MATTER 5: Allocations and ILAS

1. Our response to Matter 5 is submitted on behalf of our client, WT Lamb Holdings Ltd.

2. WT Lamb is generally supportive of the emerging Surrey Waste Local Plan (SWLP). However, in respect of Matter 5: Allocations and ILAS our representations can be summarised as follows:
   - The ILAS (Industrial Land Areas of Search) are not deliverable and therefore a strategy which relied on them in any meaningful way would not be justified and would therefore be unsound.
   - There is a legitimate need for allocations to be made in the Green Belt to meet the County’s waste needs. Without these allocations, there could be no certainty that the identified need for new waste management capacity would be met.
   - A new waste management facility can be delivered at Lambs Business Park in a technically sound manner. It is therefore capable of contributing to meeting the County’s waste management requirements over the plan period. Its allocation at Policy 11a is therefore justified and effective. For the reasons outlined in our participant statements and the supporting documents, its allocation is also consistent with national planning policy and guidance.

3. This participant statement is accompanying by a number of technical appendices, which are:
   - Appendix 1 – Constraints associated with the ILAS;
   - Appendix 2 – Development Framework Document;
   - Appendix 3 - Ecology Technical Note;
   - Appendix 4 – Highways Technical Note;
   - Appendix 5 – Air Quality Technical Note;
   - Appendix 6 – Landscape and Visual Impact Assessment;
   - Appendix 7 – Cultural Heritage;
   - Appendix 8 – Flood Risk and Water Resources; and
   - Appendix 9 – Contamination.

4. Together, this work demonstrates that suitability and deliverability of the site to accommodate a new waste management facility.

**Question 71: Does Policy 10 clearly identify the hierarchical preference for the location of new facilities? Does the policy clearly indicate a preference for development on sites outside the Green Belt, including allocated sites?**

5. In our Matter 4 participant statement, we conclude that whilst the spatial strategy and the locational hierarchy provide a clear preference for the location of new waste management facilities, this clarity

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1. WT Lamb Holdings own Lambs Business Park on a freehold basis. The western portion of the site is identified as an allocation in the Submission Surrey Waste Local Plan 2019-2033 (Policy 11a refers). Lambs Business Park is also proposed for allocation in the Submission Tandridge District Local Plan (hereafter TDC LP), wherein there is also recognition that the exceptional circumstances exist to remove the site from the Metropolitan Green Belt. Policy SES003 of the TDCLP relates primarily to B-class employment uses, but there is an acknowledgement that, in line with the emerging Surrey Waste Local Plan, the western extent of the site is suitable for waste management purposes. The Examination of the Tandridge Local Plan commences in October 2019.
is not taken forward within the policy framework.

6. Summarily, planning law² and national planning policy³ expect the planning system to be genuinely plan-led. This means providing sufficient land to meet objectively assessed needs, unless there is a strong reason for restricting the overall scale, type of distribution of development within the plan area.

7. Having assessed the potential of various sources of supply required by national planning policy⁴, the Waste Planning Authority (hereafter WPA) conclude that it is necessary to allocate the Policy 11 sites "to ensure that sufficient land is available to manage the county’s existing and future waste arisings during the plan period"⁵.

8. The Policy 11 sites include five sites that are currently within the Metropolitan Green Belt. However, as stated within the SWLP Part 1, due to the extent of the Green Belt within Surrey and the lack of alternative non-Green Belt sites, it is not possible to avoid the allocation of land within the Green Belt if the need for additional waste management capacity is to be met⁶. Other than their location within the Green Belt, these sites are considered by the Council to be consistent with the spatial strategy⁷. Given the portfolio of potential deliverable sites available, it is therefore these sites, plus site GU23, that provide the best fit with the Plan’s spatial strategy and spatial hierarchy. It is these sites that have been subject of detailed public consultation and technical assessment. Consequently, these sites are a legitimate and key component of the Plan’s identifiable supply.

9. When proposing these allocations, the WPA must, in the context of para. 11 of the NPPF, have concluded that the adverse impacts of meeting the identified needs for new waste management facilities from these sites, outweighs any harm.

10. As outlined in our response to Question 74, to rely on the ILAS or hitherto unidentified sites would, given the significant uncertainties as to their deliverability, risk the SWLP being found not to be positively prepared, unjustified, not effective and therefore unsound.

11. Given their clear role in meeting identified needs, the Policy 11 allocations, should, in the context of the plan-led system, be afforded a priority in meeting needs consistent with their identified role.

12. However, as currently written, Policy 10 provides no preference towards any component of supply. Consequently, so long as an applicant on a previously unidentified site could demonstrate that it was suitable for waste development when assessed against other policies in the SWLP, it would be afforded the same status as a Policy 11 allocation.

13. Therefore, Policy 10 as written (together with other policies in the plan) does not provide the necessary clarity and introduces uncertainty for the decision maker, contrary to the tenets of para. 16(d) of the NPPF.

14. In our Matter 4 representations, we have provided our suggested amendments to ensure that the

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² Section 38 (6) of the 2004 Planning and Compulsory Purchase Act
³ Para. 15 of the NPPF
⁴ Paras. 4 and 6 of the NPPW and para. 137 of the NPPF
⁵ Para. 1.3.1 of the SWLP Part 2 Plan
⁶ Para. 5.3.3.2 of the SWLP Part 1
⁷ Para. 5.3.3.2 of the SWLP Part 1
emerging policy framework is clear, unambiguous and affords the necessary and rightful primacy to the Policy 11 sites. The Policy 11 allocations strike the most appropriate balance between ensuring the WPA can identify a portfolio of suitable and deliverable sites, in a manner that provides a best fit with the SWLP's spatial strategy and hierarchy. The introduction of such a cascade would provide a strong fit with the principles of the plan-led system.

**Question 72: Given that allocated sites within the Green Belt would not be preferred to other suitable sites outside the Green Belt that may come forward in the future, what is the purpose of the proposed allocations and how effective would they be in delivering the required capacity for waste management facilities?**

15. As identified in our response to Question 71, the WPA's evidence base has clearly demonstrated that without the Policy 11 allocations, including those that currently fall within the Green Belt, a sufficient quantum of sites could not be identified to meet the need for new waste management capacity.

16. The allocations provide the only certainty that the County's existing and future waste needs will be met in full over the plan period. Therefore, to ensure that it is positively prepared, justified, effective and consistent with planning policy, they are a legitimate and necessary element of the SWLP.

17. Any other approach, including one which only relied on the ILAS and other unidentified sites, would not provide the necessary level of certainty to conclude that the County's waste needs could be met. It would therefore be an unsound proposition.

18. Of all the available and deliverable sites assessed by the WPA, the Policy 11 allocations are the most suitable and provide the best fit with the SWLP's spatial strategy. Having regard to a number of planning considerations, including consistency with the SWLP's spatial strategy and the locational hierarchy, as well as the need to identify a portfolio of deliverable sites to meet needs, it is the Policy 11 sites that, in the planning balance, provide the best prospect of delivering sustainable development.

19. Having established a clear need for land to be brought forward within the Green Belt, these sites, in the context of the plan-led system, should be afforded a priority in meeting needs. Such certainty is required for all involved in the development industry, including the WPA, local planning authorities, residents, developers and infrastructure providers and is advocated by para. 16(c) of the NPPF.

20. It would be inappropriate and contrary to the plan-led system to reassess whether the Policy 11 allocations are required, having regard to whether previously unidentified sites had come forward at the planning application stage. This would not accord with the principles of the plan-led system.

21. Given their clear and pivotal role in meeting identified needs, there is a need for the emerging policy framework to introduce a cascade approach where the allocated sites should be brought forward in the first instance to deliver new waste management capacity in the County. Only when it has been clearly demonstrated that identified needs will not be met from the Policy 11 sites, should applications from the ILAS, followed by previously unidentified sites be considered. Without such an

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8 Paras. 5.3.3.2 and 1.3.1. of the SWLP 2 Plan
9 Para. 1.3.1 of the SWLP Part 2
10 Para. 5.3.3.2 of the SWLP Part 1
amendment, the effectiveness of the allocations in meeting needs would reduce.

22. In terms of Lambs Business Park, it is proposed for allocation within both the SWLP (Policy 11a refers) and the TDCLP (Policy SES003 refers), wherein it is also identified that the exceptional circumstances exist for the site to be removed from the Metropolitan Green Belt.

23. The collaborative approach formed between the WPA, Tandridge District Council and the landowner over a number of years has resulted in an emerging policy framework for the site that supports waste activity on its former quarry area. The Statement of Common Ground\textsuperscript{11} signed between Tandridge District and Surrey County Councils demonstrates both their support for new waste operations at the site.

24. The robust and detailed technical work prepared by both local planning authorities and the landowner has demonstrated that the site is capable of accommodating a waste management facility in a sustainable manner. Its allocation in Policy 11a is therefore justified and will be effective in delivering new waste management capacity within the County.

Question 74: Does the evidence demonstrate that the land identified in Policy 10 would provide sufficient opportunity to meet the identified capacity requirement for waste management provision? If so, is this clearly identified within the SWLP? What constraints have been identified to the deliverability of proposed provision? Are these constraints capable of resolution?

25. The evidence base supporting the SWLP clearly demonstrates that sufficient land has been identified to meet needs.

26. As identified within the Section 1.4.3 of the SWLP Part 1 there is a need for new waste management facilities within the County, which has been calculated as being 5.9ha at 2035\textsuperscript{12}.

27. In our response to previous questions, we summarise the WPA’s site assessment and evaluation process which confirms that the intensification of existing sites would not provide a sufficient quantum of deliverable land to meet the identified needs.

28. The WPA has also undertaken an assessment of whether its waste management needs could be met from the ILAS. This assessment work confirms that the ILAS cannot be relied upon to meet needs either.

29. The principal delivery concerns for the ILAS relate to competition from other land uses and commercial and practical considerations\textsuperscript{13}. A detailed assessment of the deliverability concerns of each of the ILAS is provided at Appendix 1 of this participant statement.

30. In addition, the WPA also acknowledges that delivery rates from land identified for industrial and storage purposes has historically yielded \textit{"a relatively small"} amount of additional capacity (just 3% between 2008-2017)\textsuperscript{14}. The WPA concludes that the reason that such sites have historically only contributed a small amount of waste management capacity is due to competition with higher value uses and that waste management facilities often require open storage, which is not typically available.

\textsuperscript{11} Para. 6.8 of Core Document SWLP 26
\textsuperscript{12} Table 3 of the WPA’s ‘Report on Delivering the Spatial Strategy’ confirms
\textsuperscript{13} Para. 5.2.6 of Core Document SWLP 26
\textsuperscript{14} Para. 3.2.4.2 of the ‘Delivering the Spatial Strategy Paper’
31. These constraints are also likely to be characteristics of ILAS. Accordingly, the ILAS are likely to make only a limited contribution to the supply of new waste management capacity. The WPA is therefore right to assume that they will make a limited, if any, contribution, and a strategy which relied on such land in any meaningful way, could not be considered as being justified or effective.

32. In contrast, and as identified in para. 3.3.3.2 of the WPA’s ‘Delivering the Spatial Strategy’ the allocations are intended to provide the certainty that an adequate portfolio of deliverable sites and areas is provided within Policy 10 to meet identified needs. The portfolio includes five sites located within the Green Belt, which are required to ensure that needs are met\textsuperscript{15}. The WPA confirms that without the inclusion of these sites, there could be no guarantee that net self-sufficiency could be achieved\textsuperscript{16}.

33. As identified within Tables 2-5 of the SWLP Part 2, the Policy 11 allocations provide up to 37.7ha of additional land. A number of constraints associated with some of the sites mean that the potential supply of land is likely to be significantly lower (e.g. site GU23 – please refer to our response to Question 68), but in overall terms, the Policy 11 allocations will provide a sufficient quantum of land to meet needs.

34. In terms of Lambs Business Park, as can be demonstrated within the evidence base prepared on behalf of the land owner, as well as the technical evidence prepared in support of both the emerging SWLP and the TDCLP, there are no constraints which would prevent the site being brought forward to provide additional waste management provision. The current policy framework for the site provides the biggest constraint to delivering new waste management capacity, but the improved policy framework in both emerging Local Plans will address this constraint.

**Question 75:** Does the SWLP clearly identify the type or types of waste management facility that would be appropriately located on the proposed allocations or ILAS? Does the SWLP include details of the capacity of proposed future strategic waste allocations?

35. Para. 4 of the NPPW states that waste planning authorities should identify the broad type or types of waste management facility that would be appropriately located on allocated sites or in broad identified areas. However, when doing so, there is a need to ensure that innovation is not stifled.

36. The WPA identifies the types of facility deemed suitable each of the Policy 11a allocations within the SWLP Part 2 Plan. The level of information has not been provided for the ILAS.

37. Indicative capacity figures are also provided for each of the allocated sites and reference is provided at para. 2.1.1.1 of the SWLP Part 2 that the ILAS are more likely to be suitable for small to medium sized waste management facilities, although there is no evidence provided to support this scale of development.

38. In terms of Lambs Business Park, the Part 2 Plan confirms that the site is suitable for a full range of waste management facilities. In terms of scale, it suggests that without the use of the railway sidings, it would only be suitable for a medium sized facility. It appears that this perceived limitation is as a

\textsuperscript{15} Para. 5.3.3.2 of the SWLP

\textsuperscript{16} Para. 4.3.2.1 of the SWLP Part 1
result the Council’s Transport Assessment.

39. Whilst it remains the intention of the land owner to utilise the railway network to transport waste into the site and to export any product, for the reasons outlined within the Highways Technical Note prepared by Miles White Transport, there is no justifiable reason to limit the scale of a waste management facility dependent on the highways network, to a medium sized facility.

40. We note that within the Statement of Common Ground between the County Council and Tandridge District Council there is agreement that the site is potentially suitable for a large-scale facility of beyond 120,000 tonnes per annum (para.6.8 refers). We agree with this conclusion. Accordingly, there is a need for the ‘indicative scale’ to be increased to ‘large-scale’ on page 65 of the SWLP Part 2 Plan.

**Question 76: Does the evidence clearly demonstrate how the ILAS and proposed allocated sites were selected? Is this selection process open and transparent? Is the choice of sites and the ILAS justified, including in relation to the proximity principle?**

41. The process for selecting the ILAS is summarised in para 3.2 of the Industrial Land Areas of Search Identification Report (December 2018). The method used by the Council to identify potential allocations is provided in Section 3.2 of the ‘Site Identification and Evaluation Report’ (April 2019).

42. The process as described in both documents is considered to be both open and transparent.

43. We have highlighted a number of deliverability concerns relating to the ILAS in our response to Question 74 drawing upon the WPA’s own evidence base. Accordingly, a strategy that relied on these sites in any meaningful way to deliver the County’s waste needs would not be justified and would not therefore be a sound proposition.

44. The allocated sites, however, provide the necessary certainty that the County’s identified needs can be met and therefore ensure that the SWLP is positively prepared and effective, and therefore sound.

**Question 77: Would the sites identified and the ILAS be effective in meeting the identified waste capacity needs? Does the evidence demonstrate that the sites are deliverable? Are they available, suitable and achievable? Is there clear landowner support for the allocation or ILAS identification? Do the sites have operator involvement?**

45. As identified above, the WPA acknowledge that the ILAS cannot be considered deliverable. In many cases the ILAS are also not available, suitable or achievable. An analysis of the constraints which preclude each site from being available, suitable and achievable is provided within Appendix 1. There is no indication in the WPA’s assessment work that there is any operator involvement or landowner support for new waste management facilities in any of the ILAS.

46. Work undertaken by the WPA has also demonstrated that the contribution industrial sites have made to the supply of new waste management provision within the County has also been limited, accounting for just 3% of new capacity between April 2008 and March 2017\(^7\).
47. Given the significant deliverability concerns related to the ILAS and the limited historic role this source of supply has made to providing new waste management capacity in Surrey, any strategy which sought to rely on them in any meaningful way to deliver the County’s waste needs could not be considered to be either effective or justified and would not be sound.

**Question 78:** The findings of the Delivery of Waste Management Capacity in Surrey 2008-2017 (SWLP 11) indicate limited capacity for industrial estates and other industrial and employment land to deliver waste management infrastructure (3% of capacity). Given these findings, why does the Council consider the ILAS to be a robust and effective delivery mechanism for new waste management infrastructure?

48. The WPA confirm that the ILAS should not be relied upon to meet identified needs. The factors which have led to this conclusion being reached are outlined in their evidence base.

49. The deliverability concerns should also be considered alongside the limited historic contribution that such sites have made to the supply of new waste management provision within the County. These sites have contributed just 3% of new capacity between April 2008 and March 2017.

50. As such, the ILAS cannot be considered as providing a robust and effective source of supply for new waste management capacity within the County. These sites should therefore be afforded a secondary role to the allocated sites in meeting needs. It is the allocated sites, that provide the most certainty that the County’s waste needs can be met, in a manner that balances other considerations, such as the SWLP’s spatial strategy and its locational hierarchy.

**Site C(i) – Land at Lambs Business Park, Terra Cotta Road, South Godstone (Part 2 Allocation 5.5)**

**Question 107:** The key development issues for the site, identified within Part 2 of the SWLP, include a European site (Special Area of Conservation), a Site of Special Scientific Interest, two sites of nature conservation importance, areas of ancient woodland and the potential presence of protected species (Great Crested Newts). How have the impacts of the proposed allocation on these sites and protected species been assessed? Are the findings of this assessment clear and robust? Do they support the allocation of the site?

51. Site C(i) is not hydrologically connected to the Mole Gap to Reigate Escarpment SAC, the Mole Gap to Reigate Escarpment SSSI and the Godstone Ponds SSSI. Therefore, the only potential impacts from a new waste management facility at Lambs Business Park on these sites would be from changes in air quality.

52. An air quality assessment of the proposed activities at Lambs Business Park, in combination with the effects of associated traffic emissions has been undertaken by Sol Environment (please refer to Appendix 5). This work concludes that the air quality impacts of the proposed development as outlined in the Development Framework Document (see Appendix 2), on these designated sites, plus two ancient woodland SNCIs adjacent to the site are acceptable in terms of air quality at the scale

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18 Para. 3.2.4.3 of the Report on the Spatial Strategy and para. 5.2.7 of the Statement of Common Ground between the County Council and the District and Boroughs
19 Para. 3.2.4.2 of the Report on Delivering the Spatial Strategy' (April 2019), which have been influenced by the WPA’s assessment of the ILAS provided within their 'Industrial Land Areas of Search Identification Report'
proposed.

53. Whilst the SWLP and the TDCLP have been subject of a Habitat Regulations Assessment (HRA) Appropriate Assessment, both of which support the allocation of the site, as is conventionally the norm in such cases, a proposal specific Appropriate Assessment will be required at the planning application stage.

54. Great Crested Newt (hereafter GCN) surveys carried out by Arup between May and June 2015 using standard bottle trapping, torching, refuge searching and egg searching techniques concluded that GCN were likely absent. An ecological walkover of the site in 2018 confirmed that the western parcel of the site (the location of the proposed waste facility) is no longer suitable for GCN. Furthermore, the only pond on the site (in the southwest corner to be retained within the development) is also unsuitable for GCN, since it is stocked with fish. A further survey to capture the site's current conditions will be prepared in order to inform an ecological assessment of the proposals prior to a full planning application.

55. An ecological technical note is provided at Appendix 3.

**Question 108: How has the proposed allocation considered the potential for cumulative impacts, including in relation to traffic movements and air quality, associated with the proposed development of the waste management facility, together with other development nearby?**

56. The cumulative impacts of the proposed development on the highways network, in combination with other proposed developments in the surrounding area, have been assessed as follows:

- Surrey County Council has assessed the suitability of the potential SWLP allocations, along with proposed developments in the surrounding area. The Assessment concludes that Lambs Business Park can accommodate a medium sized waste facility, although it notes that there is potential to utilise the existing rail network, which if used, would mean that the site is suitable for a large-scale facility. As outlined within the Transport Technical Note provided at Appendix 4, discussions with Network Rail demonstrate that this is readily achievable.

- Tandridge District Council have assessed the traffic impact of the potential TDCLP allocations, including at Lambs Business Park and the Garden Village in South Godstone. This assessment concluded that with mitigation in the form of an improvement to the A22/Tilburstow Hill Road junction, the proposals cumulatively would be acceptable in highways terms.

- In their accompanying Technical Note (see Appendix 4), Miles White Transport, on behalf of WT Lamb, demonstrate that two improvement options at this junction could be delivered within highway land and that both options could operate satisfactorily even with the "worst case" traffic associated with the site's redevelopment. With this off-site improvement, the work demonstrates that the site could accommodate a large-scale waste management facility that relies solely on the road-based movements.

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20 Surrey County Council Transport Study (July 2018)
21 Strategic Highway Assessment (June 2018)
22 See para. 4.5 of the Transport Technical Note (Appendix 4)
57. In addition, a detailed air quality assessment taking into account the proposed impacts on all relevant human and ecological habitats has been carried out. The assessment assumes reasonable worst-case emission scenarios and includes impacts of transportation on existing background levels. The detailed assessment is provided in Appendix 5 and concludes that the proposals outlined within the accompanying Development Framework Document (see Appendix 2) are acceptable in these terms.

**Question 109: How have the likely landscape and visual impacts of the potential development options of the proposed allocation been assessed, including in relation to the historic landscape? Are the findings of this assessment clear and robust? Do they support the allocation of the site?**

58. The landscape and visual impacts were assessed using baseline information provided by the landowner. The study area was defined in accordance with current GLVIA3 guidance. The detailed methodology for the assessment of receptors is set out in Appendix A of the accompanying Landscape and Visual Impact Assessment Technical Note (see Appendix 6 of this statement).

59. A number of historic landscape features were identified in the study area. Registered Parks and Gardens Titsy Park and Gatton Park were scoped out as they are located outside the actual visual envelope and therefore effects upon these receptors are not expected (refer to figures 1 and 2 of the accompanying Technical Note). Various conservation areas, Grade II listed buildings, a Grade II* listed building and scheduled monuments were identified in the study area, however none of these landscape features are located within the actual visible envelope. Only one visual receptor was predicted to have a significant adverse effect, which were train passengers immediately adjacent to the site.

60. Landscape receptors reported a significant improvement in terms of Landscape Features and Structures, and a slight non-significant improvement to Landscape Character based on the ecological and visual enhancements proposed.

61. The assessment supports the allocation on the basis that the scale and massing does not give rise to the perception of coalescence of the settlements along Tilburstow Hill Road and at South Park, and by protecting existing nearby landscape characteristics.

62. In terms of heritage, historic map regression (Chapter 3 of the technical report provided at Appendix 7) has indicated that despite comprising agricultural land from the medieval period onwards, the site was subject to extensive alteration during the 19th and 20th century, which has eroded the ability to appreciate its former [agricultural] historic landscape character. The site, enclosed by dense vegetation (preventing clear views) and with trainline to the north, makes no contribution to the appreciation of the wider historic landscape. Whilst the proposed development would introduce a change within the site, it would not affect its historic landscape character type represented by industrial activity and extraction.

63. The site’s ongoing activities have resulted in the survival of limited historic landscape features, except for the southern hedgerow boundary which qualifies as “important” under the Hedgerows Regulations 1997. This hedgerow is shown as being retained within the masterplan shown in the accompanying Development Framework Document provided at Appendix 2.
Question 110: How have the potential transport impacts of the proposed allocation been assessed, including cumulative impacts of this proposal and other proposed development nearby? Would the development proposed have a significant adverse impact on the safety and capacity of the local and strategic highway network? What improvements to the highway network would be required to support a small, medium or large sized facility? Does the evidence demonstrate that the use of rail sidings to support the proposed development of the site is feasible and reasonably likely?

64. The cumulative impacts of the proposals at Lambs Business Park, together with planned development in the surrounding area, have been assessed by Surrey County Council, Tandridge District Council and Miles White Transport (on behalf of W T Lamb), as referred to in the response to Question 108.

65. The Technical Note provided at Appendix 4 demonstrates that the proposed development, in combination with other proposed development in the surrounding area, would not, with mitigation, have a significant adverse impact on the safety and capacity of the surrounding road network. In terms of mitigation, an improvement to the A22/Tilburstow Hill Road junction is required. The Technical Note identifies two improvement options at the junction that could be delivered within highway land and that will operate satisfactorily even with the "worst case" traffic associated with the redevelopment of the Lambs Business Park.

66. This compliments the work undertaken by Tandridge District Council that assessed the traffic impact of the potential Local Plan allocations sites, including Lambs Business Park and the Garden Village in South Godstone. The Council's work also concluded that with the A22/Tilburstow Hill Road junction improvement, the proposals could be delivered without resulting in a significant adverse impact on the safety and the capacity of the local highways network.

67. The Transport Technical Note provided at Appendix 4, conclusively demonstrates that using the railway to transport material to and from the Lambs Business Park is achievable.

Question 111: Is the Council confident that the development of the site would be able to meet the requirements of Policy 14 of the SWLP, including in relation to potential impacts on the environment and local communities, such as those relating to flood risk, public rights of way, contamination, water resources, noise, illumination, fumes and odour? How has this been assessed?

68. The development of a new waste management facility at Lambs Business Park would fully accord with the policy framework provided by Policy 14. An analysis of the scheme's conformity with the emerging Policy is provided below:

69. **Flood Risk**: The Environment Agency (EA) maps indicate that the site is within a low flood risk zone in terms of river flood risk. In addition, the rivers in Tandridge District are not of a tidal nature and therefore there is no risk of tidal flooding to the site. The existing Business Park area is in a generally low risk of surface water flooding; whilst there are some patches of medium to high risk in the quarry area, which are mainly due to local depressions in the topography.

70. There is no risk of flooding from reservoirs and other artificial resources such as sewers, canals or culverts. Much of the site is deemed to have a negligible risk of groundwater flooding, and it is likely that the railway cutting and tunnel to the north west, control groundwater levels in the vicinity of the

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23 See para. 4.5 of the Transport Technical Note (Appendix 4)
71. A new waste management facility at the site is not expected to introduce any additional flood risks. The quarry area is proposed to be redeveloped and landscaped and therefore pluvial flooding in this area will not impact on the existing and proposed development. Runoff from the redeveloped areas will be controlled to ensure that surface water will not adversely impact the flows downstream. Allowance for climate change will also be incorporated to provide a future proof against extreme weather conditions.

72. **Water Resources:** According to the EA, the site does not fall within any of the Source Protection Zones (SPZs). It is also located in an area of low groundwater vulnerability to pollutant discharge (Minor Aquifer Low). Therefore, the risk of contamination to water resources is very low. The site is located in an area classified as a Drinking Water Safeguard Zone (surface water), which means that raw drinking water (pre-treatment) is abstracted from rivers and reservoirs. Therefore, raw water needs to be protected against pollution.

73. It is envisaged that the proposed development will include measures for controlling any contamination, however small, to the surrounding environment. The southern portion of the quarry will be landscaped and used as a flood alleviation scheme incorporating Sustainable Urban Drainage measures to treat runoff before discharging into proposed ponds or other water bodies downstream. Therefore, the water quality will be monitored.

74. A flood risk technical note is provided at Appendix 8.

75. **Public Rights of Way:** Whilst there are not any Public Rights of Way (ProW) crossing or adjacent to the site, such routes do exist within 1km of the site.

76. Lambs Business Park’s actual visual envelope is identified in Figure 1 of Appendix A of the accompanying Landscape and Visual Impact Assessment Technical Note, which is provided at Appendix 6 of this participant statement. Only two PRoW are identified within the site’s actual visual envelope. The impact of the development proposed in the accompanying Development Framework Document has been undertaken from viewpoints on both PRoW (Viewpoints 1 and 2). In both instances, the sensitivity, magnitude of visual change and significance of was assessed as being a low sensitivity, medium magnitude of visual change, which results in a slight significance to both visual receptors.

77. The overall conclusions of the landscape and visual impact work are that the effects from the proposed development are insignificant.

78. **Contamination:** Correspondence provided by Southern Testing, which is provided at Appendix 9, summarises the significant amount of ground investigation technical analysis undertaken at the site. This has both informed the current restoration and recycling activities, but also the development proposals outlined in the accompanying Development Framework Document (Appendix 2).

79. Southern Testing's work concludes that the site's historic uses do not include any significantly potentially contaminative activities. The site has been subject of detailed ground condition testing, which has found no evidence of significant contamination within the historic fill material.

80. The current restoration activities are conducted under environmental permits and planning
permissions, which limit the use of inert material for the site’s restoration. Control measures and contingency actions are in place to prevent contamination from being brought into the site. Consequently, on completion of the restoration scheme, there should be no unacceptable levels of contamination.

81. Southern Testing’s work does identify the potential for contamination by naturally occurring radon gas and further work is required to assess the level of this risk. However, even if contamination is present at levels that could be harmful, design measures could be incorporated to provide a suitable scheme of mitigation.

82. Whilst not directly related to contamination, Southern Testing have also been instructed by the land owner to ensure that the restoration activities have been undertaken in a manner that will provide a stable landform for the proposed development. Regular monitoring of the restoration activity is undertaken to ensure that adequate compaction of the fill material is achieved to create the necessary land stability.

83. **Noise, Fumes and Odour:** All aspects of the waste processing and energy generation activities proposed at site will be subject to strict regulation by the EA under the requirements of the Environmental Permitting Regulations (EPR) and Industrial Emissions Directive (IED).

84. All emissions and impacts associated with noise, fumes and odour will be assessed in detail by the regulator. Under the requirements of the EPR and IED, the regulator is unable to grant a permit unless it can be demonstrated that the impacts do not have a significant impact and that ‘Best Available Techniques’ (hereafter BAT) can be demonstrated.

85. The application of BAT in this regard and subsequent regulation of the site will ensure that Policy 14 of the SWLP is met.

86. **Illumination:** Any future planning application will be supported by a detailed lighting strategy that will consider the impact of light pollution on sensitive receptors, including residential properties in the surrounding area, protected species and the operation of Gatwick Airport.

87. In terms of protected species, Section 2.2.2. of the accompanying Ecology Technical Note recommends that the redevelopment proposals at the site include the retention of permitted habitats and the avoidance of light spill into these areas. This would allow for continued connectivity with the surrounding woodlands and the railway corridor, to ensure that the effects on foraging and commuting bats can be avoided. The masterplan provided in Appendix 2, responds to this design constraint.

**Question 112:** A number of potential constraints have been identified for the proposed allocation in Part 2 of the SWLP. Is there a reasonable prospect that these constraints are capable of resolution?

88. A number of potential constraints associated with the development of Lambs Business Park for waste related activity have been identified. For the reasons outlined below, these constraints are capable of resolution:

89. **The Mole Gap to Reigate Escarpment SAC is located within 10km of the site; The Godstone Ponds SSSI is located 2.5km from the site; The Mole Gap to Reigate Escarpment SSSI is located 8.4km from the site; Maple Wood SNCI (an Ancient Woodland) adjoins the site; Furze Wood SNCI is 0.2 km north of**
the site; and Great crested newts are recorded nearby and likely to be present on the site. Currently, the air quality impacts predicted to occur as a result of the proposal on the SAC, two SSSI sites and SNCL ancient woodland sites are considered to be negligible (based on Sol Environment’s 2019 air quality assessment). The two Appropriate Assessments undertaken to support the SWLP and the TDCLP also suggest that the allocation of the site in isolation and in combination with other plans and proposals would not, depending on the scale and type of development, have an adverse effect on the integrity of the SAC.

90. As is the norm, a proposal specific Appropriate Assessment will need to be undertaken. On the basis on the information that exists at the current time, it is likely that (when these reported impacts are taken into account alongside other factors that may influence the integrity of the qualifying features of the SAC), a conclusion of no effects on the integrity of the SAC can be reached. Similarly, it is also considered likely that through the process of EcIA, potentially significant effects on the SSSIs and ancient woodland sites from air quality impacts can also be ruled out.

91. Protected species on the site do not present constraints that could not be overcome through the application of standard best practice mitigation methods. The loss of two-day roosts of non-breeding individual common pipistrelle bats found in two of the buildings on site can be mitigated through the provision of alternative roosting habitat and the careful exclusion of the roosts at an appropriate time of year under a European Protected Species Mitigation Licence. Standard best practice mitigation measures can also be put in place to prevent harm to reptiles, common breeding birds and the potential presence of badgers. There is no favourable breeding habitat for GCN on the site and no evidence that this species has been found on the site in previous surveys.

92. There is also potential within the proposal to create new wildlife habitats and to enhance existing habitats to compensate for any losses of habitats that occur as a result of the development.

93. The Surrey Area of Great Landscape Value designation commences immediately to the north of the site, and the site is sensitive in terms of landscape character and visual amenity and the South Park Conservation Area is 0.4km north east, and a Scheduled Monument (Medieval moated site, Lagham Manor, South Godstone) is 0.75km east.

94. The Area of Great Landscape Value and South Park Conservation Area are separated visually from the site to the north and north-west by a robust network of ancient woodlands and other mature vegetation. This existing green network provides a high level of screening. There are glimpsed views to the north-east.

95. There is a reasonable prospect that by year 15, the maturing visual screening planting will be of sufficient height that the filtered views have been mitigated. The site is in a depression in the landform and the area is of wooded character.

96. This site falls within the airport safeguarding zone of Gatwick Airport: As outlined within DfT/ODPM Circular 01/2003, the key considerations for new development in such areas are:

- Construction related activity;
- Technical safeguarding;
- Renewable energy scheme proposals;
- Wildlife;
- Lighting; and
97. Each is considered below in turn.

- **The construction phase:** A construction management plan will accompany a planning application. It will cover matters such as dust; construction lighting; the use of construction equipment; the storage of materials; and bird attractants. It will be prepared in consultation with Gatwick Airport Limited (hereafter GAL). If required, a crane permit will be applied for at least 30 days before it is due on site.

- **Technical Safeguarding:** Through discussions with GAL, the proposed buildings will be designed to ensure that they don’t have a significant adverse impact on navigational aids. The development will not exceed GAL’s Outer Horizontal Surface, which is 204.35AOD.

- **Renewable Energy:** The proposals do not include either wind turbines or solar installations.

- **Wildlife:** In consultation with GAL, a Wildlife Hazard Assessment will be undertaken to ensure that the proposed development does not increase the likelihood of a wildlife strike.

- **Lighting:** As indicated above, a lighting scheme will be submitted alongside a detailed planning application, which will be designed to ensure that it does not have a detrimental impact on the operation of the Airport.

- **Thermal Uplift:** If, as has been shown in the accompanying Development Framework Document, a stack is proposed as part of a new waste management facility at the site, or it is needed as an ancillary aspect to the waste management facility’s operation, a thermal uplift technical assessment will be provided at the appropriate time.

98. Accordingly, the site’s location with the Aerodrome Safeguarding Zone does not provide a constraint that precludes the site’s development for waste management purposes. However, it does constitute a design constraint that will need to be considered when forming the detailed proposals. We note that in their response to the Regulation 19 consultation response to the SWLP, GAL did not raise specific concerns about the proposed waste allocation at Lambs Business Park.

*LRM Planning*  
*August 2019*
Appendix 1 – Deliverability Assessment of the ILAS
Appendix 2 – Lambs Business Park Development Framework Document
Appendix 3 – Ecology Technical Note
Appendix 4 – Transport Technical Note
Appendix 5 – Air Quality Technical Note
Appendix 6 – Landscape and Visual Impact Assessment
Technical Note
Appendix 7 – Cultural Heritage Technical Note
Appendix 8 – Flood Risk and Water Resources Technical Note
Appendix 9 – Contamination Technical Note