special circumstances which justify the proposed development in this location. These VSCs are very specific to the proposed waste use and therefore differentiate this application from any local (Mole Valley) applications which have previously been considered and rejected or any other similar proposal in the Surrey Green Belt."*¹⁹

149. Waste management development is not included in the exemptions provided for by paragraphs 145 and 146 of the Framework and therefore the proposal is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Impact on Openness

150. The lawful use of the application site remains 'agriculture'. The application site does not benefit from the grant of permission for any storage, industrial or commercial use; or 'previously development land' or 'brownfield' status as defined by Annex 2 (Glossary) of the Framework.

151. The proposed development includes: employee vehicles accessing and egressing the application site (8 movements per day) and the open parking of these vehicles on the application site during operational hours; the importation and export of processed and unprocessed waste by LGVs (30 movements per day) and HGVs (2 movements per week); the open storage of the applicant's LGVs; the deposit and open storage of

¹⁹ Paragraph 4.26

processed and unprocessed waste; the open processing of waste by a range of plant and machinery; the open storage of arboricultural plant, machinery and equipment; and the extension of an existing building by some 125% (130m²).

152. Consequently the proposed development is not only by definition harmful to the Green Belt (by reason of inappropriateness) it would also undermine openness and the visual amenities of the Green Belt by the introduction of industrial activities onto agricultural land which is located in a rural and tranquil landscape. The development would also result in the disproportionate increase in the footprint of an existing building which is inappropriate in the Green Belt and thus adds to the harm to openness. Moreover, the industrial nature of the proposed development also conflicts with at least one of the purposes of including land within the Green Belt in that it encroaches on the rural countryside, and therefore causes additional harm to the Green Belt.

Other Harm

153. The potential for other harm has been assessed earlier in this report with regard to highways, traffic and access; air quality; noise; flood risk and drainage; heritage; biodiversity; and visual/landscape impact. Officers have concluded that any potential harm in respect of highways, traffic and access; noise; air quality; and biodiversity can be avoided or mitigated to acceptable by the imposition of planning conditions. Officers have also concluded that the proposed development will not have a material impact on the special interest or setting of the Grade II Listed Rolls Farmhouse building; and that the proposed development would not give rise to any harm in respect of flood risk and surface water management.

154. However, officers do not consider that the industrial nature and scale of the development would preserve or enhance local landscape character or the visual amenities of the area. In this regard the development would have a small yet harmful impact upon an otherwise generally undeveloped rural area.

Very Special Circumstances

155. The applicant's PHS explains that *"there are very special circumstances which justify the proposed development in this location. These VSCs are very specific to the proposed waste use and therefore differentiate this application from any local (Mole Valley) applications which have previously been considered and rejected or any other similar proposal in the Surrey Green Belt."*²⁰

156. In this context the applicant cites: (1) the lack of suitable alternative sites outside the Green Belt; (2) the need to find locations well related to the source of waste arisings; (3) the characteristics of the waste development including scale and type of facility; (4) the wider environmental and economic benefits of sustainable waste management; and (5) the need for a range of sites, as well as increased production of energy from renewable sources.

157. In respect of (1) and (2) the applicant explains²¹ that it is *"an established tree management and maintenance business who have operated in the area for the last 15 years without any facilities for storage, sorting and processing of their own waste."*; and that the applicant's work extends mainly across Surrey and in light of a need for the business to be centrally located within a rural part of the county, the high value of alternative land, and the lack of land availability within the county's urban areas, the application site is the only viable location for the arboricultural contractors depot.

²⁰ Paragraph 4.26

²¹ Paragraphs 4.10 to 4.17

158. Where inappropriate waste management development is proposed in the Green Belt an important and fundamental question is whether suitable land beyond the Green Belt exists which can be developed as an alternative to meet the same need. However, no evidence has been put forward to demonstrate that the applicant has sought to identify any suitable non-Green Belt sites anywhere in the county, or that there are no suitable alternative non-Green Belt sites appropriate to the nature and scale of the proposed development and the business interests of the applicant. For these reasons officers do not consider that the applicant has demonstrated that there is a lack of suitable alternative sites outside the Green Belt, or that the application site is the only suitable available site which is well related to the source of green waste arisings relevant to the applicants business.

159. The applicant’s PHS goes on to contend, in respect of (3) that *“the business currently has no provision for sorting and processing their wate. It is taken away and processed for sale as biomass fuel and logs. The use of external solutions for disposal means that the current income generation scheme is from the manual labour itself rather than the benefits of the waste. Currently the applicants (sic) have to pay to use other facilities. The waste is then left for the facility operators to process and then sell on the by-products”*²² Paragraphs 4.20 to 4.25 of the PHS then discuss factors (4) and (5) but provide no substantive information/evidence relating the environmental and economic benefits of managing arboricultural residue/waste on the application site beyond that previously acknowledged in the 2019 enforcement appeal decision²³.

160. Officers acknowledge that the proposed development would make a modest contribution to achieving relevant targets for recycling, recovery, and the diversion of waste from disposal (see paragraph 46 above). The consequent environmental benefits that arise from this should be afforded some weight. Officers also recognise that waste management, as proposed, would save costs and generate revenue for the applicant and that such economic benefits should also be afforded some weight.

161. However, the positive aspects of the proposed development are insufficient to clearly overcome the substantial weight officers attribute to the harm to the Green Belt and other identified harm to the local landscape character and visual amenities of the rural countryside. Consequently, officers consider that the very special circumstances necessary to justify the development do not exist and that the proposal would not comply with Policy 9 of the SWP and Policy RUD19 of the MVLP. Planning conditions would not overcome these deficiencies.

Human Rights Implications

162. The Human Rights Act Guidance for Interpretation contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.

163. Officers do not consider that the proposal or the recommendation to refuse planning permission engages any Convention rights.

Conclusion

164. The development proposed would make a modest contribution to achieving relevant targets for recycling, recovery, and the diversion of waste from disposal and so it complies with Policy 1 of the SWP. However, it does not accord with the locational criteria for waste management development as set out in Policies 2 and 10 of the SWP.

²² Paragraph 4.19 of the applicant’s PHS

²³ Paragraph 28 of the appeal decision letter

165. The wider environmental and economic benefits of the proposed waste management use are afforded some weight in favour of the development. This is however insufficient to clearly outweigh the substantial weight given to the harm to the Green Belt and other identified harm to the local landscape character and visual amenities of the rural countryside. Consequently, the very special circumstances necessary to justify the use of the application site for waste management do not exist and therefore the proposed development is contrary to Policy 9 of the SWP and Policy RUD19 of the MVLP.

Recommendation

166. The recommendation is to REFUSE planning application Ref. MO/2020/1804 for the following reasons:

1. The proposed development does not comply with the locational criteria for waste management development as set out in Policies 2 and 10 of the Surrey Waste Plan 2019.
2. The industrial nature and scale of the development would not preserve or enhance local landscape character or the visual amenities of the local landscape contrary to Policies 13 and 14 of the Surrey Waste Plan 2019, Policies ENV4, ENV22, and RUD19 of the Mole Valley Local Plan 2000, and Policies CS13 and CS15 of the Mole Valley Core Strategy 2009.
3. The applicant has failed to demonstrate factors that amount to very special circumstances which clearly outweigh harm to the Green Belt and other identified harm to the local landscape character and visual amenities of the rural countryside contrary to Policy 9 of the Surrey Waste Plan 2019 and Policy RUD19 of the Mole Valley Local Plan 2000.