



**SURREY**  
COUNTY COUNCIL

**To:** Planning and Regulatory Committee  
**By:** Planning Development Manager  
**District(s)** Epsom and Ewell Borough Council

**Date:** 26 January 2022

**Electoral Division(s):**  
**Ewell**

**John Beckett**  
**Epsom Town and Downs**  
**Steven McCormick**  
**Case Officer:**  
**James Nolan**

**Purpose:** For Decision

**Grid Ref:** 522709 160100

**Title:** Minerals/Waste EP21/00223/CMA

## Summary Report

### Land at The Chalk Pit, College Road, Epsom, Surrey KT17 4JA

**Change of use of an existing Waste Transfer Station to a Materials Recycling Facility and extension of this site to incorporate a new Waste Transfer Station, including: demolition of existing building; reinforcement of retaining wall; provision of new site surfacing and drainage; construction of buildings for the bulking and processing of mixed skip waste and skip storage, and the sorting and transfer of inert waste materials; use of an office; retention of existing workshop; installation of weighbridge; retention of entrance gates and fencing; and, provision of car parking [part retrospective].**

The application site is located towards north-eastern Surrey, within the base of a former chalk pit. The 'Chalk Pit' is an industrial and commercial site, totalling approximately 1.8 hectares (**ha**), and is located on the northern side of the A2022 College Road, some 2 kilometres (**km**) south-east of Epsom town centre. The 'Chalk Pit' is within the Metropolitan Green Belt and is surrounded immediately by open fields. A number of uses operate within the 'Chalk Pit', including three authorised waste management sites, two empty skip storage areas, a car repair company, three coach hire businesses, a scaffolder, a physiotherapist, and a gym.

The application site the subject of this planning application will hereon in be referred to as the 'NJB site'. The 'NJB site' is located in the south-eastern part of the wider 'Chalk Pit' and comprises an area of land which is covered by a Certificate of Lawful Existing Use or Development (**CLEUD**) as well as land and a building which have historically been used in connection with the authorised CLEUD use. The nearest residential property to the operational area of the 'NJB site' is approximately 160 metres (**m**) to the west at its closest point.

The CLEUD was granted on appeal in April 1998 for the establishment of a Waste Transfer Station (**WTS**) within roughly the eastern half of the 'NJB site', comprising the storage and transfer of up to 26,000 tonnes of waste per calendar year. Subsequent planning permissions have been granted within this same area for the retention of an open sided waste reception building, the retention of a first-floor addition to a site office, erection of a retaining wall, and the installation of a weighbridge. A number of other planning permissions associated with the other uses within the wider 'Chalk Pit' site have also been granted, but these uses are not the subject of this application.

The proposal the subject of this application is to change the use of the CLEUD area from a WTS to a Materials Recycling Facility (**MRF**) and establish a new WTS within the adjacent land. This includes the demolition of the existing open-sided waste reception building; construction of two new conjoined buildings to enclose the processing of mixed skip waste and skip storage, which will be undertaken within the MRF, and the sorting of inert waste materials, which will be undertaken within the WTS; use of an office; and, the retention of the existing workshop, all in order to improve the scope and organisation of the existing waste management activities.

The new drainage system has already been installed; the surface of the CLEUD area has already been covered with concrete hardstanding and tarmacadam; the existing retaining wall has already been reinforced; the new weighbridge, palisade fencing and gates have already been installed at the entrance to the operational area of the 'NJB site'; and, metal posts which will form part of the westernmost of the two new buildings have already been installed around part of the perimeter of the new WTS area. Therefore, this application is part-retrospective.

Representations from a total of 717 objectors have been received by the County Planning Authority (**CPA**) in relation to this planning application, alongside two petitions signed by a total of 3,320 signatories. Concerns were originally raised by the CPAs Dust (**CDAQC**) and Noise (**CNC**) consultants and the County Highway Authority, but these have been addressed by the submission of additional information and appropriate amendments to the proposal such that no technical objection is now raised. Epsom and Ewell Borough Council object to the proposal on Green Belt, transport, noise, dust, and ecology and biodiversity grounds, and Ewell Downs Residents' Association object on Green Belt and noise grounds. Other issues which have been considered as part of this application, for which no technical objections have been raised, include air quality, drainage, ground contamination, landscape character and visual amenity, lighting, and waste management issues.

The proposal constitutes inappropriate development which would have an impact on the openness of the Green Belt, but does however accord with the development plan in terms of the use of land and buildings to facilitate a shift away from the emphasis on landfill in favour of recycling. Development plan policies also seek to protect the local environment and the amenities of local residents from the adverse effects of development, and the impact of the proposal in the local landscape is therefore considered to be acceptable given the screening measures proposed. Further, Officers consider that on balance the applicant has demonstrated very special circumstances in that the harm to the Green Belt is outweighed by the need for the facility, the lack of alternative locations, and the enhancement of the 'NJB site' to facilitate an increase in recovery, reuse and recycling, and the production of alternatives to primary aggregates. Other benefits include the control over stockpile heights, working hours, and some vehicle routing; and, control over dust and noise emission due to enclosure of the operations, therefore establishing modern planning control over this existing waste facility. Taking all of this into account, Officers consider that the grant of planning permission may be justified.

**The recommendation is to grant planning permission with conditions, subject to referral to the Secretary of State as per paragraph 9 of The Town and Country Planning (Consultation) (England) Direction 2009.**

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## Application details

### Applicant

NJB Recycling Ltd

## Date application valid

3 February 2021

## Period for Determination

5 May 2021 – extended to 9 February 2022 on agreement with agent.

## Amending Documents

- 21/05/21 Drawing No. 193091/PL/D/011 Visibility Splay dated May '21.
- 14/06/21 Air Quality Assessment (Dust) Rev 1 dated June 2021.
- 02/07/21 Drawing No. 193091/PL/D/001 Rev B Site Location Plan dated Jan '21.
- 02/07/21 Drawing No. 193091/PL/D/006 Rev C Proposed Block Plan dated May '21.
- 02/07/21 Drawing No. 193091/PL/D/012 Overnight HGV Parking Plan dated June '21.
- 02/07/21 Response on noise 3006.
- 02/07/21 Revised Further Information in Response to Transportation Development Planning Team Additional Comments of June 2021 dated June 2021.
- 06/09/21 Drawing No. 193091/PL/D/010 Proposed Office Elevations dated Sept '21.
- 06/09/21 Email from Agent with clarifying info.
- 19/11/21 Noise Impact Assessment ref: 1150.002R.4.0.NA.Final V3 dated 12 November 2021.
- 19/11/21 Applicant document titled "Surrey County Council Noise consultant responses 30/11/2021".

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## 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.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Waste Management Issues	Yes	72-121
Highways, Traffic and Access	Yes	122-169
Environment and Amenity Issues	Yes	170-342
Green Belt	Yes	343-403

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## Illustrative material

### Aerial Photographs

Aerial Photograph 1  
Aerial Photograph 2

## Site Photographs

Site Photograph 1 – Photograph showing existing waste reception shed authorised under planning permission ref: EP95/0611 dated 30 November 1998.

Site Photograph 2 – Photograph showing weighbridge authorised under planning permission ref: EP03/0380 dated 18 September 2003.

Site Photograph 3 – Photograph showing existing retaining wall authorised under planning permission ref: EP08/0417 dated 25 July 2008.

Site Photograph 4 – Photograph showing unauthorised concrete hardstanding.

Site Photograph 5 – Photograph showing unauthorised reinforcement of existing retaining wall.

Site Photograph 6 – Photograph showing unauthorised erection of metal support posts within the western half of the operational area of the 'NJB site'.

Site Photograph 7 – Photograph showing unauthorised installation of weighbridge.

Site Photograph 8 – Photograph showing unauthorised mechanical picking station.

Site Photograph 9 – Photograph showing unauthorised trommel.

Site Photograph 10 – Photograph showing footway along southern side of College Road.

Site Photograph 11 – Photograph showing vegetation cover at 'Chalk Pit' entrance.

## Site Plans

Plan 1 – Plan showing area authorised by CLEUD ref: APP/X/95/B3600/2321 dated 17 April 1998.

Plan 2 – Plan showing extent of uses within the wider 'Chalk Pit'.

Plan 3 – Plan showing red-line boundary for application ref: EP17/00092/CMA.

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## Background

### Site Description

1. The 'NJB site', which measures a total of some 0.44ha, comprises land as identified on the plan attached to the aforementioned CLEUD (as shown on Plan 1 appended to this report) the adjacent land which has previously been used for skip storage and lorry parking in connection with the use of the CLEUD land, an adjacent workshop used for vehicle maintenance purposes, and a vehicular connection to the public highway.
2. The 'NJB site' is situated in the south-eastern corner of a former chalk pit, which hosts numerous other industrial and commercial land uses (as shown on Plan 2 appended to this report) including two further authorised waste management facilities, two empty skip storage areas, a car repair company, three coach hire businesses, a scaffolder, a physiotherapist, and a gym. The 'NJB site' is below the level of the surrounding land and abuts the southern and eastern boundaries of the wider 'Chalk Pit' as well as the other two waste management facilities and the three coach hire businesses.
3. The wider 'Chalk Pit' totals approximately 1.8ha within the Downs Farm area of open land, some 2km south-east of Epsom town centre. It is located on the northern side of the A2022 College Road, with mature vegetation and a partly corrugated metal and partly wooden fence of approximately 2m in height positioned in between. Although the 'Chalk Pit' is immediately bounded to the north, east and south by open fields, built-up residential areas are located beyond these to the west and south-east, with the nearest dwelling being some 70m to the west of its entrance from the A2022 College Road at its closest point.

4. The application site is located within the Metropolitan Green Belt but is not covered by any other statutory designations. The nearest Site of Special Scientific Interest (**SSSI**) is located at Banstead Downs, some 1.9km to the east, while the nearest Site of Nature Conservation Interest (**SNCI**) is Epsom Golf Course, some 600m to the south. The application site is not covered by any archaeological constraints and is designated by the Environment Agency (**EA**) as lying within Flood Zone 1 (land with the lowest probability of flooding).
5. However, the application site does lie within the catchment area of source protection zones (**SPZ**), designated to protect groundwater to supply human consumption. Roughly the eastern half of the operational area of the 'NJB site' lies within SPZ3 (total catchment), while the western half of the operational area and the site entrance are located within SPZ2 (outer protection zone).

### Planning History

6. The 'Chalk Pit' itself has a long history of commercial and light industrial uses undertaken by a number of different operators, with several planning permissions being granted by Surrey County Council for waste transfer activities during the 1980s, 2000s and 2010s.
7. The following planning permissions have been granted for solely the 'NJB site' the subject of this planning application:

EP91/0359/0202 dated 16 May 1994	Retention of a Waste Transfer Station on a site of about 0.23ha including vehicular access to College Road.  *Condition 1 details that this permission is a permission personal to A and J Bull Limited. **Condition 2 details that this permission is for a limited period expiring on 19 November 1997.
APP/X/95/B3600/002321 dated 9 May 1996 (Granted on appeal)	A mixed use for a skip hire depot, involving four skip lorries and 120 skips, and for the storage and transfer of waste.
APP/X/95/B3600/2321 dated 17 April 1998 (CLEUD, granted on appeal)	The use of approximately 200 sq m of land for the storage and transfer of up to 26,000 tonnes of waste per calendar year.
EP95/0611 dated 30 November 1998	Retention of an open sided building of approximately 195m <sup>2</sup> for the transfer of waste without complying with Condition 2 of planning permission EP91/0359/0202 dated 16 May 1994 and further work to close up the existing openings with cladding on three sides of the building.
EP03/0380 dated 18 September 2003	Installation of a weighbridge for associated use with the Waste Transfer Station located at the site.
EP08/0417 dated 25 July 2008	Erection of a retaining wall to provide a secure boundary between the two landuses at the former Chalk Pit.
EP08/0418 dated 30 July 2008	Retention of a first floor addition to

	portable site office accommodation, siting of a secure container/store and portable mess room above, and siting of a portable toilet block with onsite foul water storage.
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8. Planning permission for the change of use of part of the 'NJB site' from a WTS to an MRF was refused in August 2017 under reference EP17/00092/CMA, further details of which are provided below.

## Baseline Planning Situation

### *Certificate of Lawfulness of Existing Use or Development*

9. As stated above, the 'NJB site' operates partially on land which was granted a CLEUD on appeal in April 1998 for the storage and transfer of up to 26,000 tonnes of waste per calendar year. Officers have assessed that at the time of writing this report, this CLEUD remains in force and that it constitutes the current 'baseline' for the part of the 'NJB site' specified within the CLEUD in the absence of any other planning permission.
10. CLEUDs are determined on the basis of matter of fact and not questions on amenity or planning merits, and are granted where sufficient evidence is provided showing the use over the prescribed period without taking account of any amenity or human rights issues. Therefore, while the area within which the use has been and can continue to be undertaken within will be specified, it is not possible to place conditions on CLEUDs.
11. Therefore, in the case of CLEUD ref: APP/X/95/B3600/2321 dated 17 April 1998, there are no planning restrictions over the hours within which waste storage and transfer can take place; the number of lorry movements to and from the specified area; the height to which stockpiles of waste can be stored; the control of dust, noise, light and/or odour emissions from the specified area; or, the cleaning of lorry wheels and chassis so as to prevent the creation of a dangerous surface on the public highway, in this case being the A2022 College Road.
12. Furthermore, although the CLEUD in question specifically states that a maximum of 26,000 tonnes of waste can be stored within and transferred from the specified area per calendar year, it is not automatically the case that exceeding such a limitation would amount to a material change of use. Whether such a material change of use can be said to have occurred or not is a matter of planning judgement.
13. The granting of an express planning permission covering the CLEUD area would, for the first time, give the CPA control over the operations which could take place within that specified area. Should any conditions be attached to such an express planning permission, this would also give the CPA recourse to resolve any breaches of such a permission that may arise, by way of either formal or informal enforcement action.

### *Application Site and Other 'Chalk Pit' Uses*

14. The 'NJB site' constitutes one part of the land which forms the wider 'Chalk Pit'. Within the base of the 'Chalk Pit', there are two further waste management sites which have been authorised to operate by the CPA and are operated by different operators to both the application site and to each other. There are also other uses being carried out within the base of the 'Chalk Pit', by further different operators for which the CPA is not responsible for issuing, or monitoring compliance with, planning permissions.



15. The wider 'Chalk Pit' also includes an area known as the 'Upper Rim', where lorry parking and empty skip storage have historically taken place, and for which the CPA are not responsible. As the name would suggest, this area is not within the base of the 'Chalk Pit', but consists of an unmade track which rises from the entrance of the 'Chalk Pit' to a raised area which is at the same level as the surrounding agricultural fields and nearby residential properties.
16. The operation of the two other authorised waste management sites and other uses within the base of the 'Chalk Pit', and the operation of the 'Upper Rim', are unrelated to the proposal the subject of this planning application. These sites and other uses will continue to be operated under their respective planning permissions where such exist, and will continue to be the responsibility of the relevant authority which may not be the CPA.
17. Bearing all of the above in mind, it is important to note that the application site and the 'Chalk Pit' are not one and the same. The application site forms one of many parts of, and is operated by one of many operators within, the 'Chalk Pit'.

#### *Previously Developed Land*

18. The National Planning Policy Framework 2021 (**NPPF**) defines previously developed land (**PDL**) as 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.
19. As stated above, following the granting of CLEUD ref: APP/X/95/B3600/2321 dated 17 April 1998, planning permission was granted in November 1998 for the permanent retention of an open-sided building for the transfer of waste within the CLEUD area under planning permission ref: EP95/0611. This building remains in position and is subject to demolition as part of the proposal the subject of this application (as shown on Site Photograph 1 appended to this report).
20. Permanent planning permissions have also previously been granted for the installation of a weighbridge towards the southern end of the CLEUD area under ref: EP03/0380 dated 18 September 2003 (as shown on Site Photograph 2 appended to this report) and the erection of a retaining wall along half of the western boundary of the CLEUD area under ref: EP08/0417 dated 25 July 2008 (as shown on Site Photograph 3 appended to this report).
21. Although there does not appear to be any planning history available for the workshop positioned to the south-west of the CLEUD area, Officers are aware from aerial photographs that it has been in position since at least 1999.
22. Therefore, Officers consider the area specified by CLEUD ref: APP/X/95/B3600/2321 dated 17 April 1998, as well as the land to the south-west of the CLEUD area on which the workshop is positioned, to fall within the definition of PDL.
23. Finally, although there again does not appear to be any planning history available, Officers are not aware of any buildings or permanent structures having been erected within the remainder of the 'NJB site', and do not consider it to be sufficiently within the curtilage of the CLEUD area or workshop so as to be considered previously developed land. However, Officers are aware that the land has been used for the storage of skips and parking of vehicles in association with the use of the CLEUD area and workshop since at least 2004, and for other storage and parking purposes since at least 1999.

*Refusal of planning application ref: EP17/00092/CMA*

24. As stated above, planning permission for the change of use of part of the 'NJB site' from a WTS to an MRF was refused in August 2017 under application ref: EP17/00092/CMA, and in light of this, many of the letters of representation to the current planning application have questioned why the current application is being progressed.
25. Officers recognise that the application site for EP17/00092/CMA was wholly within the 'NJB site' the subject of this application, and in both cases a change of use from a WTS to an MRF has formed part of the application. Therefore, although planning applications should be determined on their own merits, Officers consider it important that the reasons for the refusal of application ref: EP17/00092/CMA are explained, and the differences between that application and the current one are set out.
26. To begin with, Officers were not satisfied that the red-line boundary of the application site for EP17/00092/CMA sufficiently encompassed the entirety of the area within which the change of use the subject of that application had taken place (as shown on Plan 3 appended to this report), and the applicant at that time would not amend their application in line with Officers' requests.
27. Meanwhile, Officers consider that the red-line boundary of the 'NJB site' as shown within the current application does correctly demonstrate the area within which the change of use has been applied for and would be extended to cover.
28. Further, the red-line boundary for application ref: EP17/00092/CMA included an area of land adjacent to the specified CLEUD area for which no planning permission had previously been granted. However, the description of development for this application suggested that the entire area within the red-line boundary had a lawful use to operate as a WTS, which was incorrect in planning terms.
29. Officers consider that the description of development for the proposal the subject of this application accurately states that the proposed change of use would apply to part of the land within the red-line boundary which is currently authorised to operate as a WTS, with the remainder of the area within the red-line boundary being used to accommodate a new WTS, parking, a weighbridge, and other associated infrastructure.
30. Finally, Officers concluded that insufficient information had been provided as part of application ref: EP17/00092/CMA on drainage, noise and dust emissions, traffic generation and parking provision in order to demonstrate that the proposed development would be acceptable and would not result in any significantly adverse impacts.
31. Meanwhile, documentation submitted as part of this application includes drainage documentation, a Land Contamination Assessment, an Air Quality Assessment, a Noise Impact Assessment, and an Outline Construction Logistics Plan. Officers are also aware that the application comprises the provision of new site surfacing and drainage; construction of buildings; and, the provision of car parking.
32. The submission of the above mentioned information, and the inclusion within the application of the above mentioned development, fulfils the requirements of the County Council's Local List for the Validation of County Development and County Matters Planning Applications dated November 2020, and will allow Officers to make a full and appropriate assessment of the proposal in a way which was not possible for application ref: EP17/00092/CMA.

*Enforcement of current activities*



33. The current operator, NJB Recycling Ltd, began operating from the 'NJB site' during 2019. Since that time, Officers have become aware of several additional developments having taken place within the site, including but not limited to: the covering of the surface of the 'NJB site' with concrete hardstanding and tarmacadam (as shown on Site Photograph 4 appended to this report), reinforcement of the existing retaining wall (as shown on Site Photograph 5 appended to this report), erection of metal support posts within the western half of the operational area of the 'NJB site' (as shown on Site Photograph 6 appended to this report), and the installation of a weighbridge at its far western end (as shown on Site Photograph 7 appended to this report).
34. Further, machinery normally associated with a recycling operation has been brought onto the 'NJB site' (as shown on Site Photographs 8 and 9 appended to this report) and were originally operated by the applicant in the open, not under the cover of a building. This has generated complaints and concerns from the surrounding residential area, especially in relation to the uncontrolled emission of noise and dust from such operation, and its effect on the local community.
35. Officers therefore established communication with the operator, their agent and the landowner in order to resolve the matter, during which the operator committed to the submission of this planning application. Officers requested the operator to cease the operation of recycling machinery until such time as the submitted planning application had been determined, but the CPA do not have any record of a response to this request.
36. As stated in paragraph 003<sup>1</sup> of the National Planning Practice Guidance (**NPPG**) titled Enforcement and post-permission matters, enforcement action is discretionary and should be undertaken proportionately where it is considered expedient. Further, paragraph 011<sup>2</sup> of the same guidance states that formal enforcement action should usually be avoided where a planning application is considered to be the appropriate way to regularise the situation.
37. Meanwhile, the CPAs Planning Enforcement Protocol: Mineral and Waste Development dated September 2015 states that so far as possible, breaches of planning control will be dealt with informally through discussion, negotiation, encouragement, and, if appropriate, the submission of a retrospective planning application. There is no statutory duty to take action against a breach of planning control in any particular circumstances, but instead the extent of harm that may or may not result from the breach must be considered, and the impact of that development must be balanced against the impact of taking enforcement action.
38. In this case, Officers do not consider it appropriate or expedient for the CPA to take formal enforcement action against development at a time when a planning application to regularise the operations being undertaken is in the processing of being determined.
39. Furthermore, paragraph 188 of the NPPF states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions where these are subject to separate pollution control regimes – it should be assumed that these regimes will operate effectively. Therefore, the CPA would usually expect:
  - a) the EA to address any noise and dust concerns related to activities permitted to be undertaken within the applicants' issued Environmental Permit;
  - b) Epsom and Ewell Borough Council's Environmental Health department to address other noise, dust and lighting concerns as a statutory nuisance;
  - c) the Highways Authority to address highway-, parking- and road drainage-related issues;

- d) Surrey Police to address traffic offences such as speeding; and,
  - e) the Health and Safety Executive to address health and safety matters.
40. These above-mentioned authorities are aware of the complaints and concerns from the surrounding residential area, and it is understood they are working within their remits to resolve them.
41. Finally, it should be noted that Section 73A of the Town and County Planning Act 1990 allows for the submission of retrospective planning applications, as also detailed within paragraph 012<sup>3</sup> of the NPPG titled Enforcement and post-permission matters, and that such should therefore not be considered a reason for refusal in itself. The submission of a retrospective application does not mean that planning permission will automatically be granted, and the application will be treated in the usual way.

## The Proposal

42. As stated above, Officers are aware that several developments have been undertaken since 2019 and that activities are being undertaken within the application site which would normally be associated with a recycling operation.
43. This application is therefore seeking retrospective planning permission to regularise these developments and the change of use of the existing WTS to an MRF, as well as seeking planning permission for the demolition of the existing open-sided building, the extension of the site area to incorporate a new WTS, construction of buildings for the processing of mixed skip waste and skip storage and the sorting of inert waste materials, use of an office, and the retention of the existing workshop.
44. The two proposed new buildings would be steel framed with green coloured cladding, would each measure 9m in height to the eaves and 10m to the pitch, and would collectively cover an area of approximately 2,000 square metres (**sqm**).
45. Building 1, the western-most of the two buildings, would be used as a WTS for the sorting and transfer of mixed skip waste, such as metal, paper, cardboard, wood, plastic, textiles, and naturally occurring materials, and the storage of empty skips. Building 2, the eastern-most of the two buildings, would be used as an MRF for the bulking and processing of inert waste materials by way of a trommel and picking station, and the stockpiling of the resultant produced materials.
46. Although these two buildings would be physically conjoined, there would not be any internal connection due to the different topography of the floor levels and to allow the two different processes to be undertaken separately from one another.
47. The new weighbridge has already been installed at the entrance to the operational area of the 'NJB site', while the proposed new single-storey site office would be constructed immediately to the north of this weighbridge and would measure approximately 4m wide by 8.5m in length.
48. Eight car parking spaces and provision for the parking of up to eight bicycles would be provided immediately to the west of Building 1, along the northern boundary of the 'NJB site'. An additional 18 car parking spaces would be provided within an overflow car parking area adjacent to the 'NJB site' but within the wider 'Chalk Pit'. Overnight parking for up to 12 Heavy Goods Vehicles (**HGVs**) would be accommodated in the form of 10 spaces within Building 1 and two spaces immediately outside.

49. Finally, the existing workshop at the far western end of the operational area would continue to be used for the maintenance of the operators' lorries, plant and machinery associated with the activities proposed within this application. This workshop measures roughly 18m long by 11.9m wide and appears to measure no more than four metres high.
50. According to the applicant, these developments would allow them to improve the scope and organisation of the existing waste management activities. Operations would be limited to the hours of 0700-1800 Mondays to Fridays and 0730-1300 on Saturdays, with no working to take place on Sundays, Public, Bank or National Holidays. The volume of imported waste would not increase from the 26,000 tonnes per calendar year authorised by CLEUD ref: APP/X/95/B3600/2321 dated 17 April 1998 and would apply to the whole of the 'NJB site'.

## **Consultations and publicity**

### **Epsom and Ewell Borough Council**

51. Planning Control – Objection, on the grounds of Green Belt, transport, noise, and dust.

### **Consultees (Statutory and Non-Statutory)**

52. Environment Agency – No objection, subject to conditions requiring the submission of a remediation scheme if ground contamination previously not identified is found to be present, and that no infiltration of surface water drainage into the ground be permitted.
53. County Dust and Air Quality consultant – No objection, subject to a condition requiring the submission of a Dust Management Plan.
54. County Noise consultant – No objection, subject to conditions restricting noise such that it shall not exceed the existing representative background sound level by more than 5dB, and requiring noise monitoring to be carried out to demonstrate compliance with noise limits.
55. SuDS and Consenting Team – No objection, subject to a condition requiring the submission of a surface water drainage scheme.
56. Transportation Development Control – No objection, subject to conditions requiring the laying out of parking, loading and turning spaces; the installation of electric vehicle charging points; and, the submission of a Construction Transport Management Plan.

### **Parish/Town Council and Amenity Groups**

57. Ewell Downs Residents' Association – Objection, on the grounds of noise and Green Belt.

### **Summary of publicity undertaken and key issues raised by public**

58. The application was initially publicised by the posting of two site notices and an advert was placed in the Surrey Comet newspaper on 18 February 2021. A total of sixteen owner/occupiers of neighbouring properties were directly notified by letter.
59. Letters of representation from a total of 596 objectors were subsequently received by the CPA in relation to planning application ref: EP21/00223/CMA following this initial publication. The letters raised objections on matters including:

- Dust and pollutant emission, monitoring and mitigation/control.
- Increased noise and vibration levels.
- Lighting.
- Odour.
- Unsocial hours of operation, including early mornings and late nights.
- Scale and visual impact of buildings.
- Lack of information on the office.
- Roller shutter doors being left open.
- Lack of information on the types of materials to be processed.
- The need for an Environmental Impact Assessment.
- Effects on endangered wildlife and nature/ecological areas.
- Increased traffic generation on unsuitable roads.
- Unsuitability of access to the application site.
- Dangerous road conditions immediately outside the access.
- Traffic speed on surrounding roads.
- Dangerous parking on local residential roads and verges.
- Insufficient parking within the application site.
- Proximity to residential properties and college/school grounds.
- The proposal being out of keeping with the surrounding landscape character.
- The retrospective nature of the application.
- Refusal of previous 'change of use' application for the site.
- Health and safety concerns, including fires.
- Drainage and flooding issues.
- Groundwater and drinking water contamination, and
- Green Belt.

60. Two petitions signed by a total of 3,320 signatories have also been received in relation to application ref: EP21/00223/CMA following this initial publication.

61. Following the submission of additional information by the applicant, the CPA has undertaken four further formal consultation exercises, which resulted in letters being sent to the owner/occupiers of neighbouring properties originally notified of the application, and to people and organisations who had expressed an interest in the application prior to the receipt of the additional information.

62. Letters of representation from an additional 121 objectors have thereafter been received by the CPA in relation to planning application ref: EP21/00223/CMA, although no additional matters have been raised beyond those identified within the original consultation exercise.

## **Planning considerations**

### **Introduction**

63. The guidance on the determination of planning applications, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraphs.

64. In this case the statutory development plan for consideration of the application consists of the Surrey Waste Local Plan Part 1 – Policies and Part 2 – Sites, which together form the Surrey Waste Local Plan 2020 (**SWLP2020**), as well as the Epsom and Ewell

Borough Council Core Strategy 2007 (**EECS2007**) and the Epsom and Ewell Borough Council Development Management Policies Document 2015 (**EEDM2015**).

65. The SWLP2020 sets out how and where different types of waste will be managed within Surrey in the future, sets out the planning policy framework for the development of waste management facilities, and is used in determining planning applications.
66. The EECS2007 and EEDM2015 are both parts of the Epsom and Ewell Local Development Framework, which guides development and land use in the Borough. These documents go beyond traditional land use plans by bringing together and integrating policies for the development and use of land with other policies and programmes which can influence the nature of places and how they function.
67. The EECS2007 identifies key issues and the social, economic and environmental objectives for the future development of the Borough, and presents a strategy to achieve them. It is central to the delivery of sustainable development and creating sustainable communities. Meanwhile, the EEDM2015 aims to support the strategic objectives and deliver the vision of the EECS2007 by promoting and enabling development, and setting out criteria by which planning applications and site allocations will be considered and determined.
68. The EECS2007 and EEDM2015 are currently in the process of being replaced by the Epsom and Ewell Local Plan 2017-2037. This will put in place a clear strategy to bring investment, growth and prosperity to the borough, by setting out strong guidance about the type of growth Epsom and Ewell Borough Council expect to see, protecting the borough from ad hoc and inappropriate development.
69. However, this document remains at the consultation stage and has not been formally adopted. Therefore, Officers consider that no weight should be attached to this document for the purposes of determining this planning application.
70. There are no neighbourhood plans which cover the area within which the 'NJB site' is located.
71. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In this case the main planning considerations are access, parking and transport impacts; dust and air quality; drainage; ground contamination; landscape character and visual amenity; lighting; noise; ecology and biodiversity; waste management issues; and, Green Belt.

## **WASTE MANAGEMENT ISSUES**

### **Surrey Waste Local Plan 2020**

Policy 1 – Need for Waste Development

Policy 2 – Recycling and Recovery (other than inert C, D and E and soil recycling facilities)

Policy 3 – Recycling of Inert Construction, Demolition and Excavation Waste

Policy 8 – Improvement or extension of existing facilities

Policy 10 – Areas suitable for development of waste management facilities

### **Aggregates Recycling Joint Development Plan Document 2013**

Policy AR4 – Aggregates recycling outside preferred areas

Policy AR5 – High value recovery

72. The proposal the subject of this application seeks the import, storage, bulking, processing, and transfer of inert waste and mixed skip waste, and it is therefore relevant

and necessary for Officers to assess the need for such a proposal in both the national and local context.

73. The NPPF does not contain policies relating to waste management. Instead, national planning policy for waste is set out in the National Planning Policy for Waste October 2014 (**NPPW**) and the Waste Management Plan for England January 2021 (**WMPE**).
74. Paragraph 7 of the NPPW states that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and amenity, while ensuring 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.
75. Appendix A of the NPPW presents the Waste Hierarchy which details that the most effective environmental solution is to reduce the generation of waste, followed by preparing for re-use, recycling, and other recovery, with the least desirable solution where none of the other options are appropriate being disposal. The Waste Hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in The Waste (England and Wales) Regulations 2011.
76. Appendix B states that in determining planning applications, waste planning authorities should consider the type and scale of the envisaged waste management facility, as well as:
  - The protection of water quality, resources and flood risk management. Considerations will include the proximity of vulnerable surface and groundwater or aquifers.
  - Landscape and visual impacts. Considerations will include the potential for designed solutions to produce acceptable development which respects landscape character, and the need to protect landscapes or designated areas of national importance.
  - Traffic and access. Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads.
  - Air emissions, including dust. Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate, well-maintained and well managed equipment and vehicles.
  - Noise, light and vibration. Considerations will include the proximity of sensitive receptors. Intermittent and sustained operating noise may be a problem if not properly managed, and potential light pollution aspects will also need to be considered.
  - Potential land use conflict. Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility.
77. Meanwhile, the WMPE is a high-level, non-site-specific document which focuses on waste arisings and their management. It provides an analysis of the current waste management situation in England, and sets out plans for preventing products and materials from becoming waste, including by greater re-use, repair and re-manufacture supported by action to ensure better design to enable this to be done more easily.
78. The WMPE contains:



- Measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery, and disposal of waste.
  - Information on the measures to attain the objective of diverting waste suitable for recycling or other recovery away from landfill.
  - General waste management policies.
  - Measures to be taken to ensure that by 2020, at least 70% by weight of non-hazardous construction and demolition waste that is not naturally occurring material is subjected to material recovery.
79. The WMPE states that construction, demolition and excavation waste (**C, D and E**) contributes the largest amount of total amount generation, measuring 120.3 million tonnes of waste in 2016, of which 91% comprised either soils or inert waste from construction and demolition. During the same year, a recovery rate of 91% of non-hazardous construction and demolition waste was calculated for the UK as a whole, comfortably meeting the target of recovering at least 70% by weight of such waste.
80. As mentioned previously, the SWLP2020 sets out how and where different types of waste will be managed within Surrey in the future and sets out the planning policy framework for the development of waste management facilities.
81. The SWLP2020 includes an assessment of waste need for the County, in which it is predicted that C, D and E waste arisings between 2017 and 2035 are to remain stable at 2.49 million tonnes, as well as setting out targets for different waste streams for the Plan period, including an increase in recycling rates from 58% in 2017 to 80% by 2035. The SWLP2020 sets out that recycling rates for C, D and E waste are based on targets in the revised Waste Framework Directive, which has since been transposed by the Waste (Circular Economy)(Amendment) Regulations 2020, and that they are binding.
82. The need to allocate sites for waste development arises from the gap between existing waste management capacity and forecast requirements. The SWLP2020 shows that there will be a gradual decline in recycling capacity in Surrey, from 540,000 tonnes in 2017 to just 15,000 tonnes in 2035, and that a negative capacity gap for C, D and E recycling will increase from 14,000 tonnes in 2020 to 1.16 million tonnes in 2035.
83. Further, the SWLP2020 states that in the period 2008-2017 allocated sites provided 66% of waste management capacity for the County whereas unallocated sites provided 15%. Some of the County's capacity is delivered by temporary facilities at operational mineral workings, and no allocations are proposed within the SWLP2020 for C, D and E recycling facilities.
84. SWLP2020 Policy 1 (Need for Waste Development) states 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 waste away from disposal in a manner that does not prevent management of the waste at the highest point practical in the waste hierarchy.
85. SWLP2020 Policy 2 (Recycling and Recovery (other than inert C, D and E and soil recycling facilities)) states that planning permission for the development of recycling or recovery facilities (other than inert C, D and E and soil recycling facilities) and any associated development will be granted where the activity involves the redevelopment of a site, or part of a site, in existing waste management use.
86. Further, development of waste recycling and recovery activities co-located with other waste and non-waste development will be supported where it can be demonstrated that

there are benefits from the co-location, which may include fewer lorry movements being required as a result of co-location.

87. SWLP2020 Policy 3 (Recycling of Inert Construction, Demolition and Excavation Waste) states that planning permission for the development of inert construction, demolition and excavation (C, D and E) waste recycling operations located with other certain types of development will be granted where it can be demonstrated that there are benefits from their co-location, which may include: more efficient production, in terms of quantity or quality, of secondary and recycled aggregate; fewer lorry movements would be required as a result of co-location; and, an additional beneficial use is associated with inert C, D and E waste processing at the site e.g. use of the recycled inert C, D and E waste materials within the development.
88. SWLP2020 Policy 8 (Improvement or extension of existing facilities) states that planning permission for the improvement or extension of existing waste management facilities will be granted where the quantity of waste to be managed is equal to or greater than the quantity of waste currently managed on site, and benefits to the environment and local amenity will result.
89. SWLP2020 Policy 10 (Areas suitable for development of waste management facilities) states that planning permission will be granted for the development of facilities on land considered to be previously developed and/or redundant agricultural and forestry buildings and their curtilages, and on land that is otherwise suitable for waste development when assessed against other policies in the Plan.
90. Meanwhile, the Aggregates Recycling Joint Development Plan Document 2013 (ARJDPD2013) sets out proposals with regard to the provision of aggregates recycling facilities across the County for the period to 2026.
91. ARJDPD2013 Policy AR4 (Aggregates recycling outside preferred areas) states that new aggregate recycling facilities outside the preferred areas will be supported where it can be demonstrated that the development would result in an increase in the recovery of C, D and E waste material suitable for the production of recycled aggregates.
92. ARJDPD2013 Policy AR5 (High value recovery) states that planning applications for aggregate recycling facilities will be expected to demonstrate that the development will maximise the amount and range of recyclable materials that can be recovered from the construction, demolition and excavation waste stream delivered for treatment at the site.
93. The CPA publishes an Annual Monitoring Report (**AMR**) to review the effectiveness of policy implementation and service delivery, with the most recent report being for the 2019/2020 period.
94. The AMR sets out that an estimated 2.65 million tonnes of C, D and E waste arose during 2019, the highest figure for ten years and a steady increase in arisings during that same period. However, the capacity for the management of such waste within Surrey decreased from 1.70 million tonnes in 2018 to 1.62 million tonnes in 2019, with a significant proportion of this capacity being landfill, which is considered the least desirable method of managing waste.
95. The available waste transfer capacity within the County also decreased from 154,000 tonnes in 2018 to 129,000 tonnes in 2019.
96. Although the AMR states that the waste management capacity gap for C, D and E waste decreased from 289,000 tonnes in 2018 to 85,000 tonnes in 2019, this was largely as a

result of the granting of planning permission for a green waste composting operation and for the management of contaminated soils, which are two very different waste streams to the proposal the subject of this application. Therefore, the AMR states that the CPA need to continue to promote facilities for preparing for the reuse, recycling and recovery of waste.

97. As previously stated, this is a partly retrospective application to change the use of part of the 'NJB site' from a WTS to an MRF, and to incorporate a new WTS within the remaining part, including the importation, storage, bulking, processing, and transfer of C, D and E waste and mixed skip waste.

#### *Allocated Sites*

98. As stated above, there is a need for the CPA to allocate sites for waste development in order to ensure that sufficient land is available to manage the County's existing and future waste arisings.
99. The SWLP2020 therefore presents 22 Industrial Land Areas of Search (**ILAS**) and six specifically allocated sites within the County which are, in principle, suitable for such waste development. These sites have been tested through the CPAs site identification and selection methodology, and assessed as appropriate in terms of their location, suitability and deliverability during the period covered by the SWLP2020.
100. The wider 'Chalk Pit' site is not one of the named ILAS and the 'NJB site' the subject of this application is not one of the named specifically allocated sites.
101. However, such allocations are made in order to provide certainty that there is provision for sufficient land to be developed to accommodate capacity and meet waste management needs. The allocation of sites ensures that the SWLP2020 is deliverable in the event that any suitable land outside the Green Belt that might exist does not come forward for waste related development. It is therefore not an exhaustive and exclusive list of sites suitable for waste-related development.
102. Planning applications for waste development will be judged on their individual merits regardless of any allocation, and conversely the allocation of a specific site within the SWLP2020 does not mean that a proposal for waste use will automatically be granted planning permission.

#### *Waste and the Waste Hierarchy*

103. Within the Supporting Statement dated December 2020, the applicant has stated that proposed development would involve the segregation of wood, cardboard, paper, garden waste, metals, glass, plastics, textiles, plasterboard and other builders' materials, which are priority materials for recovery due to the greater benefits for climate change that are achieved if efforts are made to divert them from landfill. Significant savings in greenhouse gas emissions can be made through their recovery, and they have the greatest scope for improving environmental and economic outcomes.
104. Further, the recovery of re-usable materials from imported C, D and E waste would have highly positive environmental and economic outcomes in providing a substitute for primary materials, and in diversion of waste from landfill or other less valuable recovery processes.
105. The Supporting Statement continues that the proposed development would therefore deliver a much more sustainable process than the existing waste transfer operation, by

providing the appropriate infrastructure to facilitate the re-use and recycling of waste materials, thereby moving the management of waste up the waste hierarchy and supporting the circular economy.

106. The quantity of waste proposed to be managed within the application site would remain unchanged from the 26,000 tonnes per calendar year previously permitted as part of CLEUD ref: APP/X/95/B3600/2321 dated 17 April 1998.
107. However, as stated previously, CLEUD ref: APP/X/95/B3600/2321 was granted solely for the storage and transfer of waste within a specified area which forms the eastern half of the operational area of the 'NJB site'. No processing of waste is permitted, so the operation of the specified area within the terms of the aforementioned CLEUD would therefore have no effect on the position of such waste within the Waste Hierarchy.
108. Meanwhile, the proposal the subject of this application would allow the segregation of different types and grades of materials to be undertaken so that these may then be either re-used or recycled, with the disposal of such materials which may have otherwise taken place would be avoided. Thereby, the proposal would result in a more sustainable waste management facility than is currently authorised, which would aid in the management of imported waste at a higher level within the Waste Hierarchy.
109. Such waste management activities would also provide a permanent contribution towards meeting the increased targets for waste recycling rates for the County, as drawn out within the SWLP2020, as well as providing a contribution to closing the recycling capacity gap at a time of urgent and increasing need.
110. Therefore, Officers are satisfied that the proposed development would aid in the management of imported waste at a higher level within the Waste Hierarchy than is currently authorised by the CLEUD, and in doing so would contribute towards waste management targets for the County.

#### *Co-locational Benefits*

111. As mentioned previously, this application is seeking retrospective planning permission for the change of use of the existing WTS to an MRF, as well as seeking planning permission for the extension of the site area to establish a new WTS alongside.
112. Such a co-location would allow the transfer of waste imported to the 'NJB site', which is either unsuitable for processing initially or produced as a by-product of processing, from the MRF to the new WTS for appropriate further management and export, without requiring any additional lorry movements and resulting in any additional public highway impacts which may have otherwise arisen between two separate sites.
113. Further, as both the MRF and new WTS would form constituent parts of the 'NJB site', they would utilise the same existing access to and from the A2022 College Road, operate within the same operational hours, and would share on-site infrastructure and staff amenities, including the weighbridge, workshop, drainage system, vehicle parking areas, and site office, therefore avoiding unnecessary duplication and minimising the harm that would be caused.
114. Therefore, Officers consider that benefits would arise from the co-location of the proposed MRF and adjacent WTS within the 'NJB site', such that a more efficient operation would be possible.

## Conclusion

115. There is a clear need for an increase in waste management capacity within Surrey, including where sorting and recovery for recycling can be undertaken before onward transfer as a product, in order to both meet the identified recycling targets as well as to compensate for a predicted decrease from the current level of sustainable waste management provision.
116. In this regard, there is no cap on recycling capacity within the County, particularly for WTS and MRF which make an important contribution to ensuring the management of waste further up the Waste Hierarchy and reducing the need for 'other recovery' facilities, for which there is insufficient capacity at present.
117. Officers consider that the proposed development would provide a small but permanent contribution towards this much-needed waste management capacity, which includes both the continuation of waste transfer activities as well as the reprocessing of C, D and E waste which is not currently authorised, and that such a contribution would be provided at the highest practicable point within the Waste Hierarchy.
118. Further, Officers are satisfied that the submitted information demonstrates that operational benefits would arise from the co-location of the proposed MRF and new WTS.
119. Officers have already concluded that the area specified by CLEUD ref: APP/X/95/B3600/2321 dated 17 April 1998, as well as the adjacent workshop to the west, are considered to constitute PDL, and that the remainder of the 'NJB site' is already in an existing waste management use.
120. The impacts of the proposed development on the local environment and amenity, its contribution to the character and quality of the surrounding area, the scale of the envisaged facility, surface and ground water management, landscape and visual impacts, traffic and access, and dust and noise emissions will all be assessed later in this report.
121. Therefore, subject to meeting the requirements of policies relating to environment and amenity issues, Officers consider the proposal fulfils development plan policy requirements in relation to waste management.

## HIGHWAYS, TRAFFIC, AND ACCESS

### **Surrey Waste Local Plan 2020**

Policy 15 – Transport and Connectivity

### **Epsom and Ewell Borough Council Core Strategy 2007**

Policy CS16 – Managing Transport and Travel

### **Epsom and Ewell Borough Council Development Management Policies Document 2015**

Policy DM35 – Transport and New Development

Policy DM37 – Parking Standards

122. Paragraph 104 of the NPPF states that transport issues should be considered from the earliest stages of development proposals, so that:
  - The potential impacts of development on transport networks can be addressed.



- Opportunities from existing transport infrastructure are realised – for example in relation to the scale, location or density of development that can be accommodated.
- Opportunities to promote walking, cycling and public transport use are identified and pursued.
- The environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.
- Parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

123. Paragraph 109 states that planning decisions should recognise the importance of providing adequate overnight lorry parking facilities, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance.

124. Paragraph 110 states that in assessing specific applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
- Safe and suitable access to the site can be achieved for all users.
- The design of parking areas reflects current national guidance, including the National Design Guide and the National Model Design Code.
- 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.

125. Paragraphs 111 and 112 state 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. Within this context, applications for development should allow, amongst other things, for the efficient delivery of goods; and, be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

126. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

127. SWLP2020 Policy 15 (Transport and Connectivity) states that planning permission for waste development will be granted where it can be demonstrated that transport links are adequate to serve the development. Where the need for road transport has been demonstrated, the development will ensure that: 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; the distance and number of vehicle movements associated with the development are minimised; the residual cumulative impact on the road network of vehicle movements associated with the development will not be severe; 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; and, satisfactory provision is made to allow for safe vehicle turning and parking, manoeuvring, loading, and, where appropriate, wheel cleaning facilities.

128. EECS2007 Policy CS6 (Sustainability in New Developments) states that proposals for development should result in a sustainable environment and reduce, or have a



neutral impact upon, pollution. It will be ensured that new development: minimises the emission of pollutants, including noise, water and light pollution, into the wider environment; has no adverse effects on water quality, by minimising off-site water discharge using methods such as sustainable urban drainage; and, avoids increasing the risk of, or from, flooding.

129. EECS2007 Policy CS16 (Managing Transport and Travel) states that development proposals should: be appropriate for the highways network in terms of the volume and nature of traffic generated and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected; provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements; and, ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
130. EEDM2015 Policy DM35 (Transport and New Development) states that all planning applications for major developments should be accompanied by a Transport Assessment, while smaller developments should be accompanied by a Transport Statement where appropriate.
131. EEDM2015 Policy DM37 (Parking Standards) states that developments will have to demonstrate that the new scheme provides an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking and local traffic conditions. Applicants will be required to demonstrate how their proposals will meet the objectives of the Epsom and Ewell Borough Parking Strategy. Exceptions to this approach will be considered if it can be robustly demonstrated that the level of on-site parking would have no harmful impact on the surrounding area in terms of street scene or the availability of on-street parking.
132. As part of this application, the applicant has submitted a Supporting Statement dated December 2020, which contains information on the highways, access and transport impacts of the proposed development. This document states that the applicant would continue to access the 'NJB site' from the public highway, being the A2022 College Road, via the existing entrance to the 'Chalk Pit'. This access is located towards the south-western corner of the wider 'Chalk Pit' site, with the access road measuring approximately eight metres in width. It is lined with double-yellow lines up to where it adjoins the A2022 College Road, at which point the access measures approximately 30m in width.
133. This existing access is the only access for the whole of the wider 'Chalk Pit' site, and is therefore shared by the applicants' vehicles with all cars, vans, coaches and HGVs associated with the other users of the 'Chalk Pit'.
134. The Supporting Statement continues that there would be no increase in the volume of waste imported to the 'NJB site' as part of this proposal from the 26,000 tonnes per calendar year stipulated by the CLEUD, and that there would be no increase in the number of lorry movements associated with the proposed development.
135. The CLEUD does not impose any restrictions on the number of lorry movements which can take place to and from the area of land to which it applies. However, the Supporting Statement states that there were an average of 68 two-way daily movements associated with the use of the CLEUD area by its previous operator within the terms of the CLEUD, and that by virtue of some mineral waste element being transported to the application site in bulk, the proposed development would generate a notional decrease in average daily lorry movements.

136. Officers are satisfied that conditions can be imposed to any permission granted in order to restrict the annual tonnage of imported waste to 26,000 tonnes per calendar year and the annual average number of two-way daily lorry movements to and from the application site to 68, thereby ensuring compliance in this respect.
137. With regards to the parking of vehicles associated with the proposed development, the applicant has stated within the Supporting Statement that only a small proportion of their 35 staff would require personal car parking provision, and that this could be facilitated within communal areas of the 'Chalk Pit'. Several of the plans originally submitted as part of this application demonstrated that four dedicated car parking spaces would also be provided within the application site itself.
138. It should be noted that no formal parking arrangements have previously been established within the CLEUD area, or indeed within either of the other two waste management facilities within the 'Chalk Pit', and that vehicle parking associated with the use of these three sites has therefore previously taken place informally throughout the wider 'Chalk Pit'.
139. Several of the representations made in relation to this planning application have stated that there are parking issues immediately outside the 'Chalk Pit' site along the A2022 College Road, specifically highlighting the resultant significant damage to the verges of College Road.
140. Officers are not aware of any parking restrictions being in place along the stretch of College Road immediately outside the site, between the junctions with the A240 Reigate Road to the east and Longdown Lane North/Longdown Lane South to the west. Therefore, Officers must accept that any vehicle could park along this stretch of road, so long as such parking was carried out in a safe and considerate manner, whether in connection with the 'NJB site' or not.
141. Should any vehicle be parked so as to interrupt the free flow of traffic along College Road, or be parked on the verges outside the 'Chalk Pit', whether in relation to the use of the application site or not, this would not be a matter which could be addressed either as part of this planning application or within the remit of planning.
142. In response to a consultation request with regards to this application, the County Council's Transportation Development Planning (TDP) Team raised concerns that vehicles associated with the wider 'Chalk Pit' site parking directly on College Road either side of the entrance, and on the grass verge opposite, would interrupt the free flow of traffic on College Road. Further, the TDP Team stated that in accordance with Surrey County Council's Parking Guidance and based on the size and scale of the proposed buildings within the application site, the applicant could provide up to 70 parking spaces.
143. The TDP Team therefore raised a number of queries with regards to access, parking and travel, including whether the applicant had carried out any travel surveys to determine how staff travel to the 'NJB site', whether any cycle parking would be provided as part of the proposed development, how many additional staff the proposed development would employ, whether any vehicles would be stored within the 'NJB site' or would just arrive to deliver and/or collect materials, and whether there would be sufficient space for HGVs to park within the 'NJB site' without obstructing parking and turning space for other vehicles.
144. The TDP Team also requested that the applicant submit a plan demonstrating visibility splays of 2.4m by 43m at the application site access onto College Road, as well as trip generation for the existing permitted use of the site (excluding any elements that

the applicant seeks retrospective permission for) and the predicted trip generation for the proposed use of the site.

145. In response, the applicant has submitted the document titled Further Information in Response to Transportation Development Planning Team Comments dated May 2021 and Drawing No. 193091/PL/D/006 rev B Proposed Block Plan dated May 21. This document and drawing demonstrate that the number of parking spaces to be provided within the 'NJB site' has been increased from 4 to 8, while a further 18 spaces would be provided within an overflow car parking area adjacent to the application site but within the 'Chalk Pit'.
146. Space for the provision of cycle parking within the 'NJB site' is also demonstrated, although no further details have been provided by the applicant at this time.
147. Further, the applicant reiterated that a total of 35 staff are employed at the 'NJB site', and that it is a condition of the terms of employment that staff who arrive by private vehicle are not permitted to park on College Road. These staff are required to display a sticker in their cars to identify them as employees of the applicant, and any employee who is found to have parked on College Road is given a formal warning.
148. The applicant has also stated that up to 12 HGVs could be parked within the 'NJB site' overnight, including within Building 1, and that this would not obstruct the available parking and turning space for other vehicles. Officers are aware that two Vehicle Operators Licences are already in place at the 'NJB site' for the parking of up to a total of 35 HGVs and 5 trailers.
149. Finally, the applicant has submitted Drawing No. 193091/PL/D/011 Visibility Splay dated May 21 as per the TDP Team's requirements.
150. The TDP Team subsequently responded that the 18 additional spaces to be provided within the proposed overflow car parking area should be included within the red-line boundary of the 'NJB site', so that the use of this area could be properly conditioned, and requested a plan showing the internal space available within the proposed buildings for HGVs to be parked within overnight.
151. The applicant therefore subsequently submitted the document titled Revised Further Information in Response to Transportation Development Planning Team Additional Comments of June 2021 dated June 2021, in which they detailed that the overflow parking area is an existing car parking area which is leased to and within their control, and that they accept this area could be conditioned as exclusively for such a use. Further, the applicant stated that a four hoop Sheffield toast rack cycle stand is to be provided, with sufficient space for 8 bicycles.
152. The applicant also submitted Drawing No. 193091/PL/D/012 Overnight HGV Parking Plan dated June '21 in order to demonstrate that there is sufficient space available within the 'NJB site', both within Building 1 and immediately outside this building, for HGVs to be parked overnight.
153. In response to this additional submitted information, the TDP Team did not raise any further queries or request the submission of any further information, but instead recommended that three conditions and four informatives be imposed on any planning permission which may be granted.
154. The first of these three conditions would require space to be laid out as per the submitted plans for cars, HGVs and cycles to be parked; for the loading and unloading of

12 HGVs; and, for all vehicles to turn so that they may enter and leave the site in forward gear, and for such space to be retained and maintained for their designated purpose.

155. Officers agree that such a condition should be applied to any planning permission which may be granted and consider that the applicant should be required to lay out such space prior to any operations taking place within the two waste buildings to be constructed.
156. The second condition recommended by the TDP Team would require at least 20% of the available parking spaces to be provided with a fast charge electric vehicle charging socket, with the current minimum requirement being a 7kW Mode 3 with Type 2 connector – 230 v AC 32 amp single phase dedicated supply, in accordance with a scheme to be submitted to and approved in writing by the CPA, and thereafter retained and maintained to the satisfaction of the CPA.
157. Officers agree that such a condition should be applied to any planning permission which may be granted, in order to comply with the previously mentioned NPPF requirement that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
158. The third condition recommended would require the submission and approval of a Construction Transport Management Plan prior to any other development taking place, to include details of parking for vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; a programme of works, including measures for traffic management; provision of boundary hoarding behind any visibility zones; HGV deliveries and hours of operation; vehicle routing; measures to prevent the deposit of materials on the highway; before and after construction condition surveys of the highway, and a commitment to fund the repair of any damage caused; and, on-site turning for construction vehicles, which should thereafter be implemented during the construction of the development.
159. Officers agree that such a condition should be applied to any planning permission which may be granted, as different arrangements may need to be made during the construction phase of the proposed development when compared with the operational phase, and Officers need to be assured that such construction operations can be carried out in a way which does not give rise to any unacceptable impacts.
160. Officers consider a condition should also be imposed to stipulate the operating hours of the 'NJB site', as well as the aforementioned conditions limiting the annual imported waste tonnage to 26,000 tonnes and the average two-way daily vehicle movement numbers to 68.
161. The recommended informatives include a reminder that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles, and that the Highway Authority will seek wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders.
162. Officers consider that an informative should also be applied to remind the applicant of their commitment not to use College Road for the parking of vehicles in relation to the use of the application site.
163. Finally, although the additional 18 spaces to be provided by the applicant adjacent to the 'NJB site' are not located within its red line boundary, and therefore no condition could be applied to any permission which may be granted in relation to their use, Officers

consider an informative should be added to remind the applicant of their commitment to provide and use such spaces.

164. Epsom and Ewell Borough Council were also consulted for their views on this application and responded that they held concerns regarding the disruption likely to be caused to residents from potential traffic generation at the site and considered the application to lack a robust assessment of transport impacts.
165. However, as stated above the tonnage of waste proposed to be imported to the 'NJB site' by the applicant per calendar year would not change from that which is permitted by the CLEUD, and average daily vehicle movements would not increase from those generated by the previous operator of the 'NJB site'. Furthermore, the application of the previously mentioned conditions would introduce control over such tonnage and movements for the first time to ensure that such limits are adhered to.
166. Taking all of the above into account, Officers consider the proposed development is adequately served by an appropriate and safe means of access to the highway network, with sufficient links to the wider strategic road network.
167. Vehicle movements associated with the development would not increase from those associated with the use of the 'NJB site' by the former operator, and subject to the application of a suitably worded condition would be limited to the average daily number required by the applicant to carry out the proposed operations such that they would not adversely affect the free flow of traffic on the highway.
168. Further, Officers consider that subject to the imposition of an additional suitably worded condition, the applicant would be required to provide appropriate and sufficient space for vehicle parking, turning, loading and unloading, and manoeuvring to be undertaken safely.
169. Therefore, Officers consider that subject to the imposition of suitably worded conditions and the subsequent submission of further details and implementation of the requirements contained therein by the applicant, the proposal fulfils development plan policy requirements in relation to access, parking and transport.

## **ENVIRONMENT AND AMENITY ISSUES**

### **Surrey Waste Local Plan 2020**

Policy 13 – Sustainable Design

Policy 14 – Protecting Communities and the Environment

### **Epsom and Ewell Borough Council Core Strategy 2007**

Policy CS3 – Biodiversity and Designated Nature Conservation Areas

Policy CS6 – Sustainability in New Developments

### **Epsom and Ewell Borough Council Development Management Policies Document 2015**

Policy DM17 – Contaminated Land

170. Paragraphs 174 and 180 of the NPPF state that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity or geological value, and preventing new development from contributing to unacceptable levels of soil, air, water or noise pollution. 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.

171. Meanwhile, paragraphs 183 and 184 state that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.
172. Paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce potential adverse impacts resulting from noise from new development to a minimum, and avoid noise giving rise to significant adverse impacts on health and the quality of life.
173. Paragraph 186 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (**AQMAs**) and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified.
174. As stated previously, paragraph 188 states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
175. Paragraph 7 and Appendix B of the NPPW state that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity against the below criteria, bearing in mind the envisaged waste management facility in terms of type and scale:
  - Protection of water quality and resources and flood risk management. Considerations will include the proximity of vulnerable surface and groundwater or aquifers.
  - Landscape and visual impacts. Considerations will include the potential for designed solutions to produce acceptable development which respects landscape character, and the need to protect landscapes or designated areas of national importance.
  - Nature conservation. Considerations will include any adverse effect on a site of international importance for nature conservation, a site with a nationally recognised designation, and protected species.
  - Air emissions, including dust. Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.
  - Noise, light and vibration. Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings. Intermittent and sustained operating noise may be a problem if not properly managed. Potential light pollution aspects will also need to be considered.
176. SWLP2020 Policy 13 (Sustainable Design) 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 the development is of a scale, form and character appropriate to its location.

177. SWLP2020 Policy 14 (Protecting Communities and the Environment) states that planning permission for waste development will be granted where it can be demonstrated that it would not result in unacceptable impacts on communities and the environment, including: impacts caused by noise, dust and/or illumination on public amenity and safety; the landscape including impacts on the 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; the natural environment, including biodiversity and geological conservation interests, including sites of local importance (e.g. SNCI) for biodiversity or geodiversity, irreplaceable habitats (e.g. Ancient Woodland) and protected species; cumulative impacts arising from the interactions between waste developments, and between waste development and other forms of development; and, any other matters relevant to the proposed development.
178. EECS2007 Policy CS3 (Biodiversity and Designated Nature Conservation Areas) states that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of national and local biodiversity action plans in terms of species and habitat. Development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigation measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.
179. EECS2007 Policy CS6 (Sustainability in New Developments) states that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development:
- Minimises the emission of pollutants, including noise, water and light pollution, into the wider environment.
  - Has no adverse effects on water quality, and helps reduce potential water consumption, for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage.
  - Avoids increasing the risk of, or from, flooding.
  - Incorporates waste management processes, for example for the recycling of water and waste. The Waste Hierarchy (Reduce-Reuse-Recycle-Recover-Dispose) should be applied to all stages of development design, construction and final operation.
180. EEDM2015 Policy DM17 (Contaminated Land) states that where it is considered that land may be affected by contamination, planning permission will only be granted for development provided that: all works, including investigation of the nature of any contamination, can be undertaken without escape of contaminants which could cause unacceptable risk to health or to the environment; and, it is demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
181. As stated previously, this application is seeking part retrospective planning permission to regularise the development already undertaken within the application site, as well as other development which has not yet been implemented. This includes a change of use from a WTS to an MRF, the demolition of the existing open-sided building,

reinforcement of the existing retaining wall, the extension of the site to incorporate a new WTS, covering of the surface of the application site with concrete hardstanding and tarmacadam, provision of new site drainage, installation of a weighbridge, use of an office and the existing workshop, and construction of two new buildings to house the processing and sorting operations.

### *Environmental Impact Assessment*

182. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, referred to hereon in as the EIA Regulations, implement European Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. This was initially adopted in 1985 and has been amended several times since.
183. Schedule 1 of the EIA Regulations identifies the types of project for which assessment is mandatory, such as large scale thermal and nuclear power stations, while Schedule 2 identifies the types of development for which assessment may be required depending on the thresholds and criteria that indicate whether a given project is more or less likely to give rise to significant environmental impacts. In addition, there are other circumstances that may trigger the need for assessment, such as a location within or very close to a sensitive area, which includes nature conservation sites with national or higher-level designations (e.g. SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar sites, Areas of Outstanding Natural Beauty, National Parks, World Heritage Sites and Scheduled Monuments. However, it does not automatically follow that a project located in, or affecting, a sensitive area would require assessment.
184. A Regulation 8 Screening Opinion was adopted on 4 February 2021 in relation to the proposal the subject of this application. The Environmental Assessment Team considered the proposal within the context of Schedule 2 and based on the information submitted were of the opinion that significant impacts on the environment were not likely. The proposal was therefore not considered to constitute EIA development.

### *Dust and Air Quality*

185. As stated previously, paragraph 186 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMAs and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified.
186. Meanwhile, paragraph 006<sup>4</sup> of the NPPG titled Air Quality includes considerations which may be relevant when assessing the potential air quality impacts of a proposed development, including whether the development would:
- Lead to changes, including any potential reductions, in vehicle-related emissions in the immediate vicinity of the proposed development or further afield. This could be through the provision of electric vehicle charging infrastructure; altering the level of traffic congestion; significantly changing traffic volumes, vehicle speeds, or both; or, significantly altering the traffic composition on local roads.
  - Introduce new point sources of air pollution. This could include extraction systems (including chimneys) which require approval or permits under pollution control legislation.
  - Expose people to harmful concentrations of air pollutants, including dust.

- Give rise to potentially unacceptable impacts (such as dust) during construction for nearby sensitive locations.
- Have a potential adverse effect on biodiversity, especially where it would affect sites designated for their biodiversity value.

187. Finally, the Institute of Air Quality Management (**IAQM**) Guidance on the assessment of dust from demolition and construction Version 1.1 dated June 2016 identifies that the risk of dust emissions from a demolition or construction site causing loss of amenity and/or health or ecological impacts is related to the activities being undertaken, the duration of the activity, the size of the site, the meteorological conditions, proximity of receptors to the activities, mitigation measures in place, and the sensitivity of the receptor to dust. The guidance states that adverse impacts are more likely to occur downwind of the prevailing wind direction and/or close to the site, but that local conditions such as topography or natural barriers, for example woodland, could reduce airborne concentrations.
188. The guidance outlines that a detailed assessment will normally be required to accompany a planning application where there is a human receptor within 350m of the boundary of the site. Such an assessment should determine the risk of dust impacts with no mitigation, by combining the scale and nature of the works and the sensitivity of the area to dust impacts.
189. Officers are aware that the 'NJB site' is not located within an AQMA, with the nearest such areas being at Driftways Cottages, some 450m to the east, and Sutton AQMA, which covers the whole London Borough of Sutton and measures 1.21km to the north-east of the 'NJB site' at its closest point. Therefore, there are no exceedances of national air quality objectives and target values.
190. Furthermore, the IAQM guidance titled Land-Use Planning and Development Control: Planning For Air Quality dated January 2017 states that outside of an AQMA, an air quality assessment is only required where a development would result in an annual average daily change of HGV flows of more than 100. As stated previously, the proposal the subject of this application would not result in an increase in average two-way daily HGV movements from the 68 operated by the previous operator, and therefore an air quality assessment is not required.
191. However, as stated previously, an air quality assessment has been submitted as part of this application, in order to detail how the risk of poor air quality emissions from the 'NJB site' will be managed. This document, titled Particulate Emissions Management Plan dated November 2020, details the processes that are proposed to take place within the 'NJB site' and identifies the likelihood of fugitive emissions resulting from these processes without the implementation of any mitigation measures.
192. These processes are identified to include the import and export of materials, the tipping and storage of waste, and processing operations, with potential emissions identified to include exhaust fumes and wind entrainment of lighter waste and litter.
193. The document goes on to detail the baseline meteorological conditions, including the predominant wind direction as coming from the south and south-west, and concludes that the nearest sensitive receptors at risk from fugitive emissions are therefore likely to be the users of the industrial estate to the north, the surrounding agricultural fields, and the residential properties to the east.
194. This document states that all waste will be stored and processed with the full enclosure of the two proposed buildings, thereby providing complete control of

particulate emissions. This will be complemented by the installation of automated roller shutter doors and an integrated misting system, for which water will be sourced from two on-site tanks. Further, lorries visiting the site will be sheeted, and a daily site inspection will be undertaken with any incidents leading to the risk of dust emissions being recorded in the site diary.

195. Officers consider that suitably worded conditions should be applied to any permission to ensure that the automated roller shutter doors are installed as required on both Building 1 and Building 2, and that all loaded lorries entering and leaving the 'NJB site' shall indeed be sheeted.
196. The applicant has stated that their Particulate Emissions Management Plan has been developed following the principles set out in the EA dust control guidance and dust template, as well as Mayor of London Supplementary Planning Guidance and the City of London Code of Practice for Deconstruction and Construction Sites as these are relevant and good practice.
197. Officers are aware that the City of London Code of Practice for Deconstruction and Construction Sites dated January 2019 is a guide to best practice and states that adherence would demonstrate a commitment to minimising environmental impacts. This document sets out the requirement for an Air Quality Dust Management Plan to be submitted to provide details of reducing site emissions and consideration of utilising dust and emission reduction measures, including but not limited to: planning dusty activities away from sensitive receptors, sites being screened, carrying out air quality monitoring at appropriate locations if proposed, wheel washing facilities, adequate water supply for use in dampening down dust generating activities, using mobile sprinklers, enclosing conveyors, and using solid screens or barriers.
198. A large number of representations received from members of the public contained concerns with regards to dust emission and air quality. These representations have also identified several further potential sensitive receptors within close proximity of the 'NJB site', including residential properties to the north-west, west and south-west along Longdown Lane North and Longdown Lane South, with the closest being approximately 82m away from the 'Chalk Pit' entrance at its closest point; Epsom College, which is roughly 165m to the west of the 'Chalk Pit' entrance at its closest point; residential properties to the south and south-east along Ruden Way, with the closest being approximately 225m away from the operational area of 'NJB site'; Priest Hill Nature Reserve, which is accessed some 830m north of the 'NJB site'; Wallace Fields Infant and Junior Schools, which are approximately 940m to the north-west of the 'NJB site' at their closest point; and, Glyn School Playing Fields, which are roughly 990m to the north of the 'NJB site' at their closest point.
199. Officers note that while the Longdown Lane North, Longdown Lane South, and Ruden Way residential properties, and Epsom College, are all within the 350m distance determined by the above mentioned IAQM guidance as normally requiring a detailed dust assessment, Priest Hill Nature Reserve, Wallace Fields Infant and Junior Schools, and Glyn School Playing Fields are all beyond such a distance.
200. In response to a consultation request with regards to this application, the CDAQC stated that as there would be no increase in the average daily HGV movements from the previous incumbent of the 'NJB site', this would be beneficial in air quality terms.
201. However, the CDAQC also stated that it was unclear within the submitted Particulates Emissions Management Plan whether the proposed operations would in fact be enclosed within a building or not, and how the prevailing southerly wind direction has

been used in the assessment. The consultant therefore recommended that the applicant undertake further assessment using the IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning Version 1.1 dated May 2016, which should include a proportionate dust risk assessment considering the sources of dust emissions, the pathway between the source of emissions and potentially sensitive receptors, and the sensitivity of those receptors to increases in dust.

202. Further, Epsom and Ewell Borough Council responded to a consultation request with regards to this application by stating that they also held concerns regarding the reliability of the submitted Particulate Emissions Management Plan and whether the proposal could result in unacceptable impacts on the health of local residents. Epsom and Ewell Borough Council therefore requested that clarification be provided with regards to dust escaping from the application site and suggested that reasonable operating hours should be operated that respect neighbouring amenity.
203. As stated previously, the applicant has proposed operating hours as part of this application which are detailed to be between 7am and 6pm on weekdays and 7am to 1pm on Saturdays, with no working on Sundays or Public Holidays, and these operating hours would be stipulated through the application of a suitably worded condition.
204. Having reviewed the authorised operating hours of the other two waste-related sites within the 'Chalk Pit' for which the CPA has issued planning permissions, Officers consider the hours proposed by the applicant with regards to the operation of the 'NJB site' the subject of this application to be similar and acceptable. One of these waste-related sites operates between 7am and 6pm on weekdays and 7am to 1pm on Saturdays, which are the same hours as applied for within this application, while the other operates between 7am and 6pm on weekdays and 7am to 6pm on Saturdays, which is the same weekday hours but considerably longer than the 'NJB site' the subject of this application on Saturdays.
205. The applicant responded to the matters raised by the CDAQC and Epsom and Ewell Borough Council by submitting the document titled Air Quality Assessment (Dust) dated May 2021, which they have stated incorporates the latest dust management plan that has been implemented at the 'NJB site' and defines current control measures.
206. In response to this amended document, the CDAQC stated that while the applicant has begun to provide a dust assessment following the aforementioned IAQM guidance, the information provided remains confusing. An assessment for only the proposed operation should be provided, with the residual source emissions characterised with designed-in mitigation in place. The assessment also needs to be clear about which dust sources, if any, are outside the building.
207. The applicant has therefore submitted the revised document titled Air Quality Assessment (Dust) Rev 1 dated June 2021, which they have stated incorporates the changes recommended by the CDAQC. These include removal of the assessment of the current operation and internal 'Chalk Pit' road, further comment on the estimated annual average background concentrations of PM<sub>2.5</sub> and PM<sub>10</sub> based on IAQM guidance, the addition of a commitment that all haulage operations to and from the 'NJB site' will continue to be sheeted, clarification that all operations will be fully enclosed within the two proposed buildings, and provision of a Dust Management Plan.
208. The CDAQC reviewed this amended document and has stated that they are satisfied with the conclusion that dust impacts with effective mitigation are not likely to be significant, recommending that a condition be attached to any planning permission which may be granted to require the submission of a pro-active Dust Management Plan which



should be based on the aforementioned IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning.

209. Epsom and Ewell Borough Council did not provide any additional consultation feedback specifically in response to either of the two amended documents, but reiterated that they raised strong concerns as to whether dust could escape from the 'NJB site' and whether the proposed development could operate without unacceptably impacting on human health.
210. However, based on the consultation feedback provided by the CDAQC, Officers consider that the applicant has made an appropriate assessment of the potential dust impacts of the proposed development, and that the application of suitably worded conditions to require the submission of a pro-active Dust Management Plan, require that all loaded vehicles be sheeted when entering and leaving the 'NJB site', and require the installation of roller shutter doors to be used in the prevention of dust emission would ensure the proposed development could be undertaken without giving rise to unacceptable impacts on neighbouring amenity.
211. Taking all of the above into account, Officers consider that due to the location of the 'NJB site' outside of an AQMA and the notional decrease in average two-way daily lorry movements to and from the 'NJB site' as part of the proposed development, which would be subject to a condition to restrict such lorry numbers, no significantly adverse air quality impacts would result from the proposed development.
212. Further, Officers consider that the applicant has provided an appropriate assessment of the dust impacts of the proposed development and that subject to the application of suitably worded conditions to require to submission of a Dust Management Plan, require the sheeting of loaded vehicles, and require the installation of automated roller shutter doors, as well a condition to detail the operating hours of the 'NJB site', the applicant would be able to demonstrate effective control of dust emissions from the proposed development so as not to result in any unacceptable impacts on the local community and the environment.
213. Therefore, Officers consider that subject to the imposition of suitably worded conditions and the subsequent submission of the required information by the applicant, the proposal fulfils development plan policy requirements in relation to dust and air quality and the protection of neighbouring amenity from significantly adverse dust and air quality impacts.

#### *Drainage*

214. Paragraph 001<sup>5</sup> of the NPPG titled Flood risk and coastal change states that in order to assess flood risk, applications for an area greater than 1ha in size and/or located within areas at risk of flooding should be accompanied by a site-specific flood risk assessment. Paragraph 003<sup>6</sup> continues that such areas principally include land within Flood Zones 2 and 3, but can also include areas within Flood Zone 1 which the EA has identified as having critical drainage problems.
215. Meanwhile, paragraph 019<sup>7</sup> of the same guidance states that new development should be steered towards areas within Flood Zone 1, as these will have the lowest probability of flooding.
216. Finally, paragraph 007<sup>8</sup> states that a change in use may involve an increase in flood risk if the vulnerability classification of the development is changed. Such classifications are detailed within paragraph 066<sup>9</sup>, which details that proposals are considered as



essential infrastructure, highly vulnerable, more vulnerable, less vulnerable, and water-compatible. Waste treatment, except for landfill sites and hazardous waste facilities, is categorised as less vulnerable.

217. As mentioned previously, the 'NJB site' measures a total of some 0.44ha, and is located within Flood Zone 1, identified by the EA as having the lowest probability of flooding. Further, the change of use the subject of this application would not alter the classification of the 'NJB site' as less vulnerable. Therefore, Officers do not consider that a flood risk assessment is required as part of this application.
218. However, the proposed development does include the provision of new site surfacing and significant drainage improvements, which have both already been constructed and installed within the 'NJB site'. These improvements have been detailed within the document titled Surface Water Drainage Design dated November 2020, submitted by the applicant as part of this application.
219. This document identifies the bedrock (chalk formation) and upper layer geology of the 'NJB site', and details an environmental investigation undertaken in July 2019 during which a soakaway test was completed, the infiltration rate was assessed, and the groundwater levels were anticipated to be in excess of 20m below the existing ground level.
220. There has historically been no positive drainage at the application site, with the surface water situation being left to be managed by others. Therefore, the applicant has stated that they have already undertaken significant infrastructure improvements, including the construction of new impermeable surfacing and installation of a bespoke drainage solution. This solution involves the capture of surface water by a series of ACO drains and gullies, with the water being pre-treated through a petrol interceptor and silt trap prior to entering an attenuation cellular soakaway.
221. In response to a consultation request with regards to this application, the County Council's SuDS and Consenting Team commented that they were satisfied that the proposed drainage scheme meets their requirements, subject to the application of a suitably worded condition.
222. Such a condition would require the submission of evidence that the soakaway already constructed by the applicant is fit for purpose, a plan showing exceedance flows and how property on and off site would be protected from increased flood risk, and details of drainage management responsibilities and maintenance regimes for the drainage system.
223. Further, the EA were consulted for their views with regards to this application and stated that they had no objection to the submitted drainage information provided that a condition be attached to any planning permission stating that no infiltration of surface water drainage into the ground is permitted, and that the development shall be carried out in accordance with the submitted details.
224. Finally, Epsom and Ewell Borough Council were consulted for their views on this application, and in response requested that the submitted drainage documentation be reviewed by the CPA in order to assess the development against the risk of flooding and determine whether the proposed drainage system is acceptable. As stated above, such a review has indeed already been undertaken.
225. Officers consider that subject to the submission of further information as detailed in paragraph 222 above, the applicant would be able to demonstrate that the proposed

development would not result in unacceptable drainage impacts on the local community and surrounding environment, would minimise off-site water drainage, and would avoid increasing the risk of flooding elsewhere.

226. Therefore, Officers consider that subject to the imposition of suitably worded conditions and the subsequent submission of the required information by the applicant, the proposal fulfils development plan policy requirements in relation to drainage.

#### *Ground Contamination*

227. Paragraph 002<sup>10</sup> of the NPPG titled Land affected by contamination states that in order to ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for development should be considered to the extent that it is not addressed by other regimes.

228. Meanwhile, paragraph 005<sup>11</sup> states that only a specific investigation can establish whether contamination is present. Therefore, the applicant has submitted the document titled Environmental Risk Assessment dated October 2019 as part of this application, in order to present the site baseline setting and desktop study, present the findings of the preliminary environmental site investigation, assess the ground conditions, and evaluate the chemical results against current standards. The need for any further assessment of the 'NJB site' is determined, potential environmental risks are identified, and further investigation, remediation and mitigation measures are specified to alleviate any risks as required.

229. This document begins by identifying the bedrock geology (chalk formation) of the 'NJB site' as a Principal Aquifer, and states that the site lies within a Total Catchment (Zone 3) Groundwater Source Protection Zone. The document also states that the 'NJB site' is within a lower radon probability area and is not at risk of fluvial flooding.

230. Officers have reviewed the applicant's assertion that the 'NJB site' lies within the total catchment (Zone 3) area of a Groundwater Source Protection Zone, and although the CPA are satisfied that approximately the eastern half of the 'NJB site' is indeed located within such a designation, approximately the western half of the 'NJB site' is within the outer protection zone (Zone 2) area.

231. The document continues by detailing what the applicant considers to be the potential sources of contamination within the application site, including from both current and notable historic site uses, and the key potential contaminants arising from such uses. These identified contaminants include petroleum hydrocarbons from vehicles or machinery, metalloids and organic compounds from stored waste, and asbestos from buildings and structures.

232. The results of a preliminary environmental site investigation and risk assessment undertaken at the application site in July 2019 are then presented, which comprised the excavation of trial pits, infiltration testing and testing of soil samples, in order to identify the potential environmental risks associated with the proposal.

233. This investigation found that no free-phase hydrocarbons, significant staining, or any groundwater was observed within the trial pits, and no evidence of visual or olfactory contamination was detected. A suspected cement-bonded asbestos fragment was identified within one of the trial pits, however as the 'NJB site' is now covered with hardstanding, this is not considered to pose a risk to future users.

234. Similarly, chemical analysis of soil samples showed no exceedances of the Tier 1 Soil Guidance Values and were not considered to pose a risk to future site users. Therefore, no further assessment was considered necessary.
235. In response to a consultation request with regards to this application, Epsom and Ewell Borough Council responded that they considered the application site to be a potentially contaminated site which lies within the East Street Epsom Safeguard Zone for drinking water, and that the site situation is environmentally and hydrogeologically sensitive and also extremely vulnerable, being excavated into the Lewes Nodular Chalk that constitutes a Principal Aquifer with no protection afforded by lower permeability deposits.
236. Upon review, Officers understand that although Epsom and Ewell Borough Council have identified over 300 potentially contaminated sites within their administrative boundary, none of these are believed to be contaminated land as formally defined, and there are no plans to carry out any further investigations due to the relatively low sensitivity of the uses of many of the sites.
237. Further, Officers are aware that Drinking Water Protected Areas Safeguard Zones are designated by the EA in order to prevent the pollution of raw water sources that are used to provide drinking water. Having reviewed the EA's Drinking Water Protected Areas Safeguard Zones map, Officers have noted that the 'NJB site' is located adjacent to, but not within, such a Zone.
238. The EA were also consulted for their views with regards to the submitted ground contamination information and stated that they held no objection subject to the application of a condition that if contamination not previously identified is found to be present, no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved by the CPA. Officers are satisfied that such a condition could indeed be applied to any planning permission which may be granted.
239. Taking the submitted information and the above consultation responses into account, Officers are satisfied that the proposed development could be undertaken without the risk of contaminants escaping and causing unacceptable impacts to the health of the surrounding community or local environment.
240. Further, subject to the imposition of the two recommended conditions, Officers are satisfied that should any contamination not previously identified be discovered, the applicant would be required to cease all works and demonstrate that such could be undertaken without causing any unacceptable risks prior to recommencing them.
241. Therefore, Officers consider that subject to the application of the two aforementioned conditions and the subsequent submission of the required information by the applicant if necessary, the proposal fulfils development plan policy requirements in relation to ground contamination.

#### *Landscape Character and Visual Amenity*

242. The Surrey Landscape Character Assessment: Epsom and Ewell Borough dated April 2015 identifies the 'NJB site' as being located towards the southern end of Landscape Character Area CF4 (North Looe Open Chalk Farmland). The key characteristics of this character area include an undulating landform of mainly arable farmland, sports fields, and some small horticultural fields with glasshouses, with relatively long-distance views to the nearest settlement edges possible due to limited

boundary vegetation. Tranquillity, remoteness and scenic beauty are limited due to urban influences and land use, however the character area is a valuable area of open spaces given the surrounding urban context.

243. As stated previously, this application is for the change of use of an existing WTS to an MRF and the extension of this site to incorporate a new WTS, including the reinforcement of an existing retaining wall, construction of two new buildings for the storage and processing of waste materials, construction of a new office building, installation of a weighbridge, and the retention of entrance gates and fencing. Therefore, Officers do not consider that the development proposed as part of this application aligns with the characteristics of the surrounding Landscape Character Area.
244. However, as also stated previously, the 'NJB site' lies within the base of a former chalk pit which hosts numerous commercial land uses including several waste management facilities, and is itself an existing waste management site which has been authorised to carry out such operations by the CPA for a total of some 27 years.
245. A number of large buildings have been in place within the wider 'Chalk Pit' for a substantial period of time, including one used as an office towards the south-western corner and another towards the northern end which is used by one of the car repair companies as part of their operations, as well as the workshop along the southern boundary and open-sided waste reception building which form part of this application.
246. There are also several smaller buildings already in place within the wider 'Chalk Pit', one of which is in use by the coach hire business while a further two have been constructed using scaffolding and sheet metal, and do not appear to be of particularly substantial construction. These buildings are currently in use by one of the other waste management facilities and the scaffolder.
247. The development proposed by this application includes the demolition of the existing open-sided waste reception building and the construction of two new buildings to enable all waste storage, sorting and processing operations to take place under cover. The construction and use of a new site office building, and the continued use of the existing workshop, also form part of this proposal.
248. The Department for Environment Food and Rural Affairs' (**Defra**) Designing Waste Facilities: A Guide to Modern Design in Waste dated 2008 states that in designing waste management facilities, practitioners should make a wide range of considerations including whether the facility is of the most appropriate type and scale to fulfil its purpose, the most appropriate choice of construction materials, the setting of such a facility and how it would relate to its surroundings, landscaping, short- and long-distance views, and any technical or operational configurations and constraints.
249. The applicant has stated that the existing open-sided waste reception building to be demolished reaches a height of 8.6m to the pitch and 7.7m to the eaves, while the proposed two new waste buildings would each measure 10m in height to the pitch and 9m to the eaves.
250. The applicant has confirmed that the height of the proposed two new waste buildings is dictated by the requirement for lorries to be able to unload, and for loading equipment to operate safely and clear the roof. The body of a tipper lorry when raised to unload can reach as high as 9m, while the arm of the loading equipment would also be as high as 8-9m when raised whilst the grab attachment can swing higher. There needs to be sufficient space above these heights to prevent damage to the roof structure of the building.

251. Therefore, while Officers recognise the proposed two new waste buildings would both be taller in height than that of the existing waste reception building, Officers do not consider such height to be substantially larger and consider that this additional height is the minimum necessary in which to fulfil their purpose of facilitating the undertaking of the proposed operations.
252. A topographical plan submitted as part of this application shows the ground levels within the area where the existing waste reception building is positioned to range between 92.14m AOD and 92.71m AOD. Meanwhile, the ground levels within the footprint of the proposed western-most building, Building 1, are shown to range between 89.51m AOD and 91.41m AOD, and the ground levels within the footprint of the proposed eastern building, Building 2, are shown to range between 92.25m AOD and 93.17m AOD.
253. The height at the top of the banks along the adjacent eastern and southern boundaries of the 'NJB site' are shown on this same plan to range between 98.97m AOD and 100.04m AOD.
254. Therefore, the existing waste reception building rises above the nearest surrounding banks by between 0.84m and 1.91m, while the proposed new buildings would rise above the nearest surrounding banks by a worst-case scenario of 2.44m for Building 1 and 4.03m for Building 2.
255. As mentioned previously, a partly corrugated metal and partly wooden fence of approximately 2m in height is already in place along the southern boundary of the 'Chalk Pit' between the 'NJB site' and the adjacent College Road, as well as substantial existing vegetation which is taller than this fence along a majority of its length.
256. Further, as also mentioned previously, the proposed two new buildings would be covered with green coloured cladding, while Officers are aware that the existing waste reception shed is only partially covered with light grey cladding.
257. Although the A2022 College Road running along the southern boundary of the wider 'Chalk Pit' includes a pedestrian footway which runs parallel to this road, this footway only runs along the southern side of College Road and is set back from the road by approximately 3m (as shown on Site Photograph 10 appended to this report).
258. Beyond this, the nearest rights of way to the 'NJB site' are Public Footpath No.12, which measures some 500m to the east of the operational area at its closest point, and Bridleway No.44, which is approximately 1km to the west of the shared 'Chalk Pit' entrance.
259. Officers therefore consider that the existing fencing and vegetation would continue to ensure that public views into the 'NJB site' would be limited, and that the proposed green coloured cladding would better facilitate in blending the parts of the two new waste buildings which would rise above the nearest surrounding banks with the existing vegetation than the current situation, ensuring that these buildings would not appear an incongruous element in the local landscape.
260. Although no further details of the proposed colouring of the cladding for the two new waste buildings has been provided, Officers consider that a condition should be applied to any planning permission which may be granted to require the submission of such details to the CPA for approval, and the prompt implementation and maintenance of this colouring as approved. This would ensure that such cladding would be the most



appropriate colouring for this location in order to avoid any significant visual amenity impacts to the surrounding area and local landscape character.

261. The aforementioned topographical plan submitted as part of this application also shows the ground levels at the entrance to the 'Chalk Pit' to be 88.06m AOD, which Officers recognise is between 1.45m and 4.94m below the level at which the base of the two buildings to be constructed would be.
262. Alongside this, Officers are aware that the vegetation covering at the entrance to the 'Chalk Pit' is relatively thin, and that passing views of the existing open-sided waste reception building to be demolished are possible (as shown on Site Photograph 11 appended to this report). As the two new buildings proposed to be constructed would be larger in scale than the existing building, Officers consider that views of these two new buildings would therefore be both possible and more prominent than the existing waste building from the 'Chalk Pit' entrance.
263. However, Officers consider that such views would be limited to traffic and pedestrians passing through the immediate vicinity of the entrance to the 'Chalk Pit' towards the east, towards the Reigate Road roundabout junction.
264. Further, as stated above, the submission of further details of the colouring of the proposed new buildings by way of the imposition of a condition to any planning permission which may be granted would ensure that the buildings would blend into the existing 'Chalk Pit' southern boundary vegetation as much as possible, and therefore mitigate their visual effect as much as possible.
265. As mentioned previously, this application also includes the construction and use of a new site office building, and the continued use of the existing workshop. The site office would be used for office functions ancillary to the operation of the waste management facility, and would be positioned adjacent to the weighbridge at the entrance to the operational area of the 'NJB site', while the workshop would be used for the maintenance and repair of the applicants' vehicles.
266. Several of the plans submitted as part of this application demonstrate that the proposed site office building would measure approximately 4m in width by 8.5m in length, while the existing workshop measures roughly 18m wide by 11.9m long. The applicant later confirmed in writing that the proposed office would be single-storey and would reach a height of 2.97m, while the workshop appears to reach a height of no more than 4m.
267. The principle of siting an office associated with waste-related operations within the 'NJB site', and the suitability of the 'NJB site' for such an office, was established by planning permission ref: EP08/0418 dated 30 July 2008. This planning permission was granted for the retention of a first-floor addition to an existing portable site office, which Officers have noted have been positioned along the southern boundary of the 'NJB site' since the grant of this permission until as recently as July 2019 when they appear to have been removed.
268. Both the office and first-floor addition are shown on the approved plans submitted as part of planning permission ref: EP08/0418 to each measure 7.3m in length, 2.9m in width, and 2.6 in height.
269. While Officers recognise the proposed new site office would be slightly larger in both width and length than the office previously authorised within the 'NJB site' under planning permission ref: EP08/0418 dated 30 July 2008, this is not considered to be



significant in the context of either the 'NJB site' or the wider 'Chalk Pit'. The office would also not be out of keeping with the character of the 'NJB site', and its low height would mean views from outside the wider 'Chalk Pit' would not be possible.

270. Further, as stated above, Officers are aware that the existing workshop has been in place and in use for vehicle maintenance purposes since at least 1999, and appears to have been unchanged since this date. The applicant does not propose to make any changes to this workshop as part of this application, including the size, height, materials, doors, lighting, or any structural changes.
271. The workshop is positioned against the southern boundary of the 'Chalk Pit', with substantial existing vegetation being in place between the workshop and the adjacent chalk face. Its height of no more than four metres is well below the level of College Road which runs along the southern boundary of the 'Chalk Pit'. Therefore, Officers are satisfied that no views of the workshop are possible from outside of the wider 'Chalk Pit' site, and that the retention of this workshop would not result in any significant visual amenity effects to surrounding neighbouring amenity.
272. In response to a consultation request with regards to this application, Epsom and Ewell Borough Council commented that the width and depth of the proposed buildings are significantly larger than the existing building, and that they consider the proposed built form to be excessive and beyond the previously developed elements on the site. Epsom and Ewell Borough Council therefore consider that the increase in built form would alter the character and appearance of the site and be harmful to its setting.
273. Officers recognise that the proposed two new waste buildings are both taller and have a larger footprint than the existing open-sided waste reception building positioned within the 'NJB site'. Several of the plans submitted by the applicant as part of this application demonstrate that while the existing waste reception building covers an area of approximately 200sqm, the proposed two new waste buildings would cover an area of roughly 2,000sqm.
274. However, as mentioned previously, Officers consider that any visual impacts from these proposed two new waste management buildings would be mitigated by the topography of the wider 'Chalk Pit', the existing boundary fencing and vegetation, and the colouring of the cladding, such that no significantly adverse harm to the visual amenity of the locality would result.
275. Further, Officers consider the proposed two new waste buildings would be fit for purpose, and that their positioning within the 'NJB site' would not alter the character of the 'NJB site' itself or the wider 'Chalk Pit', or be harmful to their setting.
276. Finally, Officers have recognised that although the proposed development would not be in keeping with the wider Landscape Character Area, the 'NJB site' comprises mostly PDL within the base of a chalk pit which is already used for a variety of waste and non-waste industrial activities, and that the construction and use of the proposed buildings would therefore not be incongruous to their setting.
277. Taking all of the above information into account, Officers consider that the proposed new buildings and office, and the existing workshop, are of an appropriate scale and form to fulfil their functions, and are of an appropriate character for the industrial area in which the 'NJB site' is immediately located. Further, Officers consider that due to the topography of the wider 'Chalk Pit' and the existing boundary vegetation and fencing, and subject to the application of a suitably worded condition to require the submission of

and adherence to cladding colouring details, no unacceptable impacts on the local community, the environment, or the wider Landscape Character Area would result.

278. Therefore, Officers consider that subject to the application of a condition and the subsequent submission of the required information by the applicant, the proposal fulfils development plan policy requirements in relation to landscape character and visual amenity.

### *Lighting*

279. Paragraph 001<sup>12</sup> of the NPPG titled Light pollution recognises that while artificial lighting provides valuable benefits and can be essential to a new development, it is also not suitable in all locations and has the potential to become obtrusive.

280. Meanwhile, paragraphs 003<sup>13</sup> and 004<sup>14</sup> state that adverse effects of lighting can usually be avoided with careful lamp and luminaire selection and positioning, and by using lighting only when it is required:

- Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow (the brightening of the night sky).
- Good design, correct installation and ongoing maintenance are essential to the optical effectiveness of lighting schemes such as fixed and/or regularly operated functional and decorative lighting elements.
- In combination with optical good practice aimed at limiting light pollution, efficient lamp and luminaire selection are important considerations to minimise energy use and associated carbon emissions.
- Lighting schemes could be dimmed or turned off when not needed to minimise its visual impact and reduce any potential adverse effects.

281. Finally, the Institute of Lighting Professionals (ILP) Guidance Note 01/21 The Reduction of Obtrusive Lighting dated 2021 states that any lighting scheme consists of three basic elements – a light source, a luminaire, and a method of installation/mounting:

- The light source output in lumens is important in combating the problems of obtrusive light.
- The choice of luminaire with the right optical distribution at the right mounting height is critical to minimising light spill and obtrusive light effects, while providing the right performance on the task area.
- Sky glow occurs from both natural and artificial light sources, and involves light propagating into the atmosphere either directly from upward directed or incompletely shielded sources, or after reflection from the ground or other surfaces. It is therefore important to consider the luminaire, its light distribution, how it is installed, and how it is set up.
- In most cases, it will be beneficial to use as high a mounting height as possible, keeping glare to a minimum by ensuring that the main beam angle of all luminaires directed towards any potential observer is no greater than 70°.

282. The ILP Guidance continues by identifying a number of Environmental Zones for exterior lighting control, recommending maximum values of light parameters for the control of obtrusive light, maximum luminous intensities emitted by a luminaire, and maximum values of upward light ratio (sky glow) for each Zone.

283. No mention is made within any of the documents submitted as part of this application as to whether any external lighting is proposed to be installed as part of this application,

and none of the submitted plans show any lighting to be either affixed to the exterior of any of the proposed new buildings or positioned freestanding within the open area of the 'NJB site'.

284. Further, although several of the representations made in relation to this planning application have raised concerns about the use of lighting within the wider 'Chalk Pit', Officers do not consider that these concerns relate to the use of any lighting within the 'NJB site'.
285. Officers are aware from regular monitoring visits to the 'NJB site' that three lights have been affixed to the northern side of the existing workshop building which is to be retained and used as part of this application for a considerable period of time, with a further one light positioned on its eastern side. However, neither of these sides face towards any nearby residential properties or other sensitive receptors and Officers consider the affixed lights to be directed downwards into the operational area of the 'NJB site'.
286. Should the installation and use of any additional lighting be required by the operator within the 'NJB site', including lighting affixed to buildings, columns or freestanding, for any purpose, Officers would need to be sure that this would not result in any significantly adverse impacts on residential amenity and the environment.
287. Therefore, Officers consider that a suitably worded condition should be imposed on any planning permission which may be granted to ensure that no additional lighting other than that which is already in place within the 'NJB site' should be installed without the submission of relevant details to, and subsequent approval by, the CPA in the form of a lighting scheme. Such should include details of appropriate cowl and a commitment to directing the lighting downwards into the operational area of the 'NJB site' so as not to give rise to any significantly adverse effects on neighbouring amenity.
288. Officers consider that the imposition of such a condition, and the subsequent submission of and adherence to the required lighting details, would ensure that light emissions from the 'NJB site' would be minimised so as not to result in any unacceptable illumination impacts on public amenity and safety.
289. Therefore, Officers consider that subject to the application of a condition, the proposal would fulfil development plan policies in relation to lighting.

#### *Noise*

290. The Noise Policy Statement for England 2010 (**NPSE**) sets out the Government's long-term vision for noise policy, and applies to environmental noise, neighbour noise and neighbourhood noise, but not to noise in the workplace (occupational noise). This vision seeks to promote good health and a good quality of life through the effective management and control of noise within the context of Government policy on sustainable development, by:
- Avoiding significant adverse impacts on health and quality of life;
  - Mitigating and reducing other adverse impacts on health and quality of life to a minimum; and
  - Where possible, contributing to the improvement of health and quality of life.
291. These aims require that all reasonable steps should be taken to avoid, mitigate and minimise adverse effects of noise on health and quality of life, while also taking the

guiding principles of sustainable development into account, including social, economic and environmental and health considerations.

292. The thresholds defined in the NPSE to assist in the consideration of whether noise is likely to have a significant adverse or adverse effect on health and quality of life are:
- No Observed Effect Level.
  - Lowest Observed Adverse Effect Level (**LOAEL**).
  - Significant Observed Adverse Effect Level (**SOAEL**).
293. It is not possible to have a single objective noise-based numerical measure that defines SOAEL or is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources and receptors and at different times.
294. Meanwhile, paragraphs 001<sup>15</sup> and 003<sup>16</sup> of the NPPG titled Noise set out that noise needs to be considered when development may create additional noise or would be sensitive to the prevailing acoustic environment. Plan-making and decision making need to take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur, whether or not an adverse effect is occurring or likely to occur, or whether or not a good standard of amenity can be achieved.
295. This guidance includes examples of how to recognise when noise could be a concern and outcomes to which the observed effect levels defined within the NPSE can be applied, in a noise exposure hierarchy.
296. Finally, the CPA has produced the document titled 'Guidelines for Noise and Vibration Assessment and Control' dated January 2020, to assist in the assessment of noise impacts from development proposals and ensure that new development does not have an unacceptable adverse effect on the natural environment, human health or quality of life. This document states that noise from waste facilities should be assessed following the methodology in British Standard (**BS**) guidance 4142:2014, and that monitoring should be carried out at locations representative of the most affected receptors over a sufficient period of time to determine both the residual and background sound levels over the time which the development will be in operation.
297. Further, the specific sound level for new development should be determined by prediction based on either a computer-generated model or a spreadsheet calculation following a suitable prediction method. Sound data for significant noise sources should be provided in octave or 1/3 octave bands, with the source cited, and any parameters used, or assumptions made should also be detailed. The difference between the rating level and the background sound level should be assessed, with any reasonably practicable mitigation demonstrated where an adverse or significantly adverse impact is identified.
298. As stated previously, this application is seeking to regularise the change of use of the existing WTS to an MRF, as well as seeking planning permission for the demolition of the existing open-sided waste reception building, the extension of the site area to incorporate a new WTS, construction of buildings for the processing of mixed skip waste and skip storage and the sorting of inert waste materials, and the retention of the existing workshop.
299. The noise-generating aspects of this proposed development would include the demolition of the existing open-sided waste building; the construction of the proposed

new waste buildings and office; and, HGVs entering and leaving the 'NJB site'. HGVs being loaded with and unloaded of waste and materials; empty skips being deposited on the ground; the operation of the screener, mechanical picking station, loading shovels, and 360° excavators; and, lorry maintenance operations, will also generate noise, albeit from within the enclosure of the proposed two new waste buildings and existing workshop.

300. The applicant submitted a document which details the results of a noise assessment undertaken in July 2019 in accordance with BS4142:2014 as part of this application to establish the ambient and background noise levels at sensitive receptors surrounding the 'NJB site'. This assessment included the use of a Norsonic 131 Type 1 sound level meter and Larson Davies CA200 acoustic calibrator, which were positioned at a height of 1.2m above ground level at the boundary of the 'NJB site' over the course of a three day period in order to capture noise data for normal weekday hours of operation, as well as a Saturday, together with ambient and background noise levels without any site activity. Further sample attended measurements were subsequently taken at positions representative of the closest residential dwellings and offices, respectively to the west and north-east of the wider 'Chalk Pit'. The document also details the weather conditions, wind direction and wind speed at the time of the assessment.
301. The document presents the average day- and night-time noise levels measured at the boundary of the 'NJB site' as ranging from 59 to 66dB LAeq,T and 54 to 60dB LA90, with the main sources of noise identified as heavy and light goods vehicle movements and banging from skips and lorries. Meanwhile, the average daytime LAeq,T and LA90 are shown to have reduced at the more distant representative positions to 50 to 51dB and 46 to 48dB respectively, with the main noise sources identified as distant local traffic and faint banging noises from skip lorries entering and leaving the 'Chalk Pit'.
302. The applicant has stated that the data shows an initial distribution pattern centred around 42dB, and that such a value is therefore considered to provide an appropriate value for noise assessment purposes. The document continues by identifying the plant that is likely to be operated within the 'NJB site', including HGVs and a trommel, together with their source noise levels, in order to enable receptor noise levels to be calculated using distance and barrier attenuation effects at the equivalent ground and first floor level heights.
303. The majority of these receptors noise levels have been calculated to lie below 45dB LAeq,T and for the most part below the typical daytime background noise level, although one receptor to the west of the 'NJB site' was identified as experiencing a noise level of 49dB at first floor level.
304. BS4142 assessments were thereafter undertaken 3.5m from these same receptors, using the most frequent daytime LA90 background noise level of 42dB. The rating level was found to exceed the background noise level at two receptors by 8 and 14dB, which is respectively likely to be an indication of an adverse effect and a significant adverse impact, but was found to lie below the background noise level for all remaining receptors, which is an indication of the sound source having a low impact, depending on the context.
305. However, the applicant has stated that this represents the absolute worst case scenario, and that the identified exceedances are unlikely to significantly affect the noise climate as operational LAeq,T noise levels remain similar to, or lower than, the existing



ambient daytime noise levels. Furthermore, noise levels will likely reduce upon implementation of the proposed development as all existing external operations, with the exception of HGV movements, will be fully enclosed within the new waste buildings.

306. Finally, the applicant has proposed a number of measures to reduce the incidence of banging noises from skips and lorries, as well as precautionary measures for other plant and activities, including:

- Reduction of drop heights of materials, particularly to avoid metal on metal impact.
- Vehicle route surfaces to be maintained to be kept smooth and free of debris.
- Prohibition of unnecessary engine idling and revving.
- Regular checks of plant and equipment to reduce excessive noise due to maintenance issues.
- Site management to ensure all staff receive training on appropriate methods to be used to avoid noise impact, where practicable. Notices and signs should be displayed to remind staff.
- Site management to regularly patrol the site boundary to check for potentially problematic noise, and take additional action where necessary.
- The operator will implement white noise or an equivalent on all site-based vehicles.

307. In response to a consultation request with regards to this application, the CNC recognised that the proposal to undertake waste recycling operations within two new buildings would be beneficial in terms of noise, but requested that further information be provided to demonstrate that the proposed development would comply with the CPA guidance titled Guidelines for Noise and Vibration Assessment and Control dated January 2020.

308. The CNC stated that although the report includes the qualifications of the consultants who prepared and checked the document, including the membership status of the Institute of Acoustics (**IoA**) of the consultant who prepared the report, there is no indication as to whether the consultants who wrote and approved the report also carried out the site visit, and no indication that the consultant who checked the report is a member of the IoA at any grade.

309. Further, the consultant stated that while the assessment includes some survey information, including details of the weather conditions over the survey period and the make and model of the sound level meter and calibrator used, it does not provide all the details which would normally be expected to be included in such a document. These include whether an environmental windshield was used, ground type, distances to the nearest noise sensitive receptors and noise sources, whether any periods of monitoring were excluded due to inappropriate weather conditions, and the serial numbers or latest verification tests of either of the instruments used.

310. The consultant also sought clarification on which version of BS4142:2014 was used, and on what plant and machinery will be used inside each of the buildings, to determine whether the source level predictions are appropriate.

311. Finally, the CNC stated that there was no reference within the submitted Noise Assessment to the CPA's 'Guidelines for Noise and Vibration Assessment and Control' dated January 2020, which requires the rating level to normally be no greater than 5dB above the background sound level. As the applicant's assessment indicates that noise

levels are likely to exceed this, the identified exceedances are not accepted, and further mitigation options should be considered and included within the report.

312. Epsom and Ewell Borough Council were also consulted for their views with regards to this application and raised concerns as to whether the submitted Noise Assessment adequately assesses the noise implications of the proposal in detail. The Borough Council stated that they would expect a more thorough breakdown of the elements of the proposed materials recycling/recovery facility, including a complete list of the plant and machinery proposed to be used, to be assured that the development would not adversely impact neighbouring residential amenity.
313. In response to the above-mentioned comments, the applicant submitted an updated Noise Assessment. This document presents the results of further continuous noise monitoring undertaken over the course of one week in March 2021, during which Rion NL-32 and Larson Davis LXT Type 1 precision integrating sound level meters were placed within the 'NJB site' itself and in a free-field location along the boundary of the wider 'Chalk Pit', as well as at several other noise sensitive receptors around the 'Chalk Pit', in order to obtain source term noise levels of the individual plant and activities occurring within the 'NJB site'.
314. The main plant and activities taking place within the 'NJB site' during this monitoring were the moving of waste by excavators and wheeled loaders, loading of waste by wheeled loaders into HGVs, dropping of waste by the conveyor onto a stockpile, the operation of the trommel, and the sorting of waste by hand. Weather conditions, including wind speed, direction and rainfall, were also measured during the survey period.
315. The document states that free-field background sound levels of 41 to 50 dB LA90,15min were recorded, and that the daytime background sound level adopted was 48dB LA90,15min as this was the most commonly recorded level at over 25% of the time. This background sound level was adjusted for most distant receptors to 44dB.
316. Plant specific sound levels for the trommel and picking station were then calculated and assessed against the criteria drawn out within BS4142:2014+A1 2019, which demonstrates that they will be no more than 2dB above existing background sound levels and therefore a low impact. Given the context of the 'NJB site' being located within an existing industrial estate and adjacent to a relatively busy road, noise from the operation of the trommel and picking station was therefore considered to be unlikely to lead to adverse impact at the closest noise sensitive receptors.
317. The presence of the proposed two new waste buildings were then incorporated into the noise model, which demonstrated that these buildings could reduce noise emanating from the 'NJB site' by up to 7dB at the closest noise sensitive receptors, which represents a significant reduction.
318. Further updates to this document, and separate additional information, have included statements demonstrating the competency of the consultants who prepared and checked the report to carry out the assessment; confirmation that the report author also carried out the site visit; reference to the CPAs 'Guidelines for Noise and Vibration Assessment and Control'; confirmation that topographical data has been incorporated into the noise assessment; meter readings of the calibration of the instruments used in the noise

assessment, and clarification that the applicant considers 0.2dB to be an acceptable calibration level tolerance; details of the sound monitoring equipment used to carry out the unattended sound monitoring at the two long-term locations and the attended monitoring at the seven short-term locations; clarification as to what activities were taking place on which days during the assessment period, and that the 'NJB site' does not operate on Sundays; confirmation with regards to discrepancies in the arithmetic and logarithmic average values; justification with regards to the representativeness of 5- and 15-minute noise measurements; information relating to how the source data for the model has been derived from the trommel noise measurements; clarification with regards to point noise sources included within the noise model; and, details of mitigation measures undertaken on the trommel and picking station including the removal of baffles and introduction of acoustic dampening materials.

319. The applicant has also adopted the more-conservative representative background sound level of 42dB LA90,15mins.
320. Having reviewed all of the information submitted by the applicant, the CNC stated that the applicant has followed the correct methodology and has used an appropriate prediction method in calculating and assessing the potential noise impacts of the proposed development, and they are satisfied that the sound monitoring locations are representative of the closest noise sensitive receptors to the 'NJB site'.
321. Further, the CNC stated that the methodology used to determine the sound reduction of the proposed two new waste buildings is reasonable, and that they are satisfied that the representative background sound level of 42dB LA90,15mins is an acceptable approach.
322. Finally, the CNC noted that the assessment indicates that the operation of the proposed development, within the proposed new buildings, would result in an exceedance of the background sounds level of up to 5dB, which is an indication of a low impact and would satisfy the criteria drawn out within the CPAs 'Guidelines for Noise and Vibration Assessment and Control'.
323. The CNC therefore recommended that two conditions be applied to any planning permission which may be granted. The first would require that the rating level of the noise emitted from all plant and vehicle movements within the 'NJB site' shall not exceed the existing representative background sound level by more than 5dB at the nearest noise sensitive receptor any time, and the second would require the operator to carry out noise monitoring at the request of the CPA to demonstrate compliance with noise limits.
324. As stated previously, the NPPF states that planning decisions should focus on whether proposed development is an acceptable use of the land, rather than the control of processes or emissions where these are subject to separate pollution control regimes. Nevertheless, the CPA should still consider the likely impact of development on the local environment and on amenity, including from intermittent and sustained operating noise, and should grant planning permission where it can be demonstrated that a proposal would not result in unacceptable noise impacts on communities and the environment.
325. Officers are satisfied that the applicant has appropriately assessed and predicted the noise impacts of the proposed development in line with the BS methodology, so as to

demonstrate compliance with the CPAs 'Guidelines for Noise and Vibration Assessment and Control' dated January 2020.

326. Further, Officers consider that the steps proposed by the applicant to minimise and mitigate the emission of noise from the 'NJB site', including the full enclosure of operations within the two new buildings, are appropriate and reasonable in avoiding significant adverse effects to the environment and neighbouring amenity. The applicant has also agreed to remove the positioning and use of a crusher within the 'NJB site' from their application.
327. Finally, through the application of suitably worded conditions, the CPA would be able to impose additional control to require that waste operations take place solely within the proposed new buildings, which should be fitted with automated roller shutter doors; that all plant and machinery be appropriately serviced, maintained, silenced and repaired; that all company owned plant and vehicles be fitted with white noise/nontonal reversing alarms; and, that all company owned skip lorries be fitted with chain sleeves. The CPA could also require the operator to undertake appropriate noise assessments in order to demonstrate ongoing compliance with specified limits.
328. Taking the above into account, along with the consultation response of the CNC, Officers consider that subject to the application of suitably worded conditions the proposal would fulfil development plan policy requirements in relation to noise.

#### *Ecology and Biodiversity*

329. The 'NJB site' the subject of this application, as well as the wider 'Chalk Pit' within which it is located, are not covered by any national or local ecological designations. Officers have identified the closest Areas of Ancient Woodland to the application site to comprise three small areas of Ancient Replanted Woodland some 1.9km to the south-west of the 'Chalk Pit' entrance and an area of Ancient Semi-Natural Woodland roughly 2.5km to the south-east of the application site at its closest point.
330. Further, the closest designated Nature Reserves are Epsom Common Local Nature Reserve and Ashted Common National Nature Reserve, which are respectively some 2.5km and 3.4km west of the 'Chalk Pit' entrance. The closest SSSIs are located at Banstead Downs, approximately 1.8km to the east of the application site at its closest point, and Epsom and Ashted Commons, roughly 2.8km from the entrance to the 'Chalk Pit' at its closest point.
331. Officers consider all of these designations to be a significant distance from the application site, with a significant amount of residential properties and other development located between them and the 'Chalk Pit'.
332. As stated previously the predominant wind direction has been identified as coming from the south and south-west of the 'NJB site', which would result in the largest wind-blown impacts being registered towards the north and north-east directions. None of the above-mentioned designations are positioned towards the north or north-east of the 'NJB site'.
333. However, one of the requirements of the County Council's Local List for the Validation of County Development and County Matters Planning Applications dated November 2020 is that where a development measures 0.4ha or larger, a Preliminary

Ecological Assessment (**PEA**) should be undertaken. As mentioned previously, the 'NJB site' the subject of this application measures a total of 0.44ha.

334. Further, Officers are aware that Epsom Golf Course SNCI is located approximately 450m to the south-east of the entrance to the 'Chalk Pit', with mostly open agricultural fields between it and the 'NJB site', and therefore consider the ongoing operation of the proposed development could result in adverse impacts to this designation.
335. Finally, a number of representations received in response to the submission of this application raised concerns with regards to the potential impact of ongoing operations on ecological designations and biodiversity, with specific mentions made of Priest Hill Nature Reserve.
336. Officers are aware that the 35ha Priest Hill Nature Reserve is approximately 830m north of the 'NJB site' at its closest point, with mostly agricultural fields and only a small number of residential properties along Reigate Road and Priest Hill Close being located between it and the 'Chalk Pit' site.
337. As with Epsom Golf Course, Priest Hill Nature Reserve is also designated as an SNCI, and the area provides significant habitat for invertebrates, wild flowers, and many bird species, and is actively managed by Surrey Wildlife Trust.
338. Officers therefore discussed the proposed development with the County Council's Ecologist, who responded that they considered Epsom Golf Course SNCI and Priest Hill Nature Reserve SNCI to be too distant from the 'NJB site' to be impacted by the proposed development, and that a PEA would therefore not be required.
339. However, the County Council's Ecologist also stated that although the existing waste shed would be unsuitable for bats, it should be checked for nesting birds prior to demolition and a scheme seeking biodiversity net gain should also be required by condition.
340. In response to a consultation request with regards to this application, Epsom and Ewell Borough Council commented that insufficient information had been provided in order to identify, quantify and evaluate the potential effects of the proposed development on species and habitats, and stated that the proposal should provide a minimum of 20% biodiversity net gain.
341. Taking all of the above into account, Officers recognise that while the 'NJB site' is within 450m of ecological designations, it is a sufficient distance from nearby biodiversity interests and protected habitats and species such that the proposed development would not result in any unacceptable impacts upon them. Officers consider that subject to the application of a suitably worded condition to any planning permission which may be granted, a scheme of net gain would be provided by the applicant within a specified time frame, and subsequently implemented in order to fulfil biodiversity requirements.
342. Therefore, Officers consider that subject to the application of this condition, the proposal fulfils development plan policies in relation to ecology and biodiversity.

## **GREEN BELT**

### **Surrey Waste Local Plan 2020**

#### **Policy 9 – Green Belt**

### **Epsom and Ewell Borough Council Core Strategy 2007**



## **Epsom and Ewell Borough Council Development Management Policies Document 2015**

### **Policy DM3 – Replacement and extensions of buildings in the Green Belt**

343. As stated previously, the 'NJB site' is located entirely within the Metropolitan Green Belt, within which there is a general policy presumption against inappropriate development.
344. Paragraphs 137 and 138 of the NPPF state the great importance of the Green Belt in preventing urban sprawl by keeping land permanently open, in order to:
- Check the unrestricted sprawl of large built-up areas.
  - Prevent neighbouring towns merging into one another.
  - Assist in safeguarding the countryside from encroachment.
  - Preserve the setting and special character of historic towns, and
  - Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
345. Meanwhile, paragraphs 147 and 148 state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt, and therefore such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
346. Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) Buildings for agriculture and forestry;
  - b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) 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;
  - d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) Limited infilling in villages;
  - f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and,
  - g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - Not have a greater impact on the openness of the Green Belt than the existing development; or,
    - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

347. Further, paragraph 150 details that certain other forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) Mineral extraction;
- b) Engineering operations;
- c) Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) The re-use of buildings provided that the buildings are of a permanent and substantial construction;
- e) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and,
- f) Development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

348. The SWLP2020 considers it 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.

349. SWLP2020 Policy 9 (Green Belt) states 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.

350. EECS2007 Policy CS2 (Green Belt) states that to ensure the Green Belt continues to serve its key functions, its existing general extent will be maintained and, within its boundaries, strict control will continue to be exercised over inappropriate development as defined by Government policy.

351. EEDM2015 Policy DM3 (Replacement and extensions of buildings in the Green Belt) states that replacement of buildings in the Green Belt will be supported where: the replacement building is not materially larger than the existing building it replaces, taking into account floorspace, bulk and height; and, the replacement building remains in the same use.

#### *Inappropriate Development*

352. As stated previously, this is a partly retrospective application to change the use of the 'NJB site' from a WTS to an MRF, and extend this facility to incorporate a new WTS, including the importation, storage, processing, and transfer of mixed skip waste and inert waste materials.

353. The 'NJB site' is located on partly PDL within the base of a former chalk pit, which hosts a variety of commercial waste and non-waste uses. The eastern half of the 'NJB site' has an existing planning permission for waste management use, while the adjacent land which forms the western half of the 'NJB site' has been used in conjunction for a considerable period of time.

354. Therefore, Officers do not consider the 'NJB site' to form part of a large built-up area to which it could contribute to the unrestricted sprawl of, to contribute towards the merging of neighbouring towns into one another, or to encroach into the countryside. Similarly, Officers do not consider the proposed development would affect the setting or special character of historic towns.
355. Officers therefore do not consider that the proposed development conflicts with the first four purposes of designating land as Green Belt. Although the proposed development would ensure the effective recycling of previously developed, brownfield land, this would not take place within urban land or for the purposes of assisting in urban regeneration. Therefore, the fifth above-mentioned purposes of including land within the Green Belt is not applicable in the context of the current application.
356. However, the proposed development includes the construction of two new waste buildings and an office, which are not proposed for the purposes of agriculture or forestry, or in connection with outdoor sport or recreation, a cemetery or burial ground, or an allotment. These buildings are not proposed as part of the limited infilling of a village or to provide limited affordable housing for local community needs.
357. These two new waste buildings are proposed to replace the existing open-sided waste reception shed, but as stated previously are materially larger in size and would therefore have a greater impact on the openness of the Green Belt when compared with the existing development.
358. Further, the proposed development does not comprise any extraction of mineral, engineering operations, local transport infrastructure, re-use of buildings, or material changes in the use of the application site for outdoor sport or recreation, and the proposed development has not been brought forward under a Community Right to Build Order or Neighbourhood Development Order.
359. The proposed development is therefore not an exception to Green Belt policy as per paragraphs 149 and 150 of the NPPF, and should be regarded as inappropriate development.
360. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
361. When considering any planning application, planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the practical harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

### *Harm*

362. The applicant has stated that the proposed development relates to part of a former chalk pit which has been developed for commercial purposes over a very long time and has the nature and characteristics of a general industrial estate. Further, the ground levels are well below those of the surrounding land, with trees and vegetation lining the boundaries of the pit, which would mean that there would not be any harm to the openness of the Green Belt.
363. However, harm to openness amounts to more than just visual harm. It comprises the presence of physical development where none was previously located, including for

example areas of concrete hardstanding and/or below-ground infrastructure, which may not have any visual impact on the surrounding area at all.

364. As stated previously, this application includes the replacement of the existing open-sided waste reception building with two new buildings which are taller and materially larger in size, as well as the retention of an existing workshop, reinforcement of the existing retaining wall, provision of new site surfacing and drainage, construction of a new office, installation of a weighbridge, and new site entrance gates and palisade security fencing.
365. The proposal seeks to increase the waste management area covered with built development in the form of buildings from the roughly 480sqm at present to a total of approximately 2,249sqm.
366. Officers therefore consider that this proposed development would have a greater impact on the openness of the Green Belt when compared with the existing situation, by virtue of both the increase in the area to be used for waste management purposes and the increased scale of the buildings proposed, and would result in an increase in harm to the openness of the Green Belt.
367. Additionally, the proposed development would introduce waste management operations previously not present within the 'NJB site', including the processing of inert waste and export of the resultant materials. This would result in noise and dust emissions, which together constitute other harm.
368. Therefore, it is necessary for Officers to assess whether such harm to the openness of the Green Belt, and other harm, is outweighed by other considerations. This will include an assessment of the need for waste management capacity and for the buildings themselves, as well as an assessment of potential alternative site options in order to determine whether the proposed activities could be undertaken at or within another site without the same level of harm occurring.

#### *Very Special Circumstances*

369. Within the Supporting Statement dated December 2020, the applicant has recognised that the 'NJB site' falls within the Metropolitan Green Belt. However, the applicant has stated that the wider 'Chalk Pit' within which the 'NJB site' is located is an already developed area, which has the nature and characteristics of a general industrial estate, and that the proposed development would therefore not conflict with any purpose of designating Green Belt land. The applicant has continued that the proposed development also meets one of the exceptions to being considered inappropriate within the Green Belt, as it is located on PDL and would not have a greater impact on the openness of the Green Belt than the existing development due to the ground levels of the 'NJB site' being well below those of the surrounding land, together with the trees and vegetation lining the boundaries of the wider 'Chalk Pit'.
370. Although Officers are satisfied that significant parts of the 'NJB site' constitute PDL, as stated previously Officers also consider the two new waste buildings to be materially larger than the existing open-sided waste reception shed which they would replace and would therefore have a greater impact on the openness of the Green Belt compared with the existing situation.
371. Therefore, Officers consider the proposal to constitute inappropriate development, and that it is necessary to identify whether very special circumstances exist that would

outweigh the harm caused by reason of inappropriateness in the Green Belt and any other harm, such that planning permission should be granted.

372. The applicant has stated that in the event their viewpoint is not accepted, the proposed development would need to be justified by other considerations which amount to very special circumstances for outweighing the potential harm to the Green Belt and any other harm resulting from the proposal. The very special circumstances put forward by the applicant include:

- The application site is a brownfield site, already in waste management use.
- Lack of suitable non-Green Belt sites, particularly in the Epsom area.
- The location of the 'NJB site' on the outskirts of Epsom and close to the neighbouring built-up area of Banstead, and its proximity to the source of waste arisings and the market for the recovered products.
- Location directly on a main road and close to good transport connections.
- The application site being located at a lower level than the surrounding land.
- Co-location of the proposed development with other similar, compatible industrial and commercial uses.
- Proposed development would facilitate the re-use and recycling of waste materials, therefore moving the management of waste up the Waste Hierarchy and supporting the circular economy.
- The proposed buildings would enable all waste management to take place fully under cover, improving operating conditions for local amenity.
- The proposal would aid in addressing the shortfall in capacity and achieving ambitious targets for recycling and other forms of recovery, by enabling the retention of existing capacity.
- The proposed development would be controlled by an Environmental Permit, which would ensure that the operations can be conducted without harm to the environment or human health.

#### *Officer Assessment*

##### *Need for Waste Management Capacity*

373. Within the Supporting Statement dated December 2020, the applicant has stated that the proposed development is needed in order to move the management of waste up the Waste Hierarchy and provide a permanent contribution towards addressing the shortfall in capacity and achieving ambitious targets for recycling and other forms of recovery within Surrey.

374. The 'NJB site' is located within close proximity to both the sources of waste arisings proposed to be managed and the main markets for the recycled products proposed to be manufactured, in particular the recycled aggregate and soils. Finally, the 'NJB site' is already in waste management use, is co-located with other similar industrial and commercial uses, and is located directly on a main road.

375. As outlined within paragraph 81 above, although it is predicted that C, D and E waste arisings within the County between 2017 and 2035 will remain stable, the target for the recycling of such arisings will increase from 58% to 80% over the same period. Further, the capacity available within the County to carry out such increased recycling of waste arisings will decrease over the same period, from 540,000 tonnes to just 15,000 tonnes, thereby resulting in a negative capacity gap for C, D and E recycling of 1.16 million tonnes.



376. While Officers recognise the applicant does not propose any change to the tonnage of waste to be handled at the 'NJB site' from the 26,000 tonnes per calendar year permitted within the CLEUD, the proposed change of use from a WTS to a MRF would enable the provision of a contribution, albeit small, towards meeting these waste recycling targets and closing the negative capacity gap, and would do so at the highest practicable point within the Waste Hierarchy.

#### *Need for Buildings*

377. The applicant has stated that the two new waste buildings proposed to be constructed as part of this application are needed to enclose all the waste management operations, and thereby assist in preventing any significant and unacceptable emission of noise and dust to the surrounding area. Further, the office is needed for logistical purposes and is a common feature of waste management sites, while the workshop is needed for the maintenance of lorries connected with this proposal.

378. Officers recognise that the proposed demolition of the existing open-sided waste reception building, and the construction of two replacement buildings to house the MRF and new WTS, would physically change the form of the eastern part of the 'NJB site'. However, these buildings would enable the handling and processing of a range of recyclable materials for which the 'NJB site' currently does not have planning permission, and as stated previously their size is guided by operational requirements, including the need for tipper lorries to be able to unload and for loading equipment to operate safely, without causing damage to the roof structure of the building.

379. Indeed, the EA recommend that all new recycling facilities are enclosed to assist in mitigating the environmental impacts of such operations.

380. Further, the functional issues are recognised within Defra's *Designing Waste Facilities: A Guide to Modern Design in Waste* dated 2008, where it is stated that practitioners should make a wide range of considerations in designing waste management facilities, including any technical or operational configurations and constraints. The document states that footprints and heights of building will vary according to the nature of the technology being used and the configuration of operational processes, with one common determining factor for most waste facilities being that the internal space and vehicular door openings need to accommodate the height of a raised tipper lorry.

381. A large number of representations have been received from members of the public in relation to air quality and the emission of dust from the proposed development. Representations have also been received with regards to concerns about increased levels of noise from the 'NJB site' and wider 'Chalk Pit'.

382. The CDAQC and CNC have both recognised the beneficial contribution that enclosing the proposed operations would have towards preventing significant and unacceptable dust and noise emissions from the 'NJB site', alongside other measures.

383. Officers also recognise the need for such enclosure, to introduce physical containment of the emission of dust and noise from the proposed waste management operations within the 'NJB site' for the first time, where none has previously existed, and thereby reduce the harm that may otherwise have been caused to the surrounding area.

384. The principle and need for an office associated with waste management activities at the 'NJB site' has already been established by the granting of planning permission ref: EP08/0418 dated 30 July 2008, while the existing workshop has been in position and

use in association with waste management activities for a sufficient period of time as to be considered established within the 'Chalk Pit'.

#### *Alternative Sites*

385. The applicant has stated that as the proposal relates to an existing site which is already in waste management use, the need to identify an alternative non-Green Belt site is arguably not applicable.
386. Indeed, the CPA has produced a guidance note on the assessment of alternative sites, titled *Alternative Site Assessment Guidance*, which states that such an assessment may not be relevant to site specific proposals in some instances, including development of or at an existing waste management site.
387. Nevertheless, the applicant has also stated there is strong evidence that there is in any event a lack of suitable non-Green Belt sites, particularly in the Epsom area, specifically detailing the alternative sites assessment which accompanied planning application ref: EP14/00938/CMA for one of the other authorised waste management sites within the wider 'Chalk Pit'.
388. Officers are aware that the alternative sites assessment which accompanied application ref: EP14/00938/CMA involved the consideration of 29 sites identified within the Surrey Waste Plan 2008, as well as other industrial land identified by the applicant of that planning application, as potential sites for accommodating waste management facilities. These sites were then assessed according to planning constraints, proximity to housing, compatibility with neighbouring uses, and proximity to the strategic road network. The assessment concluded that none of these other sites were as suitable for the proposed waste management operations as that within the 'Chalk Pit', as that site was already in waste management use, was located within an area of compatible uses, and had immediate access to the strategic road network.
389. At the time of that planning application, Officers reviewed the alternative site assessment work carried out by that applicant and were satisfied that there were no other alternative sites available which were located outside of the Green Belt.
390. Officers consider that some of the circumstances applicable to that facility at that time continue to apply in the case of this application and the 'NJB site', insofar as the 'NJB site' is also already located within an area of compatible uses and also has immediate access to the strategic road network.
391. As stated previously, planning applications should be determined on their own merits. Therefore, although the proposal the subject of planning application ref: EP14/00938/CMA was also for a waste processing facility within the 'Chalk Pit', and although some of the circumstances applicable to that facility continue to apply in the case of the current proposal, it is not appropriate to rely on the assessment produced for that facility, especially given the fact that the assessment was produced some seven years prior to the current application.
392. However, as also stated previously, Officers consider that significant parts of the 'NJB site' fall within the definition of PDL, and that the entirety of the 'NJB site' is currently in an active, authorised waste management use and has been for a considerable period of time.

393. Therefore, in accordance with the CPAs Alternative Site Assessment Guidance, Officers are satisfied that no alternative sites assessment is required for the current application.

### *Conclusion*

394. The proposal the subject of this application constitutes inappropriate development within the Green Belt, which should only be approved in very special circumstances.
395. In the opinion of Officers, there are considerations which apply which outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal.
396. These factors include the need for the recycling of C, D and E waste and the other waste streams mentioned above, moving these waste streams up the Waste Hierarchy; the contribution to the County's targets for aggregate recycling and towards sustainable waste management in general; the previously developed nature of significant parts of the 'NJB site' and its existing, partly authorised waste management use; the previously developed nature of the wider 'Chalk Pit' and its range of similar, complimentary waste management and other uses; the close proximity of the 'NJB site' to both the source of waste arisings and the markets for the materials produced; the topography of the 'NJB site' and wider 'Chalk Pit', and existing screening fencing and vegetation along its rim; and, the need to physically enclose operations in order to prevent other harm.
397. As stated previously, Officers recognise that the application site is located within the base of a former chalk pit, and that the majority of the proposed development would be below the level of the surrounding fields.
398. Officers also recognise that although the two proposed new buildings would rise above the adjacent rim of the 'Chalk Pit' by a worst-case scenario of 4.03m, this height is necessary to ensure the body of a tipper lorry when raised to unload would not conflict with the height of the building. While the buildings would harm the openness of the Green Belt, Officers are satisfied that the height of the buildings is the minimum required for functionality and is not a substantial increase beyond the existing situation.
399. Further, Officers recognise that the existing fencing and vegetation along the southern perimeter of the wider 'Chalk Pit' would aid in screening the two proposed new waste buildings, and that subject to the application of a suitably worded condition requiring further details of the colouring of these two proposed buildings, Officers are satisfied that these elements minimise the harm to the openness of the Green Belt.
400. Officers also consider that other harm would be mitigated by the application of suitably worded conditions to any planning permission which may be granted, in order to restrict the hours within which the proposed waste management operations could be carried out; the average daily number of lorries permitted to be used by the operator; the emission of dust, light and noise pollution from the 'NJB site' and proposed operations; the colouring of the cladding to be used in the construction of the proposed new waste buildings; and, the permitted development rights which would otherwise apply to the 'NJB site'. The construction of the two buildings would also aid in mitigating noise and dust emissions, thereby reducing the harm that could be caused to the surrounding area.
401. Finally, despite the proposed increase in development for waste management activities, Officers recognise that there would be no change to the tonnage of waste to be handled from the 26,000 tonnes per calendar year permitted under the CLEUD and there

would be a reduction in the average number of lorries required by the applicant to carry out the proposed operations.

402. As stated previously, despite its Green Belt location, the 'NJB site' is currently operated on PDL which is covered by a CLEUD, as well as other land in existing waste management use. There are currently no controls over lorry movement numbers to and from the existing waste management site, and any exceedance of the tonnage of waste authorised to be imported and stored may not be sufficient so as to constitute a material change of use. Therefore, there are currently no controls over the harm that the existing, authorised waste management operations could cause to openness and to the Green Belt. This application would enable the CPA to introduce such controls for the first time, so as to limit the harm that could be caused.

403. Therefore, Officers are of the opinion that although the proposed development would result in harm being caused to the openness of the Green Belt and by reason of inappropriateness, such harm would be both effectively mitigated and clearly outweighed by other considerations which constitute very special circumstances. As such, the proposal fulfils development plan policy requirements in relation to Green Belt.

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### **Human Rights Implications**

404. 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.

405. In this case, it is the Officers view that while impacts on amenity caused by dust, noise and traffic, and visual impact, are acknowledged and have been discussed in detail within the body of the report, the scale of such impacts is not considered sufficient to engage Article 6 or Article 1 of Protocol 1 and any impacts can be mitigated by condition. As such, this proposal is not considered to interfere with any Convention right.

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### **Conclusion**

406. This application is submitted seeking retrospective planning permission to regularise the change of use of the existing WTS to an MRF, including the reinforcement of an existing retaining wall, provision of new site surfacing and drainage, and installation of a weighbridge, as well as seeking planning permission for the demolition of the existing open-sided waste reception building, the extension of the operational area onto land in existing waste management use to incorporate a new WTS, construction of buildings for the processing of mixed skip waste and skip storage and the sorting of inert waste materials, use of an office, the retention of the existing workshop and entrance gates and fencing, and the provision of car parking.

407. Officers consider that significant parts of the 'NJB site' constitute PDL, with the entirety of the site being in an existing waste management use, which lies in the base of a former chalk pit and has an appropriate existing access from the nearest public highway which facilitates good connections to the wider strategic road network.

408. Officers consider that through the application of suitably worded conditions, planning restrictions would be introduced to the 'NJB site' for the first time in order to control the volume of waste permitted to be handled, the working hours within which operations could be undertaken, the colouring of building cladding, the drainage of surface water, and parking and sustainable travel related issues, and to protect ecological and biodiversity interests, such that no significantly adverse impacts on neighbouring amenity would arise as a result of the proposed development.

409. Dust and noise emissions would be mitigated by the enclosure of waste operations within the two new waste buildings, and further limited by the application of conditions. Suitable provision has also been made for groundwater contamination and lighting emissions to be addressed if necessary.
410. Officers recognise that the 'NJB site' is located within the Metropolitan Green Belt, and that planning permission can therefore only be granted where very special circumstances both exist and are proven by the applicant to clearly outweigh the harm caused by reason of inappropriateness, harm to the openness of the Green Belt, and any other harm. Officers consider that there is a clear need for the proposal in meeting identified recycling targets and closing the capacity gap, that the harm resulting from the proposed development would be outweighed by other considerations including appropriate mitigation measures, and that taken collectively these are the factors that amount to very special circumstances such that the proposal is consistent with Green Belt policy.
411. Finally, Officers recognise that should this application be refused, the eastern half of the 'NJB site' could continue to operate under the extant CLEUD granted on appeal in April 1998 under ref: APP/X/95/B3600/2321, and therefore the CPA would continue to have no planning control over the hours within which waste storage and transfer could take place; the number of lorry movements to and from the specified area; the height to which stockpiles of waste could be stored; the control of dust, noise, light and/or odour emissions from the specified area; or, the cleaning of lorry wheels and chassis so as to prevent the creation of a dangerous surface of the public highway.
412. Meanwhile, the use of the western half of the 'NJB site' in connection with the use of the CLEUD land, for the storage of skips and lorry parking, and the use of the existing workshop for the maintenance and repair of vehicles, could also continue without being subject to any planning control.
413. Therefore, Officers conclude that planning permission should be granted subject to conditions.

## Recommendation

The recommendation is to **GRANT** planning permission subject to the following conditions:

### Conditions:

#### Approved Plans

1. The development hereby permitted shall be carried out in all respects in accordance with the following plans/drawings:

Drawing No. 193091/PL/D/001 Rev B Site Location Plan dated January 2021

Drawing No. 193091/PL/D/002 Rev A Existing Block Plan dated January 2021

Drawing No. 193091/PL/D/003 Rev A Topographical Survey dated January 2021

Drawing No. 193091/PL/D/004 Rev A Existing Cross Sections and Elevations dated January 2021

Drawing No. 193091/PL/D/005 Rev A Proposed Buildings for Demolition dated January 2021

Drawing No. 193091/PL/D/006 Rev C Proposed Block Plan dated May 2021

Drawing No. 193091/PL/D/007 Rev A Proposed Site Zoning dated January 2021



Drawing No. 193091/PL/D/008 Rev A Proposed Cross Sections and Elevations dated January 2021

Drawing No. 193091/PL/D/009 Rev A Site Drainage Plan dated January 2021

Drawing No. 193091/PL/D/010 Proposed Office Elevations dated September 2021

Drawing No. 193091/PL/D/011 Visibility Splay dated May 2021

Drawing No. 193091/PL/D/012 Overnight HGV Parking Plan dated June 2021

### **Hours of Working**

2. No lights shall be illuminated nor shall any operations or activities authorised by this permission be carried out except between the following hours:

07:00 - 18:00 Mondays to Fridays

07:00 - 13:00 Saturdays

There shall be no working on Sundays or any Public, Bank, or National Holiday. This shall not prevent the carrying out of emergency operations, but these shall be notified in writing to the County Planning Authority within 24 hours of their commencement.

### **Contamination**

3. If, during construction works, ground contamination not previously identified is found to be present at the application site then no further construction works shall take place until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority.

The remediation strategy shall be implemented as approved.

### **Drainage**

4. Within three months of the date of this permission, details of the design of a surface water drainage scheme shall be submitted to the County Planning Authority for approval in writing. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
  - a) Evidence that the existing on-site soakaway is fit for purpose.
  - b) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
  - c) Details of drainage management responsibilities and maintenance regimes for the drainage system.

The scheme shall be implemented in full within three months of approval and shall thereafter be complied with at all times.

### **Highways, Traffic and Access**

5. Waste processing operations using the trommel and/or picking station shall cease until space has been laid out within the application site in accordance with Drawings Nos. 193091/PL/D/006 Rev C Proposed Block Plan dated May 2021 and 193091/PL/D/012 Overnight HGV Parking Plan dated June 2021 for cars, HGVs and cycles to be parked and for the loading and unloading of 12 HGVs and for all vehicles to turn so that they may enter and leave the site in forward gear.

A four hoop Sheffield toast rack cycle stand with sufficient space for eight bicycles shall subsequently be installed within the cycle parking area as shown on Drawings Nos. 193091/PL/D/006 Rev C Proposed Block Plan dated May 2021 and 193091/PL/D/012 Overnight HGV Parking Plan dated June 2021 within one month of the laying out of the space as detailed above.

Thereafter the parking/loading and unloading/turning areas shall be retained and maintained for their designated purposes.

6. Within three months of the date of this permission a scheme for at least 2 of the available car parking spaces within the application site to be provided with a fast charge socket (current minimum requirement: 7kW Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) shall be submitted to the County Planning Authority for approval in writing.

The approved scheme shall be implemented within three months of approval and the installed sockets shall thereafter be retained and maintained in good working order.

7. Prior to any building construction work being undertaken within the application site other than the metal support posts previously erected, a Construction Transport Management Plan, to include details of:
  - a) Parking for vehicles of site personnel, operatives and visitors
  - b) Loading and unloading of plant and materials
  - c) Storage of plant and materials
  - d) Programme of works (including measures for traffic management)
  - e) Provision of boundary hoarding behind any visibility zones
  - f) HGV deliveries and hours of operation
  - g) Vehicle routing
  - h) Measures to prevent the deposit of materials on the highway
  - i) Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
  - j) On-site turning for construction vehicles

Shall be submitted to and approved in writing by the County Planning Authority. Only the approved details shall be implemented during the construction of the development.

8. There shall be no more than an annual average of 68 daily HGV movements to and from the application site. The operator shall maintain accurate records of the daily number of HGVs accessing and egressing the application site and these records shall be submitted to the County Planning Authority by the first day of April, July, October and January each year.
9. All loaded HGVs entering and leaving the application site shall be sheeted or otherwise enclosed so as to prevent spillage or the emission of dust.

### **Noise**

10. The Rating Level, L<sub>Ar,Tr</sub>, of the noise emitted from all plant, machinery and vehicle movements on the application site shall not exceed the existing representative LA90 background sound level at any time by more than +5dB(A) at the nearest noise sensitive receptor.

11. Within seven days of the request of the County Planning Authority, the operator shall arrange for noise monitoring to be carried out at the application site in order to assess compliance with the noise limits set out in Condition 10 above.

The assessment shall be carried out in accordance with British Standard (BS) 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sounds' or any subsequent Standard replacing or amending this Standard. The existing representative LA90 background sound level shall be determined by measurement that shall be sufficient to characterise the environment. The representative level shall be justified following guidance contained within BS4142:2014+A1:2019 or any subsequent Standard replacing or amending this Standard and agreed with the County Planning Authority.

Measurements shall only be undertaken by those competent to do so (i.e. Member or Associate grade of the Institute of Acoustics).

The results of the monitoring shall be reported to the County Planning Authority within 14 days of such monitoring.

12. Waste processing operations within the application site involving the use of any type of mechanical screener for any materials recycling hereby permitted shall cease until both Building 1 and Building 2 have been fully constructed and fitted with the automated roller shutter doors as shown on Drawing No. 193091/PL/D/008 Rev A Proposed Cross Sections and Elevations dated January 2021.
13. All company owned plant and vehicles shall be fitted with white noise/nontonal reversing alarms within one month of the date of this permission. Once fitted, these alarms shall be retained and maintained in accordance with the manufacturer's recommendations at all times.
14. All plant and machinery shall be serviced, maintained and silenced in accordance with manufacturers recommendations at all times.

Any damage, breakdown or malfunction of silencing equipment shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be carried out within a reasonable period, the plant and/or machinery affected should be taken out of service.

15. There shall be no crushing of any inert waste within the application site at any time.
16. All company owned skip lorries shall be fitted with chain sleeves within one month of the date of this permission. Once fitted, these guards shall be retained and maintained in accordance with the manufacturer's recommendations.

### **Dust**

17. Waste processing operations within the application site involving the use of any type of mechanical screener for any materials recycling hereby permitted shall cease until a proactive Dust Management Plan has been submitted to the County Planning Authority for approval in writing.

Such a Plan shall be based on the IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning, and shall include measures for the control and management of any dust creating activities within the application site so as to prevent nuisance or any

significant adverse impact on residential amenity or human health beyond the application site.

The Plan shall be implemented upon approval and shall be complied with at all times.

### **Limitations**

18. The loading and/or unloading of waste and/or materials to/from lorries and/or machinery; the storage, sorting, segregation, bulking and/or stockpiling of waste and/or materials; and, the deposit and storage of skips, shall only be undertaken within Building 1 and Building 2 as shown on Drawings Nos. 193091/PL/D/006 Rev C Proposed Block Plan dated May 2021, 193091/PL/D/007 Rev A Proposed Site Zoning dated January 2021, 193091/PL/D/008 Rev A Proposed Cross Sections and Elevations dated January 2021, 193091/PL/D/009 Rev A Site Drainage Plan dated January 2021, and 193091/PL/D/012 Overnight HGV Parking Plan dated June 2021.
19. The processing of waste using the trommel and/or picking station shall only be undertaken within Building 2 as shown on Drawings Nos. 193091/PL/D/006 Rev C Proposed Block Plan dated May 2021, 193091/PL/D/007 Rev A Proposed Site Zoning dated January 2021, 193091/PL/D/008 Rev A Proposed Cross Sections and Elevations dated January 2021, and 193091/PL/D/009 Rev A Site Drainage Plan dated January 2021.
20. The development hereby permitted shall receive up to a maximum of 26,000 tonnes of commercial and industrial and construction, demolition and excavation wastes per calendar year.

No putrescible food wastes or hazardous waste shall be imported to the application site. Any non-conforming waste imported to the application site, including any that arrive as part of loads, shall be removed from the site within 48 hours and shall be taken to a suitably authorised waste facility.

The operator shall maintain accurate records of the daily tonnages of waste imported to the application site and these records shall be submitted to the County Planning Authority by the first day of April, July, October and January each year.

21. Within three months of the date of this permission, details and colours of all materials to be used on the external faces of all buildings to be constructed and/or positioned within the application site shall be submitted to the County Planning Authority for approval in writing. All materials specified for the external facing surfaces shall be of a non-reflective nature.

The development shall thereafter be implemented and maintained in accordance with the approved details, and shall be kept in a good state of repair at all times.

22. Notwithstanding any provision to the contrary under Schedule 2 Part 2 (Class C), Part 4 (Class A), Part 7 (Classes F, H, I and L) and Part 11 (Class B) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no plant, building or machinery, whether fixed or moveable shall be erected on the application site without the prior written approval of the County Planning Authority in respect of the siting, design, specification and appearance of the installation, such details to include the predicted levels of noise emission and their tonal characteristics.

### **Lighting Scheme**

23. No form of external lighting, including floodlighting, security lighting, luminaires and/or any temporary lighting, shall be installed and/or used within the application site unless a lighting scheme has been submitted to and approved by the County Planning Authority in writing. Such a scheme shall include details of:

- a) The siting of all external lighting, including floodlighting, security lighting, luminaires and/or any temporary lighting.
- b) The hours during which lighting would be illuminated and good practice measures to minimise its use including timers.
- c) The height and position of any lighting.
- d) The intensity of the lighting specified in Lux levels.
- e) Measures to control and minimise light spill.
- f) Measures for reviewing any unforeseen impacts.
- g) Practical measures to minimise upward waste of light from lighting and to minimise light spill outside of the boundary of the application site.

The lighting shall thereafter be implemented, operated and maintained in accordance with such a scheme at all times.

### **Biodiversity**

24. Within three months of the date of this permission, a scheme of biodiversity net gain shall be submitted to the County Planning Authority for approval in writing. Such a scheme shall include a schedule of ecological benefits to be implemented within the application site, including through the design of the new buildings to be constructed, and a timescale for the implementation of each ecological benefit.

The scheme shall be implemented in full within six months of approval and maintained as approved at all times.

### **Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. To comply with the terms of the application, enable the County Planning Authority to exercise planning control, and to safeguard the environment and local amenity, in accordance with Surrey Waste Local Plan 2020 Policies 13 and 14; and, Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
3. To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the application site in accordance with the National Planning Policy Framework 2021 paragraphs 174, 183 and 184; Surrey Waste Local Plan 2020 Policy 14; and, Epsom and Ewell Borough Council Development Management Policies Document 2015 Policy DM17.
4. To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Surrey Waste Local Plan 2020 Policy 14 and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
5. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with the National Planning Policy Framework 2021 paragraph 110, Surrey Waste Local Plan 2020 Policy 15, Epsom and

Ewell Borough Council Core Strategy 2007 Policy CS16, and Epsom and Ewell Borough Council Development Management Policies Document 2015 Policy DM37.

6. In order to meet the objectives of the National Planning Policy Framework 2021 Section 9 'Promoting Sustainable Transport' and in accordance with Surrey Waste Local Plan 2020 Policy 15.
7. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with the National Planning Policy Framework 2021 paragraphs 110 and 112; Surrey Waste Local Plan 2021 Policy 15; Epsom and Ewell Borough Council Core Strategy 2007 Policy CS16; and, Epsom and Ewell Borough Council Development Management Policies Document 2015 Policy DM37.
8. To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development so as to safeguard the environment and protect the amenities of the locality in accordance with the National Planning Policy Framework 2021 paragraphs 104, 174 and 186; Surrey Waste Local Plan 2020 Policies 13 and 14; and, Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
9. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with the National Planning Policy Framework 2021 paragraph 110 and Surrey Waste Local Plan 2020 Policy 15.
10. In order to protect the amenity of noise sensitive receptors during the operation of the development in accordance with Surrey Waste Local Plan 2020 Policy 14 and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
11. In order to protect the amenity of noise sensitive receptors during the operation of the development in accordance with Surrey Waste Local Plan 2020 Policy 14 and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
12. In order to protect the amenity of noise sensitive receptors during the operation of the development in accordance with the National Planning Policy Framework 2021 paragraph 185, Surrey Waste Local Plan 2020 Policy 14, and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
13. In order to protect the amenity of noise sensitive receptors during the operation of the development in accordance with the National Planning Policy Framework 2021 paragraph 185, Surrey Waste Local Plan 2020 Policy 14, and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
14. In order to protect the amenity of noise sensitive receptors during the operation of the development in accordance with the National Planning Policy Framework 2021 paragraph 185, Surrey Waste Local Plan 2020 Policy 14, and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
15. To comply with the terms of the application, enable the County Planning Authority to exercise planning control, and to safeguard the environment and local amenity, in accordance with the National Planning Policy Framework 2021 paragraph 185, Surrey Waste Local Plan 2020 Policy 14, and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
16. In order to protect the amenity of noise sensitive receptors during the operation of the development in accordance with the National Planning Policy Framework 2021



paragraph 185, Surrey Waste Local Plan 2020 Policy 14, and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.

17. To safeguard the environment and local amenity in accordance with the National Planning Policy Framework paragraph 174, Surrey Waste Local Plan 2020 Policy 14, and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
18. To comply with the terms of the application and to safeguard the environment and local amenity in accordance with the National Planning Policy Framework 2021 paragraph 185, Surrey Waste Local Plan 2020 Policy 14, and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
19. To comply with the terms of the application and to safeguard the environment and local amenity in accordance with the National Planning Policy Framework 2021 paragraph 185, Surrey Waste Local Plan 2020 Policy 14, and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
20. To comply with the terms of the application, enable the County Planning Authority to exercise planning control, and to safeguard the environment and local amenity, in accordance with Surrey Waste Local Plan 2020 Policies 13 and 14; and, Aggregates Recycling Joint Development Plan Document 2013 Policies AR4 and AR5.
21. To comply with the terms of the application, enable the County Planning Authority to exercise planning control, and to safeguard the local character, in accordance with Surrey Waste Local Plan 2020 Policies 13 and 14.
22. To enable the County Planning Authority to exercise planning control, and to safeguard local amenity and the local character, in accordance with Surrey Waste Local Plan 2020 Policies 13 and 14.
23. To enable the County Planning Authority to exercise planning control and to safeguard the environment and local amenity in accordance with the National Planning Policy Framework 2021 paragraph 185, Surrey Waste Local Plan 2020 Policy 14, and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS6.
24. To safeguard local amenity and the local character in accordance with the National Planning Policy Framework 2021 paragraph 174, Surrey Waste Local Plan 2020 Policy 13, and Epsom and Ewell Borough Council Core Strategy 2007 Policy CS3.

#### **Informatives:**

1. If proposed works result in infiltration of surface water to ground with a Source Protection Zone, the Environment Agency will require proof of surface water treatment to achieve water quality standards.
2. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
3. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.

4. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
5. Section 59 of the Highways Act 1980 permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
6. The operator is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highways surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).
7. The applicant is reminded of their commitment to use the 'NJB Overflow Car Park' as shown on Drawing No. 193091/PL/D/006 Rev C Proposed Block Plan dated May 2021, and not to use College Road, for the parking of vehicles in relation to the use of the application site.
8. The operator is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act.

The existing waste reception building to be demolished as part of the development hereby approved should be assumed to contain nesting birds between 1 March and 31 August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present.

9. Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.
10. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions, assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations, providing feedback to the applicant where appropriate. Further, the County Planning Authority has identified all material considerations, forwarded consultation responses to the applicant, considered representations from interested parties, liaised with consultees and the applicant to resolve identified issues, and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including impacts of and on noise, traffic, dust, landscape, visual impact, and Green Belt, and addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.

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**Contact James Nolan**  
**Tel. no. 020 8541 9442**

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## Background papers

The deposited application documents and plans, including those amending or clarifying the proposal, and responses to consultations and representations received, as referred to in the report and included in the application file.

For this application, the deposited application documents and plans, and responses to consultations, are available to view on [our online register](#). The representations received are publicly available to view on the district/borough planning register. The Epsom and Ewell Borough Council planning register entry for this application can be found under:

- [21/00223/CMA](#)

## Other documents

The following were also referred to in the preparation of this report:

### Government guidance

[National Planning Policy Framework](#)

[National Planning Policy for Waste](#)

[Noise Policy Statement for England dated March 2010](#)

[Planning Practice Guidance – Air Quality](#)

[Planning Practice Guidance – Enforcement and post-permission matters](#)

[Planning Practice Guidance – Noise](#)

### The Development Plan

[Epsom and Ewell Borough Council Core Strategy 2007](#)

[Epsom and Ewell Borough Council Development Management Policies Document 2015](#)

[Surrey Waste Local Plan 2020](#)

### Other documents

[British Standard Guidance BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound dated June 2019](#)

[City of London Code of Practice for Deconstruction and Construction Sites dated January 2019](#)

[Designing Waste Facilities: A Guide to Modern Design in Waste dated 2008](#)

[Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction Version 1.1 dated June 2016](#)

[Institute of Air Quality Management Guidance on the Assessment of Mineral Dust Impacts for Planning Version 1.1 dated May 2016](#)

[Institute of Air Quality Management Land-Use Planning and Development Control: Planning For Air Quality dated January 2017](#)

[Institute of Lighting Professionals Guidance Note 01/21 The Reduction of Obtrusive Light dated 2021](#)

Officer report on planning application EP14/00958/CMA

Officer report on planning application EP17/00092/CMA

[Surrey County Council Alternative Site Assessment Guidance](#)

[Surrey County Council Local List for the Validation of County Development and County Matters Planning Applications dated November 2020](#)

[Surrey County Council Planning Enforcement Protocol: Mineral and Waste Development dated September 2015](#)

[Surrey County Council Vehicular and Cycle Parking Guidance dated January 2018](#)

[Surrey Landscape Character Assessment: Epsom and Ewell Borough dated April 2015](#)

[The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)

