

# Public Document Pack

Democratic Services



## ENVIRONMENT COMMITTEE

Tuesday 17 October 2023 at 7.30 pm

Place: Council Chamber, Epsom Town Hall

Online access to this meeting is available on YouTube: [Link to online broadcast](#)

The members listed below are summoned to attend the Environment Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor John Beckett (Chair)  
Councillor Liz Frost (Vice-Chair)  
Councillor Arthur Abdulin  
Councillor Anthony Froud

Councillor Steven McCormick  
Councillor Julie Morris  
Councillor Kieran Persand  
Councillor Kim Spickett

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sing'.

Chief Executive

For further information, please contact [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk) or tel: 01372 732000

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- Do not stop to collect personal belongings;
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## Exclusion of the Press and the Public

Please note that there are matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government Act 1972 (as amended). Should any such matters arise during the course of discussion of the below items or should the Chair agree to discuss any other such matters on the grounds of urgency, the Committee may wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

## Questions and statements from the Public

Up to 30 minutes will be set aside for questions and statements from members of the public at meetings of this Committee. Any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough may ask a question or make a statement on matters within the Terms of Reference of the Committee.

All questions must consist of one question only and cannot consist of multiple parts. Questions and statements cannot relate to planning or licensing committees matters, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chair are defamatory, offensive, vexatious or frivolous will not be accepted. Each question or statement will be limited to 3 minutes in length.

If you wish to ask a question or make a statement at a meeting of this Committee, please contact Democratic Services at: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk)

Questions must be received in writing by Democratic Services by noon on the third working day before the day of the meeting. For this meeting this is **Noon, Thursday 12 October**.

A summary of statements must be received by Democratic Services by noon on the working day before the day of the meeting. For this meeting this is **Noon, Monday 16 October**.

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## **AGENDA**

### **1. QUESTION AND STATEMENTS FROM THE PUBLIC**

To take any questions or statements from members of the Public.

### **2. DECLARATIONS OF INTEREST**

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

### **3. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 10)**

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 13 June 2023 (attached) and to authorise the Chair to sign them.

### **4. CHALK PIT (Pages 11 - 34)**

This report sets out the options available to the Council which include, if necessary, to fund further substantial statutory nuisance investigations into noise or dust complaints arising from business located in Epsom Chalk Pit.

### **5. THAMES TO DOWNS NATIONAL NATURE RESERVE (Pages 35 - 46)**

This report asks the committee to agree to the principle of including Epsom Common Local Nature Reserve (LNR), Manor Open Space, Horton Country Park LNR, Hogsmill LNR and Nonsuch Park in the proposed Thames To Downs National Nature Reserve. The key objectives of inclusion in the National Nature Reserve are:

- Ensure the long-term protection and enhancement of the Borough's biodiversity.
- Working in partnership to raise awareness and engagement in Biodiversity.
- In line with the Local Plan, identify and realise new opportunities for nature.
- Seek to secure sustainable long-term funding for the Borough's open spaces.

In line with our Biodiversity Action Plan, taking opportunities to act locally to help address the global loss of biodiversity.

**6. ASH DIEBACK ACTION PLAN** (Pages 47 - 70)

This report presents the Council's Ash Dieback Action Plan and seeks support for its adoption. The Ash Dieback Action Plan sets out a framework for how the Council will manage Ash Dieback on trees within the borough, including removal of trees and replanting.

**7. CAR PARK WORKING GROUP - TERMS OF REFERENCE** (To Follow)

**8. 2024/25 BUDGET TARGETS** (Pages 71 - 74)

This report informs the Committee of the Council's revenue budget targets presented to the Strategy & Resources Committee in July. The report seeks guidance on the preparation of the Committee's service estimates for 2024/25.

**9. URGENT DECISIONS** (To Follow)

**10. EXCLUSION OF THE PRESS AND PUBLIC** (Pages 75 - 76)

The Committee is asked to consider whether it wishes to pass a resolution to exclude the Press and Public from the meeting in accordance with Section 100A (4) of the Local Government Act 1972 on the grounds that the business involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**11. PEST CONTROL** (Pages 77 - 82)

A report outlining cost pressures in this service and a proposed way forward.

**Minutes of the Meeting of the ENVIRONMENT COMMITTEE held at the Council Chamber, Epsom Town Hall on 13 June 2023**

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**PRESENT -**

Councillor John Beckett (Chair); Councillor Liz Frost (Vice-Chair); Councillors Arthur Abdulin, Anthony Froud, Steven McCormick, Julie Morris, Kieran Persand and Kim Spickett

Officers present: Ian Dyer (Head of Operational Services), Rod Brown (Head of Housing and Community), Sue Emmons (Chief Accountant), Samantha Whitehead (Streetcare Manager), Jon Sharpe (Transport & Waste Services Manager), Oliver Nelson (Public Protection Manager), Charlotte Scott (Environmental Health Officer), Daniel Atubo (Programme Officer) and Dan Clackson (Democratic Services Officer)

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**1 QUESTION AND STATEMENTS FROM THE PUBLIC**

No questions or statements were received from members of the public.

**2 DECLARATIONS OF INTEREST**

Tennis in the Borough

Councillor Julie Morris, Other Interest: Councillor Julie Morris declared that her son was a Tennis coach. She stated she believed it to be a prejudicial interest and confirmed that she would leave the meeting room for the duration of the item's discussion.

Formation of Allotment Working Group

Councillor Julie Morris, Other Interest: Councillor Julie Morris declared that she held an allotment in the Borough. She stated that she did not consider it to be a prejudicial interest.

Formation of Allotment Working Group

Councillor Steven McCormick, Other Interest: Councillor Steven McCormick declared that he held an allotment in the Borough. He confirmed that he was not prejudiced and maintained a clear and open mind.

**3 MINUTES OF THE PREVIOUS MEETING**

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 21 March 2023 and authorised the Chair to sign them.

**4 SURREY ENVIRONMENT PARTNERSHIP - SEP2025**

The Committee received a report requesting that the Committee review and endorse SEP2025 (the high-level approach document on county-wide waste management for the period 2023/25, generated by the Surrey Environment Partnership (SEP)), on behalf of the Council.

The following matters were considered by the Committee:

- a) **To contact SCC/Central Gov:** A Member suggested that it would be prudent to write to Surrey County Council and Central Government highlighting that Epsom & Ewell is awaiting announcements regarding the progress of the new Joint Municipal Waste Strategy and National Waste Strategy. The Chair confirmed he would work with the Transport and Waste Services Manager to contact the mentioned bodies.
- b) **Epsom & Ewell's Climate Change Action Plan:** Following feedback from a Member, the Transport and Waste Services Manager confirmed that he would liaise with the Environment and Sustainability Officer in relation to how the items listed in the 2023/23 programme of activities in SEP2025 might cross-reference with and contribute to Epsom & Ewell's Climate Change Action Plan.

Following consideration, the Committee resolved (4 for, 3 abstaining, and the Chair not voting) to:

- (1) Endorse SEP2025 on behalf of the Council.**

**5 TENNIS IN THE BOROUGH**

Councillor Julie Morris left the meeting room for the duration of the discussion of Item 5, on account of her declared interest.

The Committee received a report on modernising the way parks' tennis courts are operated and presenting a clear opportunity for the Council to optimise the impact and value of its existing assets to benefit residents. The proposal relied on grant funding from the Lawn Tennis Association.

The following matters were considered by the Committee:

- a) **Yearly Cost:** Following a question from a Member, the Programme Officer confirmed that the yearly cost associated with the proposal involved an annual subscription fee of £2,380 per year over a 5 year contract, not including staffing costs.
- b) **Self-Sustaining Courts:** The Head of Operational Services explained that any revenue taken over the amount required to cover the maintenance of the gates and software licence will feed into a reserve-fund to go back into the upkeep of the courts. He explained that

historically the Committee has been required to apply for capital in order to maintain them and that this scheme will allow the tennis courts to become self-sustaining. He informed the Committee that other authorities such as Elmbridge have implemented the scheme with success.

- c) **Future Update Report:** The Committee and the Chair agreed that an update report on the matter would be brought back to the Committee after a 12 month period.
- d) **Communications and Marketing:** It was recognised by the Committee that effective communication with residents and marketing with respect to the scheme was of paramount importance.

Following consideration, the Committee resolved (5 for, 1 against, and the Chair not voting) to:

- (1) **Grant permission for officers to apply for a non-repayable grant from the Lawn Tennis Association to install gate technology to all tennis courts in the borough as set out in section four of the report.**

Unanimously resolved to:

- (2) **Agree to income received for use of tennis courts to be placed in the Council's reserves and used solely for the ongoing maintenance need of the courts.**

Unanimously resolved to:

- (3) **Agree that £10,330 identified from section 106 funding is used to carry out maintenance and improvement works on tennis courts across the borough ahead of implementing the charging scheme.**

Resolved (5 for, 1 against, and the Chair not voting) to:

- (4) **Agree the fees and charges for tennis provision for 2023/24 as set out in appendix 1 to the report.**

Unanimously resolved to:

- (5) **Agree that the fees and charges will be reviewed annually and align to the LTA guidance and market testing of neighbouring authorities.**

## 6 FORMATION OF ALLOTMENT WORKING GROUP

The Committee received a report seeking approval to form of an Allotment Working Group and proposing a draft Terms of Reference for comment.

The following matters were considered by the Committee:

- a) **Officer Resource:** A Member of the Committee remarked that there had been a declining Officer resource with respect to Allotments and

suggested it could be matter for consideration. The Chair suggested that the topic of Officer resource could be explored by the Working Group.

- b) **Working Group Members from Environment Committee:** Councillors Julie Morris and Steven McCormick confirmed that they would be happy to sit on the working group as Members of the Environment Committee.
- c) **Climate Change Action Plan:** A Member of the Committee suggested that aligning the Working Group's vision with that of the Climate Change Action Plan should be a point of business, as a matter of priority, at the first meeting of the Working Group. The Chair advised that the Chair of the Working Group would be happy to receive suggestions for topics for inclusion on agendas for the Working Group's meetings.

Following consideration, Councillor Julie Morris proposed that recommendation (2) be amended as follows:

Original recommendation:

- (2) *Approve the draft Terms of Reference, noting any amendments.*

Amended recommendation:

- (2) *Delegate authority to the Allotment Working Group to make amendments to its Terms of Reference.*

The proposal was seconded by Councillor Steven McCormick.

The Committee unanimously agreed to amend the recommendation as proposed.

Following consideration, the Committee unanimously resolved to:

- (1) **Approve the formation of an Allotment Working Group**
- (2) **Delegate authority to the Allotment Working Group to make amendments to its Terms of Reference.**
- (3) **Appoint the Vice-Chair of the Environment Committee to Chair the Allotment Working Group and appoint at least two additional members of this committee to form part of the group.**
- (4) **Delegate authority to the Vice-Chair to appoint/invite additional Councillors, Stakeholders and Officers to the Allotment Working Group as required.**

## 7 FOOD SAFETY SERVICE AND HEALTH AND SAFETY INTERVENTION PLANS

The Committee received a report setting out how the Council intends to discharge its statutory responsibilities in respect of food hygiene and health and



safety interventions in the year 2023-2024 and reporting on activities in the previous years, in compliance with national monitoring arrangements.

The following matters were Considered by the Committee:

- a) **Thanks to Officers:** The Committee wished to express their appreciation for the work carried out by the Environmental Health team.
- b) **Member Site Visits:** The Chair suggested to the Committee that, should Members be interested, they can contact the Environmental Health team to arrange to attend site visits.

Following consideration, the Committee unanimously resolved to:

- (1) **Adopt the service plan for food safety.**
- (2) **Adopt the intervention plan for health and safety.**
- (3) **Agree to receive revised food and health and safety plans for the year 2024-2025 at a date in 2024.**

*The meeting began at 7.45 pm and ended at 9.15 pm*

COUNCILLOR JOHN BECKETT (CHAIR)

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## CHALK PIT

<b>Head of Service:</b>	Rod Brown, Head of Housing & Community
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	Appendix 1: Map showing various businesses operating at Epsom Chalk Pit Appendix 2: SCC planning conditions EP21/00223/CMA Appendix 3: Graph detailing emails received history during 2023

### Summary

This report sets out the options available to the Council which include, if necessary, to fund further substantial statutory nuisance investigations into noise or dust complaints arising from business located in Epsom Chalk Pit.

### Recommendation (s)

#### The Committee is asked to:

- (1) To note the motion referred to this Committee by Full Council and make no resolution or recommendation following a debate on that motion.
- (2) Agree which of the three options set out in Para 8.5 of this report is to be resolved (option 1 or 2) or recommended to S&R Committee (option 3).

### 1 Reason for Recommendation

- 1.1 To consider the motion referred to this Committee by full Council at its meeting held on 25 July 2023 in accordance with Appendix 5 of the Constitution, CPR 12.3.
- 1.2 To consider the options available to the Council, which include identifying funding for further investigations into recent complaints about significant noise or dust arising from the Epsom Chalk Pit.

### 2 Motion

- 2.1 A motion was proposed by Cllr Muir and seconded by Cllr Persand at full council on 25 July 2023 that read:

*That this Council mandates officers to install professional noise measurement equipment around the Chalk Pit site in College Road, Epsom, to leave that equipment in place for a minimum period of three months, and to respond to any breaches of noise regulations on the site with the imposition of a noise abatement order on the landowner and any identified operators responsible for the excess noise.*

- 2.2 In accordance with CPR 12.3 (see Appendix 5 of the Constitution), Cllr Muir "...shall have the right to open the debate on the matter in question but may not vote on the matter" as she is not a member of this Committee.
- 2.3 In light of the remainder of this report with its associated options as set out in para 8.5, it is recommended that no resolution or recommendation be made further to that motion and that the debate proceed as to the remainder of the issues set out within this report.

### 3 Background

- 3.1 The Chalk Pit is located off College Road Epsom and ceased to operate as a chalk pit many decades ago. For the last 40 years or so the site has attracted various business uses of a light industrial nature.
- 3.2 Topographically, the site is composed of a deep basin forming the previous chalk pit, where several businesses operate, as shown in **Appendix 1**. These include Skip It, Restons (previously Epsom Skip Hire) and until recently, a smaller skip business PM Skips Hire Ltd which has recently ceased operating from the site. Other businesses using the pit are a coach company, scaffolding and vehicle repair workshop.
- 3.3 Above the basin there is a relatively narrow area, which is closer to the surface, known as the rim. This area is used by several businesses predominately for the storage of empty skips and for a road haulage company.
- 3.4 The sources of noise on site are several.
- 3.4.1 Trommel Noise. This is a specific piece of equipment used to process construction waste into different sized elements. The two trommels on site, along with associated handling equipment, both have the potential to be noisy and give rise to dust emissions.
- 3.4.2 Materials handling noise. This includes materials being mechanically sorted other than using a trommel, loading of the trommels, moving stockpiles, unloading of skip lorries, loading of HGVs.

- 3.4.3 Noise from site machinery, principally the 360° grabs, their hydraulics, and tracks and separate dumper trucks and other mobile plant.
- 3.4.4 Noise from road vehicle arrivals and departures including deliveries of skips both loaded and empty, HGVs, staff, and visitors to all the businesses within the pit.
- 3.4.5 Noise from the stacking and manoeuvring of empty skips.
- 3.4.6 Vehicle maintenance activities typically carried out by occupants of the rim.
- 3.5 Operations by the two remaining skip companies both include the operation of a trommel each. The smaller skip company which has recently ceased trading from the site was not believed to operate a trommel whilst trading from the site.
- 3.6 Although largely out of direct line of sight and separated by a field area, the Chalk Pit is close to residential properties on Longdown Lane North and College Road. For example, there are 16 residential properties in 250 metre radius and an additional 8 residential properties between 250m and a 300m radius.
- 3.7 Prior to 2021 complaints about activities on the Chalk Pit giving rise to noise and dust were not significant in number. Between January 2021 to May 2023 the volume of complaints had increased significantly including from properties some distance away from the site. From September 2021 the Council established a dedicated email address for residents to log their observations. It has not been possible to count every complaint since some residents have reported individual instances of noise separately, whilst others have summarised a day's or week's activities in one email. Similarly, the subjects range from noise from the pit, road traffic on the local network to hours of operation. This is why the preferred measure is simply volume of emails received which gives a good indication of the level of community concern when taken as a trend. **Appendix 3** contains the most recent trend information.
- 3.8 Since May 2023 the number of complaints received by the Council has reduced significantly, however in September 2023 there has once again been an increase in complaint numbers. The dedicated email address established back in September 2021 remains in use for fresh complaints.

#### **4 Surrey County Council Minerals and Waste Planning**

- 4.1 Surrey County Council (SCC) are the relevant planning authority for waste processing uses of the site, including Skip It and Reston Waste. The relevant planning authority for activities that are not associated with waste processing is the borough Council.

- 4.2 In 2023 Skip It submitted a planning application to SCC (SCC reference EP21/00223/CMA) for the retrospective 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 and other matters.
- 4.3 This application included the construction of a new enclosure to encompass the noisiest operations from the site including the use of the trommel. This application was approved by SCC with conditions attached, including prohibition of the use of the trommel until the enclosure was built, specific noise limits placed on site operations, requirement for noise monitoring and a requirement for the submission and agreement of a dust management plan. The conditions relating to this planning permission are attached as **Appendix 2**. It is understood that at the time of the preparation of this report the applicant had applied to modify some of these conditions and the matter is currently undergoing assessment by SCC..

## 5 Regulatory responsibilities

- 5.1 Pollution matters in the area of the Chalk Pit have always been regulated by both the local authority in respect of the general statutory nuisance provisions and the Environment Agency (EA) in respect of specific processes regulated under the Environmental Permitting Regulations. These have been the long-standing arrangements since the early 1990s.
- 5.2 The relevant planning authority (either SCC for minerals and waste applications or EEBC for other uses including activities based on the rim of the Chalk Pit) if approving an application will be able to attach conditions controlling aspects of that permitted use. Enforcement of relevant conditions will be the responsibility of the relevant planning authority.
- 5.3 The Environment Agency regulate processes by including legally enforceable controls in the permits issued to operators. These controls are intended to tackle potential noise and dust issues at source from these permitted processes, as opposed to responding to complaints. Permits are specific as to which aspects of the operation they control, and it could be the case that not all aspects of a business subject to an EA permit will be controlled by that permit.
- 5.4 In practice, on receipt of a complaint the local authority would determine whether it related to a process holding a permit from the Environment Agency and if so, inform the complainant that they ought to contact the EA via their incident hotline. Where the complaint arises from a source not controlled under the permit, the Council would commence a standard statutory nuisance investigation.

- 5.5 In the case of the various businesses operating out of the Chalk Pit, Skip It and Reston Waste are both subjected to controls through Environmental Permits issued by the EA. These limit their emissions and impose controls on their operation intended to reduce nuisance to neighbouring residents.
- 5.6 Activities on the rim area of the Chalk Pit and other non-waste handling activities in the Chalk Pit itself are not EA regulated and fall to the local authority only, either through relevant planning condition or through general statutory nuisance investigations.
- 5.7 Noise and dust can be considered as potential statutory nuisances. The consideration required in a situation such as the Chalk Pit is complex involving many considerations. There is no set statutory decibel level at which noise would be a statutory nuisance. The Council's Environmental Health Team have, and continue to, liaise closely with the EA and SCC concerning activities on the site. Each regulatory service considers their own justification for any enforcement action and it is therefore essential to hold unequivocal evidence to identify which company is the source of the nuisance. To assist with residents' understanding of the respective roles fulfilled by the EA, SCC and this council, it is envisaged that a multi-agency plan will be created and shared with local residents as soon as is possible after this Committee meets to help signpost what each organisation is responsible for, their enforcement powers and the evidential hurdles that each must satisfy before it can exercise any of its enforcement powers.

## **6 Council activity in response to complaints**

- 6.1 From 2021 the Council's Environmental Health service has been heavily involved in investigating the allegation of statutory nuisance from various operations on the site. This investigation has been the most intensive nuisance investigation the Council has conducted over recent years, involving:
- Multi-officer team monitoring from residential premises and within the Chalk Pit area
  - In person visits to monitor in response to calls from residents
  - Over 100 hours of in-person dedicated monitoring including a full week of an officer being in a residents' garden.
  - Review of in excess of 700 hours remote monitoring, using installed sound monitoring equipment at several residential addresses in the area, combined with the use of temporary CCTV recording over 22 thousand video clips.

- 6.2 Given the topography of the site and the fact that there are several operators all emitting the same type of noise, it is imperative that monitoring can identify which business operator is responsible for the source of the noise at any one time. It is not sufficient to assume or to guess, since that would risk the failure of any resultant regulatory action. This is why the investigation strategy between January 2021 and May 2023 has focussed on both witnessing the noise *and* verifying the source of that noise down to individual businesses. To do this properly requires the use of multiple teams of officers, with communication, to identify noise at resident's properties and to cross reference that to activities on site in real time.
- 6.3 This monitoring was completed in June 2022 without the various operators at the Chalk Pit being informed of when this might be occurring and, apart from when we needed their co-operation to selectively isolate machinery, we did not inform any of the operators of the timing of our monitoring visits. It was necessary however to notify users of the pit of the existence of Council CCTV surveillance for the time it was installed.

**Professional opinion based on the outcome of that investigation:**

- 6.4 The Council's approach to enforcement is evidence based. Despite this extensive monitoring, it is the opinion of its qualified officers that the Council has not had and does not have sufficient evidence to issue an abatement notice on any of the site operators.
- 6.5 Officers are very mindful of the public sentiment on this subject and extend their thanks to those members of the public who have facilitated short notice and planned visits and who have hosted noise monitoring equipment in their gardens. There is clear evidence that noise from the chalk pit is audible, causing annoyance and possibly having a negative impact on the local amenity. However, taking into account what is required for the Council to positively demonstrate a statutory nuisance and despite undertaking the most significant nuisance assessment in recent times, officers cannot show the disturbance amounts to a statutory nuisance. This in turn makes the service of an abatement notice on any of the companies occupying the site, based upon the evidence currently available to the Council, unjustified and open to legal challenge exposing the Council to considerable financial and reputational risk.
- 6.6 Notwithstanding the professional assessment of the Council's expert officers based upon the findings of its own investigation, residents should be aware that they remain at liberty to take their own action via section 82 of the Environmental Protection Act 1990. This remains an available option should they wish to explore this themselves by way of engaging their own external experts to advise them as to the merits of such proceedings and the risks to be aware of when bringing legal proceedings against a third party.



## **7 Council enforcement action taken**

- 7.1 Having set out why the Council has been unable to exercise any of its enforcement powers regarding noise nuisance, it should be noted that the Council has undertaken the following enforcement actions:
  - 7.1.1 Community Protection Warning Notice on the landowner requiring various management steps and resurfacing of the road surface on the rim.
  - 7.1.2 Nine further Community Protection Warning Notices on users of the rim and of the chalk pit mandating chain covers on skip guards.
  - 7.1.3 One Community Protection Warning Notice requiring a skip company to cease using the site entirely.

## **8 Proposal**

- 8.1 The multiple sources of possible noise and dust arising from the site, together with the difficult topography of the site including lack of visibility from resident's properties, make monitoring and evidence gathering very resource intensive.
- 8.2 Officers are satisfied that the significant investigation to the general industrial noise from across the site outlined in this report has met and probably exceeded the statutory requirements on Councils to complete a reasonable investigation into allegations.
- 8.3 However, alongside fresh complaints of ongoing noise nuisance and changes in the site characteristics such as the introduction of mitigation measures, e.g., the building enclosing part of Skip It's operation, or the introduction of new noise sources, it may be justified to carry out further nuisance investigations should resources be in place to support this.
- 8.4 Officers consider that it would not be possible to carry out a similar in-depth investigation as previously undertaken, as the redirection of the significant resources required to carry this out would adversely affect the other statutory duties the Environmental Health service are responsible for such as the food hygiene, private sector housing, health & safety and pollution functions.
- 8.5 This Committee is therefore invited to consider three options:
  - 8.5.1 Accept the account set out in this report that insufficient evidence exists to warrant any enforcement action and to close this investigation with no further action, or
  - 8.5.2 Officers keep this under review and bring this back to this Committee should, in their professional opinion, sufficient evidence of a statutory nuisance be evident to seek any necessary funding to take enforcement action, or

- 8.5.3 Recommend to Strategy and Resources Committee that funding be allocated from limited Council reserves to instruct external noise consultants to conduct a fresh investigation based upon the current activities on the site noted within the recent complaints received from local residents – such investigation to commence once the Skip It building surrounding the trommel is completed and in operation to make best use of this funding.
- 8.6 Should this Committee be minded to adopt Option 3, as funding cannot be identified within the Committee’s budget envelope, a request would be required to Strategy and Resources Committee to find additional funding from alternative sources (such as reserves) to commission an external noise consultant to investigate for possible statutory nuisance and to take appropriate enforcement action, including representation in legal proceeding.
- 8.7 Save for Option 1 above, Options 2 and/or 3 would only be acted upon should the Council receive substantial and substantiated complaints about noise or dust nuisance arising from businesses operating in the Chalk Pit, and only if they were operating in accordance with all other relevant regulatory controls. These include planning controls, including having constructed and commissioned the new building at Skip It. Under such circumstances, approval of either Option 2 or 33 would then provide the Council with either a clear way forward (Option 2) or provide the necessary resources to commission external consultants to purchase the capacity necessary to carry out an intensive investigation into any new or ongoing complaints (Option 3).

## 9 Risk Assessment

### Legal or other duties

#### 9.1 Equality Impact Assessment

9.1.1 There are substantial numbers of residents requesting assistance from the Environmental Health service. If existing resources were to be redirected into further extensive nuisance investigations, there could be negative impacts on other residents and the ability to respond to their needs.

#### 9.2 Crime & Disorder

9.2.1 The Council’s Environmental Health service’s resources are important as part of the overall response to community safety and enforcement. If existing resources were to be redirected into further extensive nuisance investigation, there could be negative impacts on the Council’s response to crime and disorder.

#### 9.3 Safeguarding

9.3.1 The Council's Environmental Health service's resources are important as part of the overall response to safeguarding. If existing resources were to be redirected into further extensive nuisance investigation, there could be negative impacts on the Council's safeguarding response.

9.4 Dependencies

9.4.1 Regulation of activities from the businesses operating in the Chalk Pit are shared principally between the Council, SCC, and the EA. The proposal outlined in this report is only required should alleged noise or dust nuisance continue, despite the application of controls from these other regulatory partners.

## 10 Financial Implications

10.1 In addition to the working hours committed to the investigation to date, the Council has incurred a cost of £5,600 for matters associated to the investigation.

10.2 Informal approaches to several consultancies have resulted in indicative costs of £40,000 based on a specification generated by the service designed to address the likely work required to demonstrate nuisance or not.

10.3 Should any resultant enforcement be contested, legal costs of up to £50,000 would be expected, with potentially a further estimated £50,000 payable to the appellant in the event of their successful appeal.

10.4 Officers have been unable to identify funding within the Committee's existing budget envelope to support the additional cost of £140,000 without impacting existing services. Should the Committee decide to support further investigations, it is anticipated that a further report would be required to S&R Committee to request one-off funding from limited Council reserves.

10.5 **Section 151 Officer's comments:** The Council faces a budget gap of £1.1m in 2024/25, rising to £2.5m by 2027/28. If funding were required for external consultants to undertake additional investigations at the Chalk Pit, it is expected that this would need be taken from the Corporate Projects reserve (subject to S&R Committee approval), reducing the balance available for other key Council priorities.

10.6 In deciding whether to support renewed investigations on top of those that have already taken place, Members are asked to consider the likelihood of whether renewed investigation would ultimately lead to successful enforcement action and, by extension, whether it would be an effective use of limited Council resources.

## 11 Legal Implications

- 11.1 The burden is on the Council to demonstrate by way of evidence that a statutory nuisance exists at the time that both an abatement notice is served and at the time it is heard before the Court. Until the current planning conditions have been complied with, the on-going level of noise and dust emanating from the site and its impact on neighbouring residents can not be known. The relevant legislation that applies to statutory nuisance is set out in section 79-81 of the Environment Protection Act 1990.
- 11.2 This report sets out that it is the view of its professional Environmental Health Officers who are experienced in noise nuisance matters and have the necessary qualifications and training in the area that there is insufficient evidence to justify service of an abatement notice, both at present and also further to the outcome of their investigation between 2021-23.
- 11.3 Faced with that professional view, the Council should not be issuing an abatement notice. An abatement notice may be challenged by way of appeal before the Magistrates Court where the Council would need to set out why it felt it was warranted and legal to do so. If successfully challenged, the notice would be set aside with considerable financial, legal, and reputational damage to the Council.
- 11.4 **Legal Officer's comments:** None arising further to the contents of this report that contain relevant advice relevant to legal issues.

## 12 Policies, Plans & Partnerships

- 12.1 **Council's Key Priorities:** The following Key Priorities are engaged: Safe and well.
- 12.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 12.3 **Climate & Environmental Impact of recommendations:** None arising from this report.
- 12.4 **Sustainability Policy & Community Safety Implications:**
- 12.5 **Partnerships:**

## 13 Background papers

- None



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**The Chalk Pit**



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Scale: 1:1250

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**EP21/00223/CMA** amended/amplified by Email from Agent dated 21 May 2021 with attached Further Information in Response to Transportation Development Planning Team Comments dated May 2021 and Drawing No. 193091/PL/D/011 Visibility Splay dated May 2021; Air Quality Assessment (Dust) rev 1 dated 8 June 2021; Email from agent dated 2 July 2021 with attached Drawing No. 193091/PL/D/001 rev B Site Location Plan dated January 2021, Drawing No. 193091/PL/D/006 rev C Proposed Block Plan dated May 2021, Drawing No. 193091/PL/D/012 Overnight HGV Parking Plan dated June 2021, Applicant response on noise (pdf titled Response on noise 3006), and Revised Further Information in Response to Transportation Development Planning Team Additional Comments of June 2021 dated June 2021; Email from Agent dated 6 September 2021 with clarifying info and Drawing No. 193091/PL/D/010 Proposed Office Elevations dated Sept 2021; Noise Impact Assessment Final Report v3 (Document ref: 1150.002R.4.0.NA.Final v3) dated 12 November 2021; Applicant document titled Surrey County Council Noise consultant responses 30 November 2021.

### **TOWN AND COUNTRY PLANNING ACT 1990**

SURREY COUNTY COUNCIL AS COUNTY PLANNING AUTHORITY DO HEREBY **GRANT** PLANNING PERMISSION FOR 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].

### **ON LAND AT THE CHALK PIT, COLLEGE ROAD, EPSOM, SURREY KT17 4JA**

SUBJECT TO THE FOLLOWING 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

**This decision notice does not grant listed building consent or convey any approval under building regulations**

Page 25  
**Attention is drawn to the attached notes**

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. Within two months of the date of this permission space shall be 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 cycle parking area, 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) HGV deliveries and hours of operation;
- e) Vehicle routing;
- f) Measures to prevent the deposit of materials on the highway; and
- g) 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 (34 in and 34 out) to and from the application site directly connected to the development hereby permitted.

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 directly connected to the development hereby permitted shall be sheeted or otherwise enclosed so as to prevent spillage or the emission of dust.

### Noise

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

Should this noise limit be exceeded the source(s) of the noise causing the exceedance shall cease until the operator has submitted a scheme to attenuate noise levels which has been approved by the County Planning Authority in writing and that scheme has been fully implemented.

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 Building 2 as shown on Drawing No. 193091/PL/D/006 rev C Proposed Block Plan dated May 2021 has 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. Within three months of the date of this permission, a proactive Dust Management Plan shall be submitted to the County Planning Authority for approval in writing. Such a Plan shall be based on the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Mineral Dust Impacts for Planning (v1.1) dated May 2016 or later version, 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 Drawing No. 193091/PL/D/006 rev C Proposed Block Plan dated May 2021 after their construction.
19. The processing of waste using the trommel and/or picking station shall only be undertaken within Building 2 as shown on Drawing No. 193091/PL/D/006 rev C Proposed Block Plan dated May 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 FOR IMPOSING CONDITIONS:**

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 Appointments 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 local amenity and 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 details required by planning condition may be obtained from the Transportation Development Planning Division of Surrey County Council Transport Development Planning - Surrey County Council ([surreycc.gov.uk](http://surreycc.gov.uk)).
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.

DATE 2 May 2023

Caroline Smith

PLANNING GROUP MANAGER

NJB Recycling Ltd  
per Suzi Coyne Planning  
4 A'Beckets Avenue  
Bognor Regis  
PO21 4LU

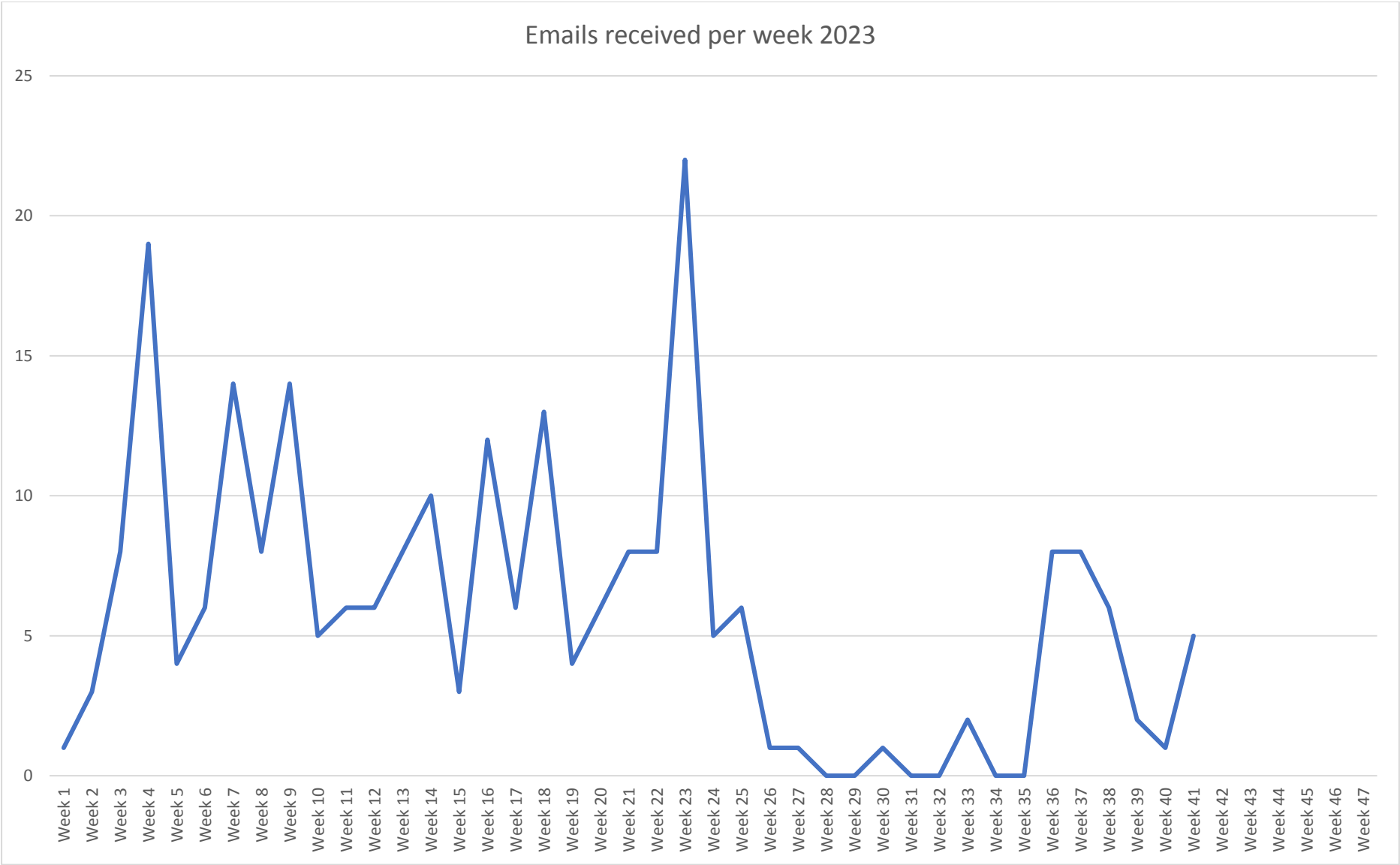
### **Third Party Rights**

Anyone seeking to challenge the lawfulness of this decision may make an application to the High Court for permission to bring a claim for judicial review. You should seek legal advice promptly if you wish to challenge this decision.

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Emails received per week 2023



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## THAMES TO DOWNS NATIONAL NATURE RESERVE

<b>Head of Service:</b>	Justin Turvey, Interim Head of Place Development
<b>Wards affected:</b>	Cuddington Ward; Ewell Court Ward; Horton Ward; Ruxley Ward; Stamford Ward; West Ewell Ward; Woodcote and Langley Vale Ward;
<b>Urgent Decision?(yes/no) No</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	<ol style="list-style-type: none"><li>1. Plan of Epsom Common Local Nature Reserve (LNR), Manor Open Space, Horton Country Park LNR, Hogsmill LNR and Nonsuch Park.</li><li>2. Natural England briefing on National Nature Reserve expansion proposal April 2023</li></ol>

### Summary

This report asks the committee to agree that Officers continue to explore the possibility of including Epsom Common Local Nature Reserve (LNR), Manor Open Space, Horton Country Park LNR, Hogsmill LNR and Nonsuch Park in the proposed Thames To Downs National Nature Reserve. The key objectives of inclusion in the National Nature Reserve are:

- Ensure the long-term protection and enhancement of the Borough's biodiversity.
- Working in partnership to raise awareness and engagement in Biodiversity.
- In line with the Local Plan, identify and realise new opportunities for nature.
- Seek to secure sustainable long-term funding for the Borough's open spaces.
- In line with our Biodiversity Action Plan, taking opportunities to act locally to help address the global loss of biodiversity.

### Recommendation (s)

**The Committee is asked to:**

- (1) Agree that Officers continue to explore the possibility of including Epsom Common Local Nature Reserve (LNR), Manor Open Space, Horton Country Park LNR, Hogsmill LNR and Nonsuch Park in the proposed Thames To Downs National Nature Reserve, and report back to this Committee if Natural England indicate that we meet the criteria for entry into the proposed National Nature Reserve.**

## **1 Reason for Recommendation**

- 1.1 Inclusion within the proposed Thames To Downs National Nature Reserve (NNR) provides an opportunity to consolidate and build on the progress EEBC is making in managing biodiversity and public access within its open spaces.
- 1.2 Inclusion would give national recognition that EEBC as an 'Approved Body' manages its land to the highest environmental standards on a permanent basis.
- 1.3 NNR management criteria chime with our own approach of managing biodiversity whilst at the same time ensuring good public access.
- 1.4 Working in an NNR partnership with nearby landowners is likely to assist over time in attracting significant outside funding to assist us in protecting and managing our land over the long term.
- 1.5 Inclusion in the NNR fulfils Key Service Priorities (see section 6) and demonstrates that we are adhering to our statutory responsibilities (see section 5).
- 1.6 Being part of wider NNR will assist EEBC in adhering to its 'Biodiversity Duty' and other environmental requirements such as the soon to be implemented Local Nature Recovery Strategies.
- 1.7 NNR status promotes the Borough as a great place to live and work.
- 1.8 A National Nature Reserves will help enhance the borough's natural assets, preserving and increasing biodiversity. Biodiversity provides many of the essentials of life, our oxygen, clean water, food, clothing, health and relaxation. Protection and enhancement of our local biodiversity is vital. We must 'act locally and think globally'.

## **2 Background**

- 2.1 Epsom Common Local Nature Reserve (LNR) became a nationally important site for nature when it was designated along with Ashted Common as a Site of Special Scientific Interest (SSSI) in 1955. In the 2005 – 2015 Epsom Common Management Plan the Council committed to returning Epsom Common to a 'Favourable' SSSI condition assessment, followed by an application to become a National Nature Reserve, making the whole of the Epsom & Ashted Commons SSSI part of a National Nature Reserve.
- 2.2 Seeking an NNR declaration for Epsom Common LNR is referenced in the Councils current Epsom Common LNR Management Plan 2016 - 2116 and the Climate Change Action Plan.
- 2.3 National Nature Reserves (NNRs) have been established to protect some of our most important habitats, species and geology, and to provide 'outdoor laboratories' for research. Most NNRs offer opportunities for schools, specialist interest groups and the public to experience wildlife at first hand and to learn more about nature conservation.
- 2.4 There are currently 221 NNRs in England with a total area of over 105,000 hectares - approximately 0.7% of the country's land surface. The largest is The Wash covering almost 8,800 hectares, while Dorset's Horn Park Quarry is the smallest at 0.32 hectares. The five proposed sites in Epsom & Ewell have a combined area of 455 hectares (1,124 acres) which equates to 13.4% of the Borough.
- 2.5 A 'Favourable' SSSI condition assessment was achieved in 2010 and the Council commenced the NNR application process. Unfortunately, due to cutbacks at Natural England the application was postponed for almost a decade. In 2021 the Council was approached again by Natural England offering the possibility of proceeding with an application. In 2022 Natural England explained that their approach to declaring a NNR had changed with an emphasis now on looking for opportunities to create much larger landscape scale NNRs. This is in line with the government's Lawton Report (2010) on 'Making Space For Nature'. The report envisaged more, bigger, better and joined-up sites within the landscape, and the first 'super' NNR was created in 2020, combining three existing smaller NNR's in Dorset. The Council has been invited to put forward other sites under its ownership/management for possible inclusion in a landscape scale (super) NNR stretching from the Thames at Kingston to Box Hill on the North Downs.

- 2.6 Five candidate sites (Epsom Common Local Nature Reserve (LNR), Manor Open Space, Horton Country Park LNR, Hogsmill LNR and Nonsuch Park) have been identified in Epsom & Ewell along with sites in Royal Borough of Kingston-Upon-Thames, Elmbridge and Mole Valley. Natural England have suggested an affiliate status for sites that have nature conservation value but their primary purpose is not nature conservation. For example, in Epsom and Ewell, Epsom Downs could affiliate. It should be noted that for Nonsuch Park to be included, separate permission will have to be gained from the Nonsuch Park Joint Management Committee.
- 2.7 A partnership with a wide range of landowners is envisaged that in addition to local authorities may also include, Surrey Wildlife Trust, National Trust, Woodland Trust, Crown Estates, Merton College (Oxford) and City of London (Ashted Common).
- 2.8 Should the principle of the named sites within Epsom & Ewell being put forward for consideration be agreed, and the Super NNR is progressed by Natural England, the sites will be assessed for their suitability and the Council will also be assessed for its suitability as an 'Approved Body' capable of managing a NNR.

### **3 Risk Assessment**

#### Legal or other duties

##### 3.1 Equality Impact Assessment

- 3.1.1 An NNR declaration/partnership will potentially increase accessibility to the borough's open spaces and give opportunities for people of all ages, and including under-represented groups such as young people, to experience and enjoy the special qualities of NNRs.

##### 3.2 Crime & Disorder

- 3.2.1 An NNR declaration will raise the profile of our sites where our current management encourages residents to understand and appreciate the importance of their local biodiversity. Greater respect and understanding of biodiversity can help towards decreasing anti-social behaviour.

##### 3.3 Safeguarding

- 3.3.1 An NNR declaration will support the Council's active and ongoing management of its nature reserves which has encouraged the use of volunteers to assist in managing and enhancing the Borough's biodiversity. Volunteer activities have been provided that include opportunities for vulnerable adults.

##### 3.4 Dependencies

3.4.1 None for the purposes of this report.

3.5 Other

3.5.1 None for the purposes of this report.

#### 4 Financial Implications

4.1 Funding is required to ensure the Council complies with the 'Statutory Duty' and wider 'Biodiversity Duty' described below in section 5. An NNR declaration and partnership is likely to increase the chances of securing significant external funding over the long term.

4.2 **Section 151 Officer's comments:** Given the significant funding gap faced by the Council over the next few years, funding required to ensure compliance with statutory duties should be identified within existing budgets, or external grant funding received for this purpose.

#### 5 Legal Implications

5.1 Under Section 102 of the Environment Act 2021 there is a general duty for all public bodies to conserve and enhance biodiversity. A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective. An NNR declaration and 'Approved Body' status would strongly indicate the Council's compliance with the duty.

5.2 Under the Countryside and Rights Of Way Act Epsom & Ewell Borough Council like all public bodies who own a SSSI has a duty under section 28G of the Wildlife and Countryside Act 1981 as amended by the Countryside & Rights of Way Act 2000 (CROW), to further the conservation and enhancement of the SSSI. An NNR declaration would indicate the Council's commitment to both the conservation and enhancement of the Epsom and Ashted Commons SSSI.

5.3 It should be noted that an NNR declaration does not create a designation with any legal status. For example, there would be no veto over another landowner and what they may do with their land. From a Council perspective an NNR declaration does not prevent other Council decisions regarding use of Council land or buildings, nor does it prevent or affect current day to day usage of the sites by residents.

5.4 **Legal Officer's comments:** None for the purposes of this report

#### 6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Maintain clean and attractive streets and open spaces.

- Enhance the borough's natural assets, preserving and increasing biodiversity.
- Work with partners to reduce our impact on the environment and move closer to becoming carbon neutral.
- Encourage high quality design, which balances the built environment with open green spaces.
- Work with partners to improve the health and wellbeing of our communities, focusing in particular on those who are more vulnerable.
- Enable community and voluntary sector run activities which enhance wellbeing and community safety outcomes.

6.2 **Service Plans:** The matter is included within the current Service Delivery Plan. In addition it is currently Council policy to seek an NNR declaration for Epsom Common Local Nature Reserve both in the 2016 to 2116 Epsom Common LNR Management Plan and the Councils Climate Change Action Plan. An NNR declaration would also help deliver the Councils Biodiversity Action Plan.

6.3 **Climate & Environmental Impact of recommendations:** The inclusion of our open spaces in the proposed NNR will have positive outcomes for the Borough's environment, both climate and biodiversity, and support achieving the following action detailed in the Council's Climate Change Action Plan: In line with current Council Policy, secure National Nature Reserve status on Epsom Common Local Nature Reserve.

6.4 **Sustainability Policy & Community Safety Implications:** Sustainability is a core aim of an NNR, which strives to manage and enhance the NNR's biodiversity in perpetuity. Good public access is another core aim helping residents to understand and respect nature making them safer places to be.

6.5 **Partnerships:** The Thames To Downs NNR will be a large partnership of neighbouring local authorities and other nature conservation orientated organisations (see 2.4 above).

## 7 Background papers

7.1 The documents referred to in compiling this report are as follows:

**Previous reports:** None

**Other papers:**

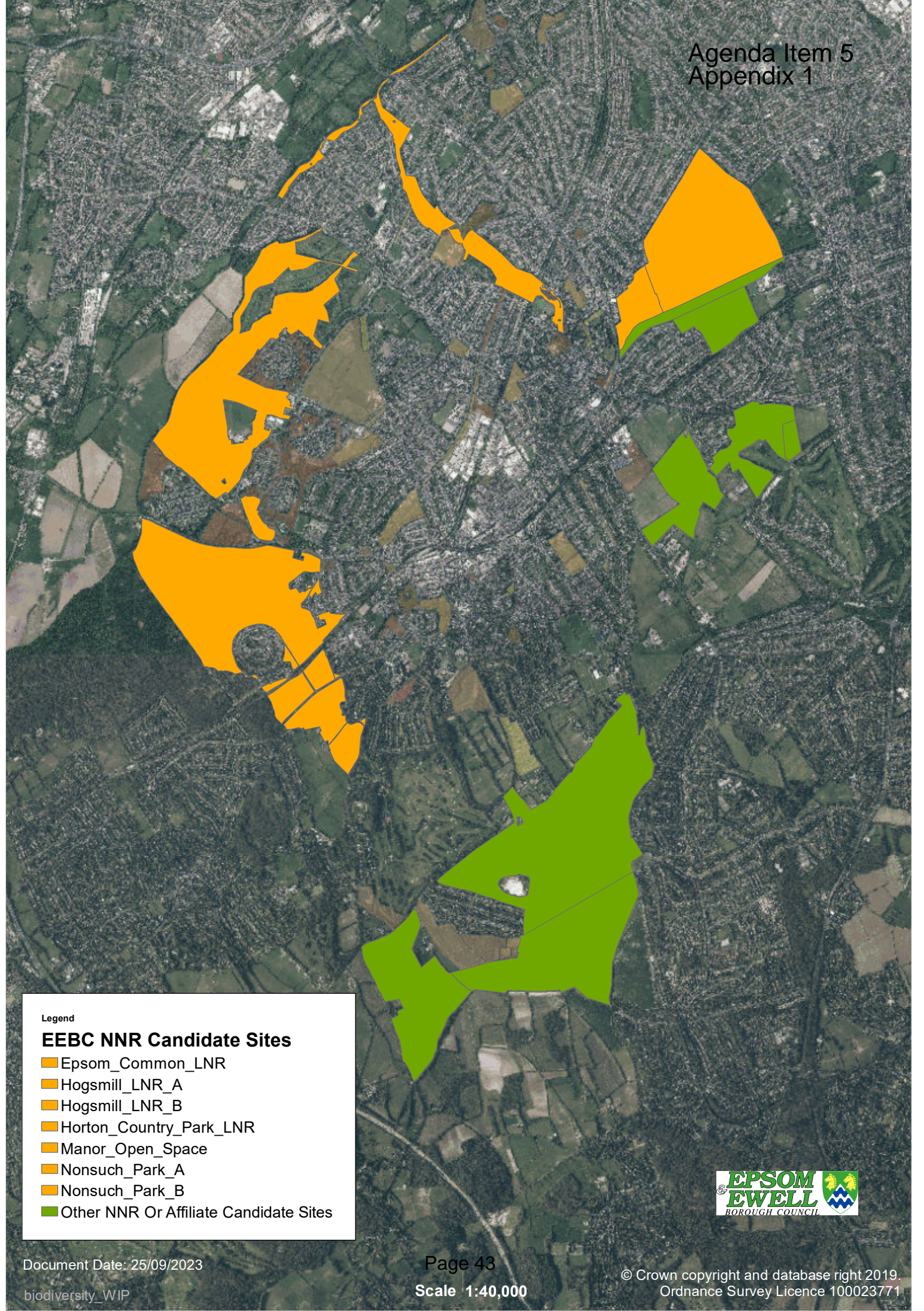
- Epsom Common Local Nature Reserve Management Plans 2005 – 2015 and 2016 – 2116



- Epsom & Ewell Biodiversity Action Plan 2020 – 2030
- Epsom & Ewell Climate Change Action Plan
- Epsom Common V5 proposal form for 2013 application
- Approved body criteria letter 2013
- The Selection Principles for National Nature Reserves in England (NE808), Natural England, 2023
- Natural England NNR Expansion Briefing Pack April 2023

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Legend

**EEBC NNR Candidate Sites**

- Epsom\_Common\_LNR
- Hogsmill\_LNR\_A
- Hogsmill\_LNR\_B
- Horton\_Country\_Park\_LNR
- Manor\_Open\_Space
- Nonsuch\_Park\_A
- Nonsuch\_Park\_B
- Other NNR Or Affiliate Candidate Sites





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## **Natural England briefing on National Nature Reserve expansion proposal April 2023**

Early conversations over expanding Ashted NNR to include bordering Epsom Common aligned with a change in aspirations to strive for bigger and better connected super NNRs. As a result, we have increased our scope and are looking at the wider areas for partners to join the expansion. At present, we are in the very early stages of speaking to potential stakeholders and understanding the potential focus area. This information pack is to summarise our focus area, key messages and our timeline.

“Super-NNR” is not a formal status, rather it describes extensive National Nature Reserves NNRs, usually managed in partnership across a landscape, and which contribute to the ambitions of the Strategy. They can be created as wholly new NNRs, by extending or joining up existing NNR/s, and by extending NNRs to include other land (in accordance with the NNR Selection Principles). This project will be focusing on extending Ashted NNR to include other land.

National Nature Reserves are exemplary, nationally important nature reserves, where nature conservation is the primary land use. NNRs must be of national importance and further the core purposes of NNRs:

### **Nature:**

- Make a significant contribution to nature recovery in the locality
- And/or safeguard or recover nationally important biodiversity and geodiversity.

### **Science:**

- Provide opportunities for conservation and environmental science

### **People:**

- Encourage people to experience, engage with and enjoy nature in a variety of ways

### **Selection requirements:**

- The site’s purpose is to be a nature reserve and the primary land use is nature conservation.
- The site is declared NNR in perpetuity or for the long term (>30 years).
- The site will be managed to exemplary standards
- Each managing body has the capability and the control of land use to meet these requirements over the long term.

Our focus area follows the Thames2Downs path which connects the River Thames with the North Downs Way. Please see attached maps which show roughly our focus area.

### **Key messages:**

- NNR’s are a voluntary declaration not a designation which means they are not required to be consulted in planning proposals.
- NNR’s do not receive direct funding, instead they provide the partnerships and forums that make it possible to apply for large-scale funding.
- To become part of the NNR, you must be an approved body. However, there can be affiliated

partners that do not meet the eligibility requirements.

- Each site's individuality will be maintained but a wider NNR management plan will provide guidance and set landscape level targets and projects.

- Outputs for the declaration process require collectively completing a 'Acquisition Proposal Form' where each party will need to justify their eligibility and reason for inclusion.

This expansion has been added to our 2024-25 business year, which provides a year to gather interested parties and begin discussions.

Next steps:

- A face-to-face meeting to have a forum to discuss the potential vision and mission of the new NNR.
- Go through declaration process and NNR partner responsibilities.
- Discuss level of commitment of each stakeholder.

## ASH DIEBACK ACTION PLAN

<b>Head of Service:</b>	Justin Turvey, Interim Head of Place Development
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	1. Ash Dieback Action Plan 2. Ash Dieback Map

### Summary

This report presents the Council's Ash Dieback Action Plan and seeks support for its adoption.

The Ash Dieback Action Plan sets out a framework for how the Council will manage Ash Dieback on trees within the borough, including removal of trees and replanting.

### Recommendation (s)

#### The Committee is asked to:

- (1) Agree to adopt the Ash Dieback Action Plan set out in Appendix 1.

## 1 Reason for Recommendation

- 1.1 There are approximately 20,000 Ash Trees located within the borough, well over 6,000 of which are on Council owned and/or managed land. Ash Dieback presents a serious risk to the health of Ash trees within the borough and nationwide.
- 1.2 Following on from the Council's Tree Management Plan, which was adopted earlier in the year, the Ash Dieback Action Plan sets out how the Council will deal with Ash Dieback through taking a risk based approach to tree inspections and works, focusing primarily on works where there is a risk to the health and safety to the public.

## 2 Background

- 2.1 Ash Dieback is the most significant tree disease to affect the UK since Dutch Elm Disease and has the potential to infect more than two billion UK Ash trees (from saplings to mature trees) and lead to the death of approximately 75-90% of them. The disease is spread by fungal spores and was first discovered in Poland in 1992 where more than 90% of Ash trees have died. The disease spread across Europe and was first recorded in the UK in 2012, with the first case in Epsom & Ewell recorded in 2014.
- 2.2 There are around 20,000 Ash trees within the borough, and the Council is responsible for well over 6,000 of them. The most immediate threat from the disease is to public safety from mature Ash trees dying and subsequently falling or shedding large limbs, but there are also implications in terms of impacts upon biodiversity and impacts on the quality and appearance of the borough's landscape.
- 2.3 The Council adopted a formal overarching tree management framework, the 'Tree Management Plan' earlier this year, and also a Tree Risk Policy in 2015. The Council has an agreed Tree Management contract in place in respect of works to trees, including any emergency works to Ash Trees. The Tree Management Plan identified that Ash Dieback would have a significant impact on trees within the borough, and this Ash Dieback Action Plan provides further detail in respect to how the Council intends to deal with the issue.
- 2.4 Recognising that it is a considerable financial challenge to deliver a robust plan to manage the effects of Ash Dieback across the borough, the Ash Dieback Action Plan sets out how the Council will deal with Ash Dieback through taking a risk-based approach to tree inspections and works, focusing primarily on works where there is a risk to the health and safety to the public.
- 2.5 The Ash Dieback Action Plan also recognises the financial challenges faced in terms of replanting. It promotes natural regeneration as a preferred approach, but also sets out that, where possible and within resource levels, the Council will aim to plant replacement trees with new specimen trees, doing so through measures such as bidding for central government grant funding. It should be noted, however, that current grant funding does not cover the cost of felling trees, and is limited to
  - Road closures and traffic management – 60% of the cost;
  - Facilitation (i.e. access works etc) – up to £24 per hour;
  - Protected Species Surveys – 80% of the cost;
  - Restocking – up to £6,000 per hectare for ancient woodland, £4,720 per hectare for other woodlands, up to £270.44 per tree or £2.29 per whip outside of woodland.



- Maintenance - £350 per hectare in woodland, up to £189 per large tree or £0.14 per whip outside of woodland.

### 3 Risk Assessment

Legal or other duties

#### 3.1 Equality Impact Assessment

3.1.1 None arising from this report

#### 3.2 Crime & Disorder

3.2.1 None arising from this report

#### 3.3 Safeguarding

3.3.1 None arising from this report

#### 3.4 Dependencies

3.4.1 None arising from this report

#### 3.5 Other

##### 3.5.1 Health and Safety

- Dead and declining large trees will pose a risk to nearby residents, property, and people using sites for recreation
- Ash, especially when dead and declining, can be extremely brittle and unstable, elevating the risk for the safety of contractors.

##### 3.5.2 Reputational

- Public anxiety over the loss of trees and changes to the landscape, risk of harm, inconvenience of closed access, potential temporary loss of electricity, telephone, broadband etc (for trees close to utilities)

##### 3.5.3 Environmental

- Impacts on recreation and amenity through loss and change of landscapes, ecosystems and biodiversity.

#### 4 Financial Implications

- 4.1 The Council recognises that it is a considerable financial challenge to deliver a robust plan to manage the effects of Ash Dieback but cannot be complacent with this issue. We will therefore take a risk-based approach to managing unsafe Ash trees, focussing on those trees that may cause harm to the public.
- 4.2 The Plan proposes natural regeneration, but grant funding will be sought to help cover the costs of planting and management for areas where planting is proposed.
- 4.3 **Section 151 Officer's comments:** The Council's annual budget for tree maintenance is in excess of £160,000. The budget target report on this agenda highlights a projected Council wide funding gap of £1.1m in 2024/25, rising to £2.5m in 2027/28. Consequently, any additional resources required to support the proposed Ash Dieback Action Plan should be identified initially from external sources such as grant funding and existing budgets. Where trees are managed by the Council on behalf of other bodies, these costs should be recovered.

#### 5 Legal Implications

- 5.1 This proposal enables compliance with obligations required by the Occupiers Liability Act 1984 and by the Health and Safety at Work Act 1974
- 5.2 **Legal Officer's comments:** None for the purposes of this report

#### 6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- 6.1.1 Green & Vibrant, Safe and Well
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** The plan supports objectives in the Biodiversity Action Plan and Climate Change Action Plan, maintaining and enhancing biodiversity and contributing to increased carbon sequestration and meeting the Council climate change targets.
- 6.4 **Sustainability Policy & Community Safety Implications:** No specific implications
- 6.5 **Partnerships:** No specific implications

**7 Background papers**

7.1 The documents referred to in compiling this report are as follows:

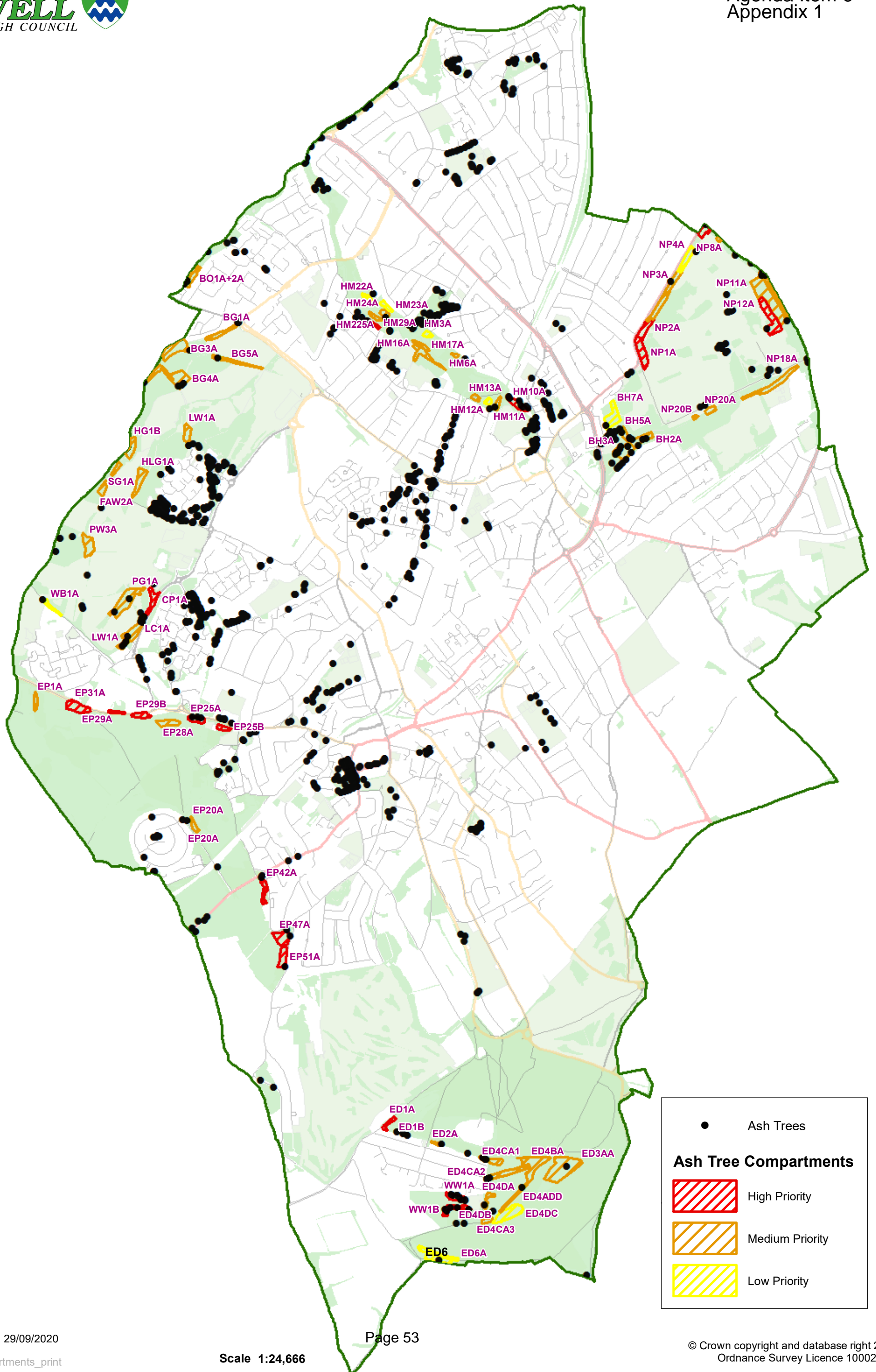
**Previous reports:**




- None

**Other papers:**

- DERFA: Grants for ash with ash dieback, February 2023;
- Epsom & Ewell Tree Management Plan 2023

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●	Ash Trees
<b>Ash Tree Compartments</b>	
	High Priority
	Medium Priority
	Low Priority



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# Ash Dieback Action Plan 2023



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3. Ash Trees and Ash Dieback in Epsom and Ewell	5
4. Legislation and Council Responsibilities	6
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Appendix 1 – Location of Ash Trees on Council land within the Borough



## 1. Introduction

Common Ash (*Fraxinus excelsior*) is a native tree found in abundance in most parts of the UK. Ash is a common feature of countryside hedgerows and woodland edges. In the urban setting it is found in a variety of areas including open spaces, urban woodlands, parks, private gardens, schools and cemeteries. Ash is prolific at self-seeding on unmaintained land and, prior to the disease, was extensively planted by woodland managers, local authorities and private landowners.

Ash Dieback (*Hymenoscyphus fraxineus*) is the most significant tree disease to affect the UK since Dutch Elm Disease and has the potential to infect more than two billion UK Ash trees (from saplings to mature trees) and lead to the death of approximately 75-90% of them.

It is necessary for the Council to set out how it will manage the anticipated impacts of the disease, focussing primarily on public safety. It is particularly important to understand the location of the disease on Council owned land to address the risk to public safety as a result of mature Ash trees dying and subsequently falling or shedding large limbs.

The loss of the ecosystem associated with Ash trees is also of concern. Not only are they important to wildlife, but Ash trees also remove pollution from the air, store carbon and intercept rainfall, and are a functioning part of a vital ecosystem. The value of these ecosystem services is substantial.

In addition to the loss of biodiversity the disease can lead to negative impacts on the quality and appearance of the landscape.

## 2. What is Ash Dieback?

Ash Dieback (*Hymenoscyphus fraxineus*) is a fungal pathogen that affects the UK's native Ash tree and other members of the *Fraxinus* species. The disease, arrived in Europe from Asia during the 1990's and has spread rapidly.

This invasive fungus causes a range of symptoms from leaf and branch dieback to death of Ash trees. The disease infects leaves, twigs, branches and occasionally stems via spores. The spores are produced from minute flask like fruiting bodies that form on the leaf rachis (stalks) which survive from the previous year's fallen leaves (see plate 1 below). In favourable warm and wet conditions during June to September, many millions of spores become airborne and ascend into the tree canopy.

Within the tree the fungus grows quickly, progressively destroying the tree's vascular system. This results in the loss of nutrients and water which depletes the tree's energy until dysfunction, dieback and death ensues. The

pathogen can also cause lesions on the lower stem and weaken trees to invasion by secondary pathogens such as decay fungus leading to death or biomechanical failure.

Initially symptoms of the disease are wilted and subsequently blackened leaves (Plate 2). As the disease progresses diamond shaped lesion are found at the base of dead side shoot (Plate 3). Stem lesions can also be seen at the base of occasional trees but not always in combination with crown dieback (Plate 4).

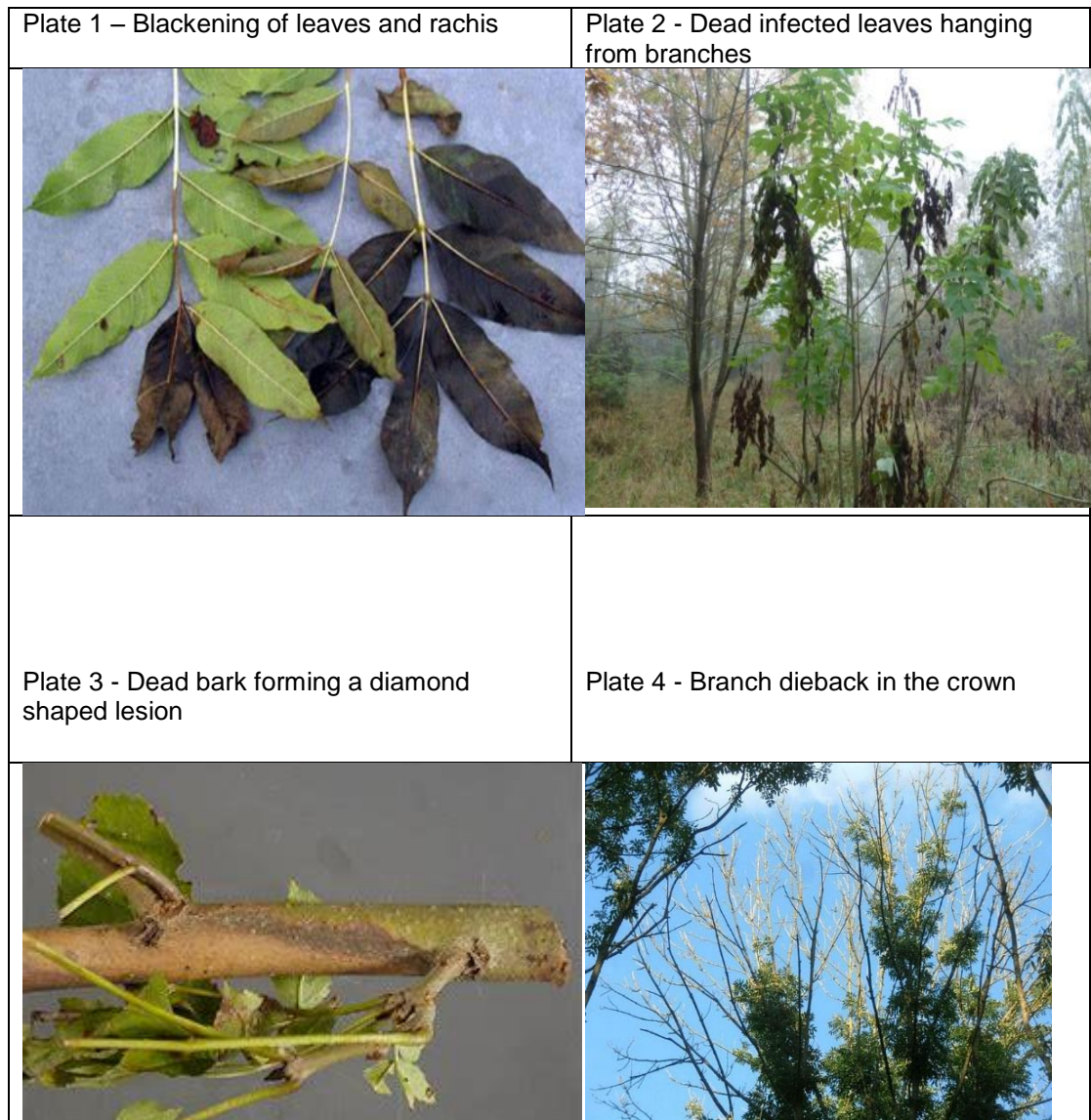


Figure 1

The Tree Council, Observatree and the Forestry Commission have online resources for the disease’s identification.

Tree Council:

[http://www.treecouncil.org.uk/Portals/0/Our%20work/Tree%20Care%20Campaign/chalara\\_summer\\_id\\_guide.pdf](http://www.treecouncil.org.uk/Portals/0/Our%20work/Tree%20Care%20Campaign/chalara_summer_id_guide.pdf)

[http://www.treecouncil.org.uk/Portals/0/Chalara%20larger%20trees\\_1.pdf](http://www.treecouncil.org.uk/Portals/0/Chalara%20larger%20trees_1.pdf)

Observatree:

<https://www.forestresearch.gov.uk/tools-and-resources/pest-and-disease-resources/chalara-ash-dieback-hymenoscyphus-fraxineus/>

Forest Research:

[https://www.forestresearch.gov.uk/documents/7087/FCPH-ADD\\_photIDChalara.pdf](https://www.forestresearch.gov.uk/documents/7087/FCPH-ADD_photIDChalara.pdf)

Once infected, a high proportion of trees will die (up to 90%). There is hope that a small percentage (approximately 10%) of Ash trees will be highly tolerant of the disease or possibly resistant. Wider research is being undertaken to identify these trees.

Since first being identified in England the disease has been found across England into Wales, Scotland and Northern Ireland. The disease has spread rapidly and is widespread in the south east of England, so it can be assumed that all Ash trees in Epsom and Ewell have been exposed to the airborne spores of the pathogenic fungus.

### 3. Ash Trees and Ash Dieback in Epsom and Ewell

It is estimated that there are 200,000 trees in Epsom and Ewell and 60,000 trees on Borough Council maintained land. There are approximately 20,000 Ash trees in the Borough (excluding saplings).

Distribution of tree species is largely due to the interaction of geography, geology soils and historical management. Higher concentrations are found on the calcareous soils at the southern end of the Borough around Epsom Downs. Moving closer to Epsom Town on the lighter base rich soils there is a transition to Beech and Yew and on free draining soil Oak, Birch and Scots Pine join the community. Ash, Hornbeam and Oak woods tend to dominate the clay soils moving further north across the Borough.

On Borough Council managed land, the estimated number of Ash trees is:

Site	Individual Ash trees	Ash trees in Woodland areas	total
Countryside Sites: Horton Country Park LNR, Hogsmill LNR, Bonesgate Open Space		2529	2529
Epsom Common LNR		705	705
Epsom and Ewell Parks	743		743
Nonsuch Park	94	1661	1755
Epsom Downs		1033	1033
Grand Total			6765

Table 1 Estimated numbers of ash trees maintained by the Borough Council (excludes sapling Ash trees).

The location of the main Ash tree concentrations in Council maintained woodlands and individual Ash trees on Council maintained sites is shown on the map at Appendix 1.

Although the largest area of woodland in the Borough is on the 177 ha site of Epsom Common Local Nature Reserve (LNR), there are comparatively few Ash trees on the site, and these predominantly occupy habitats next to roads and pathways where safety considerations are higher.

There is a large number of Ash trees on the countryside sites of Horton Country Park LNR, the Hogsmill LNR and Bonesgate Open Spaces. In Nonsuch Park the Ash are generally more mature with a high population of sizable specimens found in the woodlands especially by the Banqueting House and adjoining Cheam Recreation Ground.

Larger Ash are found on the north side of Epsom Downs around the area of The Warren, blocks of large Ash are also found in the woodlands south west of the racecourse and south of the gallops. The woodlands on The Downs are Ash dominated.

There is a historic legacy of Ash trees in Borough Parks. More mature trees are associated with park landscape establishment from the Victorian era e.g. Ewell Court Park. Other surges of Ash tree establishment occurred through the redevelopment of the Longmead Contours, around the Council housing estates of Longmead Estate and along Ashley Avenue.

Currently, Ash Dieback is present throughout Epsom and Ewell and is particularly evident on young trees and in young plantations. Initially observed on Epsom Downs (2014) and Horton Country Park LNR in (2015), the disease has spread into Ash trees of all sizes. During an inspection during the summer (2020) on Epsom Downs it was noted that significant numbers of pole stage Ash were starting to die and some larger trees were becoming more noticeably denuded from more progressive dieback. Occasional dead Ash trees were observed.



The acceleration of the disease is quicker in large areas of Ash dominated woodland because of the higher intensity of spore production, in urban areas the progression to isolated trees and stands tends to be delayed. It is anticipated that Ash tree decline will become more apparent going forward.

#### **4. Legislation and Council Responsibilities**

The Council is required by the Occupiers Liability Act 1984 to take reasonable care to “maintain its land in such a condition that it does not harm any person or damage any property.” This requirement is reinforced in certain circumstances by the Health and Safety at Work Act 1974. Trees are a potential liability and therefore it is important for the Council to comply with this duty of care for trees on land it owns and not to put persons or property at unreasonable risk from tree hazards.

The Council's tree risk management policy sets out the tree risk management framework where a programme of tree inspections are undertaken proportionate to risk on Council maintained land. To address the increased health and safety risks presented by Ash Dieback it will be necessary to focus on surveying and maintenance of Council trees in higher risk areas where there are greater levels of public access and on those trees adjacent to highways and footpaths where if the tree falls or sheds branches, there is more likelihood of damage or harm.

It is advised that Ash trees could become a safety issue where the crown dieback is 75% or greater (Health Class 4). Where there is dieback but the crown remains in the primary health classes a tree may have a degree of tolerance. Trees displaying a degree of resistance should be managed commensurate with safety and monitored where feasible.

	
<p>Health Class 1 100-75% Remaining Canopy</p>	<p>Health Class 2 75-50% Remaining Canopy</p>





	
<p>Health Class 3 25-50% Remaining Canopy</p>	<p>Health Class 4 0-25% Remaining Canopy</p>

Figure 2

Where Ash trees are considered to be at risk next to the highway safety felling works are likely to incur additional costs associated with traffic management. Road and lane closures will lead to some localised traffic disruption.



Planned tree works and tree failures will cause traffic disruption

Where Ash trees growing on land maintained by the Borough Council become hazardous to the highway Surrey County Council are likely to issue dangerous tree notices under section 154 of the Highways Act. To avoid additional liability the Borough Council will need to undertake swift reactive action to any notices received.

The Borough Council itself has a statutory duty in relation to dangerous trees that threaten private or Council property. There are likely to be additional

demands on Council administration/legal services to help identify tree owners, serve notices under the Local Government (Miscellaneous Provisions) Act 1976 to make trees safe and to recover costs.

The Forestry Commission has indicated that felling licences are required to fell stands of Ash with dieback that are not yet dead or dangerous. Felling licences require the inclusion of restocking (replanting) commitment as part of the proposal and consent may be required for trees protected by Tree Preservation Orders. A resource needs to be designated to enable the submission of these licence applications and planting plans.

Under its Planning function the number of applications to the Council to carry out works to Ash trees protected by Tree Preservation Orders and within Conservation Areas will substantially increase as a result of Ash Dieback.

There is increasing evidence that Ash trees in advanced stages of Ash Dieback become embrittled which makes dismantling them more unpredictable. There is a need for contractor's tree work risk assessments to address these risks and it is likely there will be an increase in the use of mobile elevated work platform to improve the safety of tree work arborists during the tree dismantling process.

Veteran Ash trees and those with veteran characteristics can provide valuable wildlife habitats. When planning and undertaking tree works it is necessary to comply with the following legislation designed to protect species and habitats: The Wildlife and Countryside Act 1981; The Countryside and Rights of Way Act (CROW) 2000; The Conservation of Habitat and Species Regulations 2017 and The Natural Environment and Rural Communities Act (NERC) 2006.

Every effort should be made to safeguard protected species as they will already be at risk as a result of the catastrophic loss of Ash tree and woodland habitat. Bats are one of the key protected species of concern and it is necessary to ensure that their roosts and habitat is safeguarded. The Bat Conservation Trust's publication 'Bats in Trees' provides best practice guidance on protecting bats during tree works and will be followed by the Council when carrying out Ash Dieback tree works. In accordance with the advice, works to trees that have a high bat potential will be supervised by the Council's Ecologist or other licensed bat worker.

"When liaising with landowners over infected trees the Council will make them aware of the need to safeguard protected species and habitats"

## **5. Council approach to Ash Dieback**

The risks and financial costs to the Council from Ash Dieback disease can be divided into those associated with the Council being a land manager and those resulting from its statutory functions.

Within the role as land manager the Council maintains trees on its direct Council owned land holding but also manages trees at Nonsuch Park and on Epsom and Walton Downs on behalf of the following two joint management committees:

- Nonsuch Park Joint Management Committee – Comprised of members from Surrey County Council, The London Borough of Sutton and Epsom and Ewell Borough Council and;
- Epsom and Walton Downs Conservators – Comprising Members of Epsom and Ewell Borough Council and The Jockey Club.

The Council recognises that it is a considerable financial challenge to deliver a robust plan to manage the effects of Ash Dieback but cannot be complacent with this issue. We will therefore take a risk-based approach to managing unsafe Ash trees focussing on those trees that may cause harm to the public.

The timeline for progression of the disease is set out in the diagram below. Approximately 10% of Ash trees are expected to be resilient to the disease and over time, there will be a natural recovery of the species. However, where trees are lost to Ash Dieback, replanting in these locations, will be prioritised as part of the Council’s tree planting plans.

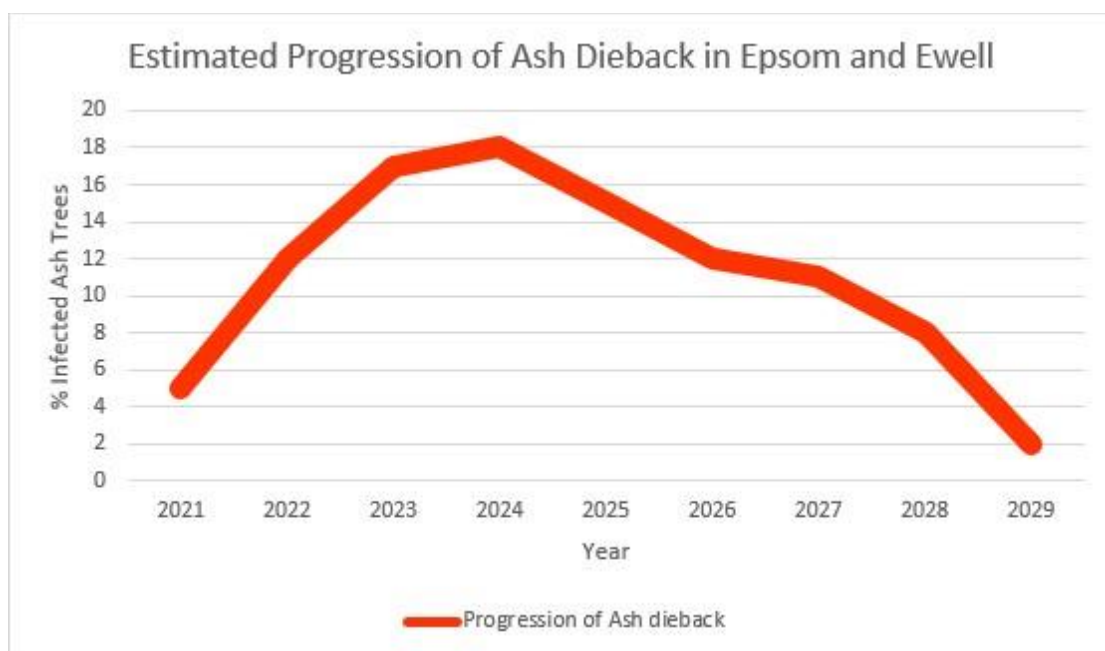


Figure 3

The diagram below sets out the approach that the Council will take to address Ash Dieback focusing on risk to public safety and where possible, within its resource to secure replanting and restocking of effected areas.



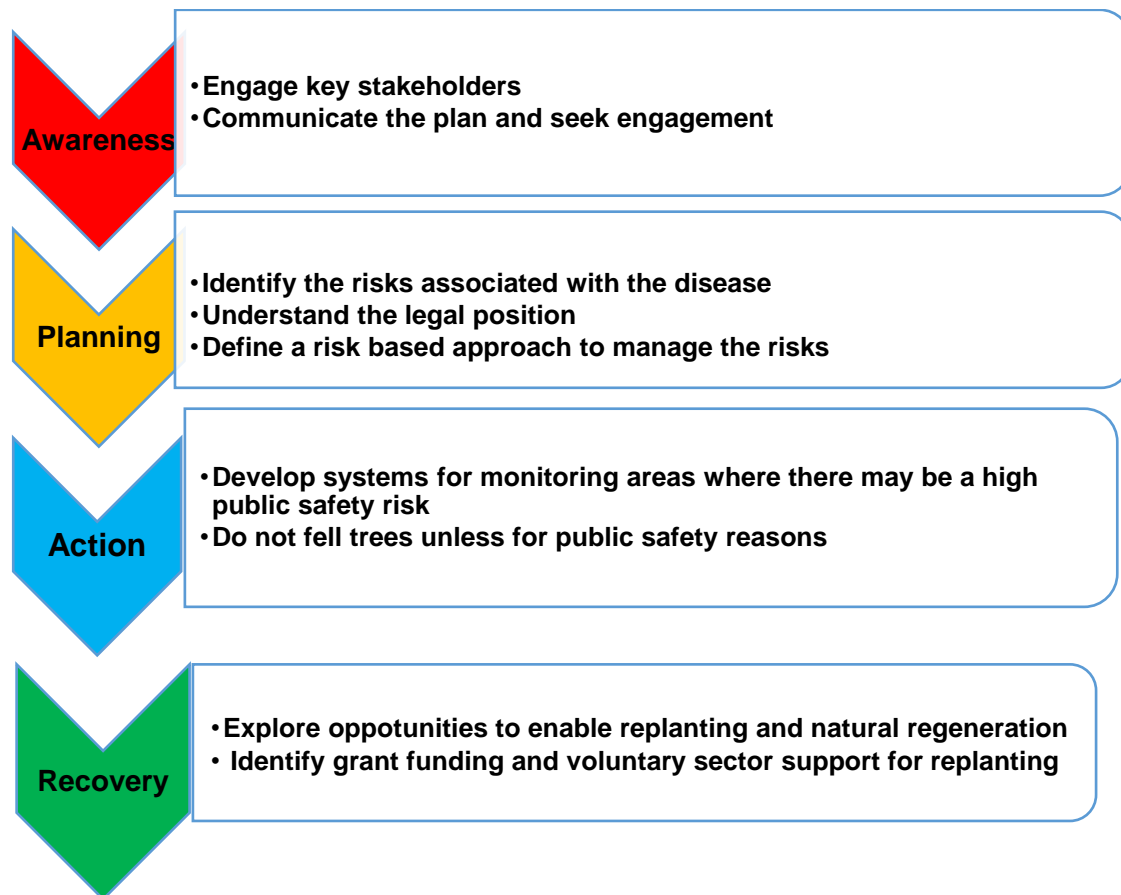


Figure 4

In addressing Ash Dieback, the Council will take a risk based approach to tree inspections and works undertaken focussing primarily of health and safety to the public in line with the Council’s Tree Risk Strategy below:

**Tree Risk Strategy**

Zone	Usage Criteria	Inspection regime
<p><b>High Risk:</b> e.g. popular car parks, play areas, adjacent to main roads (A and B) railway lines, schools, shopping areas, high use parks/open spaces. Ash dieback high risk zones.</p>	<p>High volumes of traffic High likelihood of public access.</p>	<p>Formal inspection undertaken every two years by a qualified arboriculturist through the Council’s tree contract</p>
<p><b>Medium Risk,</b> e.g., lower use open spaces and parks, cemeteries, church yards, parks, footpaths, trees</p>	<p>Moderate volumes of traffic Moderate likelihood of public access.</p>	<p>Formal Inspection undertaken every three years by qualified arboriculturalist through</p>

adjacent to lower use roads domestic property/ gardens and business premises. Ash dieback medium risk zones		the Council's tree contract
<b>Low Risk</b> e.g., low use footpaths, rural woodland paths, low use open spaces in areas with infrequent public access	Low volumes of traffic Low likelihood of public access.	General inspections by in house arboriculturalist/ operational staff and supported through the Council's tree contract

**Figure 5**

### **Tree Inspection Services on Formal Park and Open spaces**

At present, the Council's tree inspection service on high and medium risk areas is undertaken by the Council's Tree contractor on the agreed inspection regime as set out by the Tree Risk Strategy above. In low risk areas, the Council's Tree Officer and Street Care Teams also undertake tree inspection and management supported by the Council's tree contract.

There is a comprehensive computerised tree database 'Confirm Arboriculture' which includes all tree maintenance records of trees in formal public open spaces managed by the Council. From the tree inventory records it is possible to plan for the implications of Ash Dieback with a good degree of accuracy as it is known how many trees there are, what size they are and where they are.

The Council's contractor uses this information in applying the risk based approach to tree management.

### **Tree Inspection Services on Woodland sites**

A baseline survey was undertaken in 2019 to establish the location of Ash trees in woodlands which the Council manage. The survey calculated areas of woodland by compartments and sub-compartments and within these areas the likely percentage of Ash trees that would constitute a public safety risk.

The costs associated with the woodland work is higher than normal forestry rates. This is because of our urban/peri urban situation with trees generally on margins, adjoining roads, housing boundaries, footpaths and fencing often making it necessary to dismantle trees in sections using tree surgery techniques.

To manage Ash trees in areas considered low risk, council officers will cross reference areas of public access (highway and footpaths) to areas where Ash

trees are present to monitor any evidence of the disease. Inspections for these low risk areas will be undertaken by in house officers and through the tree contract periodically in line with agreed inspection regime. Where changes to the work programme are necessary due to unplanned events such as storms or service requests from residents this will be agreed by management in the Place Service Area.

### **Tree works**

For trees in areas of high and medium risk set out in the Council's Tree Risk Strategy, the parameters for tree works action will be determined following initial assessment using the Suffolk County Council Ash Tree Health Assessment Model. Once the health class (condition class) is defined and considered against a risk rating matrix on the likelihood of limb failure then the priority for management intervention and the risk to contractors is determined:

Ash trees in health class 3 (50% defoliation) are likely to require action and Ash in health class 4 (over 75% defoliation) are very likely to require action. Felling programmes will then be planned proportionate to risk. There will be a need for an initial felling programme as a first sweep, but a return visit will be required at the defined intervals to find further declining trees which are in a later stage of disease submission. This will give the best chance of saving trees with natural resistance to the disease. In some high risk and hotspot areas strip clear cutting to fell all Ash within falling distance of schools/busy roads is likely to be a more cost efficient and safer option.

Tree inspection of the Ash within high risk location will be undertaken in year 1 and medium risk locations in year 2 with a repeat inspection within 2 years. Lower risk locations will be inspected in year 3 with a repeat inspection within 3 years.

In high and medium risk locations, the need for tree works to address dangerous trees due to Ash Dieback will be inspected and identified by the Council's tree contractor who will authorise the works. Regular sample checks will be undertaken by the Council's Tree Officer to ensure that the tree contractor is applying the Council's policy correctly.

In areas considered to be low risk, the inspections will be undertaken by the tree officer and supported by the Council's tree contractor. This will be undertaken through the agreed tree inspection regime referred to above to identify the health and safety implications of trees impacted by Ash Dieback. Tree works required to address Ash Dieback in low risk areas will be considered on a case by case basis and will be agreed by management within Place Development. As part of this process, an early decision will be made whether the Countryside Team manage some or all of the woodland felling works or whether this should be undertaken by the Council's contractor. Well in advance of woodland felling work it is anticipated that the Countryside Team will process felling licenses and undertake the ecological assessments. The Countryside Team will also review the works to ensure compliance with the National Forest Standard.

### **Replanting costs**

The impact of the removal of Ash trees on biodiversity is difficult to predict but the loss of the trees will have an adverse impact on carbon sequestration and the benefit of the trees in mitigating climate change.

Natural regeneration should be promoted and managed in the first instance but, where possible and within resource levels, the Council will consider planting replacement trees with new specimen trees. At present, the Council undertakes tree planting and consideration will be given to the Council's replanting plans where specimens have been lost to Ash Dieback. The Council will also work to attract grant funding for replanting and will actively engage the voluntary sector to support plans for replanting in these locations.

Private landowners will be expected to shoulder a considerable financial burden when served dangerous Ash Tree notices by the Council. Therefore it is likely that relationships between private tree owners and officers will become strained where the Council requires works to be carried out and is unable to offer any financial assistance.

### **6. Conclusion**

It is evident that the implications of addressing the health and safety effects of Ash Dieback disease can be considerable. This has come at the most financially challenging time as the Council remains to be faced with local government austerity with budgets and priorities further impacted by the Covid19 pandemic and Cost of Living Crisis placing burdens on already severely restricted resource.

The Council will take a pragmatic approach to managing the impact of Ash Dieback focussed on risk to the public and property. It will prioritise works to keep the public safe, but financial constraints will limit the management of the disease in low risk areas. The Council will focus prioritising replanting through its annual planting regime in areas of greatest priority and through securing grant and voluntary sector support.

## 12. References

- 1 <https://treecouncil.org.uk/wp-content/uploads/2019/11/Tree-Council-Ash-Dieback-Toolkit-2.0.pdf>
- 2 Francis George Heath (1887): Our Woodland trees
- 3 Forestry Commission July (2010): The case for trees
- 4 The Tree Council (2014): Chalara in Non-woodland situations findings from the 2014 study
5. Forestry Commission (2012): NFI Preliminary Estimates of Quantities of Broadleaved Species in British Woodlands, with Special Focus on Ash. National Forest Inventory:
- 6 Hill, L. et al. (2019). The £15 billion cost of ash dieback in Britain. Current Biology 29, R301-R316, May 6, 2019.  
Elsevier Ltd
- 7 <https://www.blueskymapshop.com/products/national-tree-map>
- 8 Hall J. E., Kirby K. J. and Whitbread A. M.(2004). National Vegetation Classification: Field guide to woodland. English Nature
- 9 <https://www.suffolk.gov.uk/assets/planning-waste-and-environment/suffolks-countryside-and-wildlife/Chalara-Action-Kit.pdf>
- 10 Bats and Trees Bats Conservation Trust <https://www.bats.org.uk/about-bats/what-are-bats/uk-bats>
- 11 Town and Country Planning Act 1990 (As amended) HMSO
- 12 (Miscellaneous Provisions) Act 1982 HMSO

## 13. Acknowledgements

- 1 Flintshire County Council - Ash Dieback Action Plan
- 2 West Sussex County Council - Ash Dieback Action Plan
- 3 New Forest District Council – Ash Dieback Action Plan
- 4 The Forestry Commission – The case for trees

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## 2024/25 BUDGET TARGETS REPORT

<b>Head of Service:</b>	Brendan Bradley, Head of Finance
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	N/A
<b>Appendices (attached):</b>	None

### Summary

This report informs the Committee of the Council's revenue budget targets presented to the Strategy & Resources Committee in July. The report seeks guidance on the preparation of the Committee's service estimates for 2024/25.

### Recommendation (s)

#### The Committee is asked to:

- (1) Note the implications of the budget targets presented to Strategy & Resources Committee on 13 July 2023.
- (2) Consider how additional income or savings can be generated to address the projected Council wide funding gap of £1.1m in 2024/25, rising to £2.5m by 2027/28.
- (3) Note that owing to the Council's projected budget deficit, any additional new revenue growth items (i.e. service enhancements resulting in increased net expenditure) supported by Policy Committees will need to be fully funded from existing budgets.

## 1 Reason for Recommendation

- 1.1 The recommendations will provide a clear framework for officers to develop a balanced budget for 2024/25, which is a statutory requirement.

## 2 Background

- 2.1 Local authorities face a great deal of financial planning uncertainty over the medium term. This is mainly because central government funding settlements have tended, since the pandemic, to be limited to one-year only. In addition, the economic environment remains highly challenging and difficult to forecast, with elevated inflation impacting demand for services, and the cost of delivering those services.
- 2.2 At its meeting on 13 July 2023, Strategy and Resources Committee agreed the budget targets and workstreams to enable the Council to work towards setting a balanced budget for 2024/25 and over the next Medium Term Financial Strategy four year-period.
- 2.3 The committee noted that excluding any new growth in expenditure, additional annual income/savings of £1.1 million are projected to be needed to achieve a balance budget for 2024/25, increasing to £2.5m by 2027/28.

### **3 Full Proposals**

- 3.1 For financial planning purposes, latest forecasts show that the Council faces a projected budget deficit of £1.1m in 2024/25, rising to £2.5m by 2027/28.
- 3.2 To address this deficit, Strategy & Resources Committee agreed that the following workstreams should be progressed by Directors and Heads of Service:
  - 3.2.1 Officers to be tasked with identifying further efficiencies, although these are becoming harder to achieve after over a decade of austerity.
  - 3.2.2 A base review, which entails reviewing the year end position for 2022/23, identifying any potential savings, additional cost pressures and areas where savings can be developed.
  - 3.2.3 Service Reviews focusing primarily on discretionary services to be undertaken over the next four years with the aim of increasing efficiencies and effectiveness whilst reducing cost.
  - 3.2.4 Review of existing asset utilisation, to realise cost reductions in Council operational buildings and increased income from investment properties.
  - 3.2.5 Investigate income streams to maximise revenue from new and existing services, such as invest to save opportunities. Ensure any new powers are considered to generate additional income for the Council, such as the pending new charging policy for waste.



3.2.6 Undertake a review of reserves, providing a justification for the level of reserves retained.

3.2.7 A target to increase fees and charges income by 6% in both 2024/25 and 2025/26 (as previously agreed by S&R in July 2022), then by CPI+1% for both 2026/27 and 2027/28. Heads of Service review fees and charges annually to ensure increases are achievable and report fees and charges to policy committees for approval.

3.2.8 To maximise external funding and partnership opportunities.

3.3 Officers will maintain engagement with policy chairs and members throughout the budgeting process, and budget forecasts and assumptions will continue to be reviewed and updated throughout the process.

3.4 Furthermore, owing to the Council's projected budget deficit, for any additional new revenue growth items (i.e. service enhancements resulting in increased net expenditure) supported by policy committees, the committee or Council will need to identify how these can be fully funded from existing budgets.

#### **4 Risk Assessment**

Legal or other duties

4.1 Equality Impact Assessment

4.1.1 None for the purposes of this report.

4.2 Crime & Disorder

4.2.1 None for the purposes of this report.

4.3 Safeguarding

4.3.1 None for the purposes of this report.

4.4 Dependencies

4.4.1 None for the purposes of this report.

4.5 Other

4.5.1 The Council has a statutory duty to set a balanced budget each year, demonstrating how planned expenditure on services will be fully funded.

4.5.2 Should the Council not progress the proposed budget strategy and fail to achieve a significant net reduction in its cost of services, there is a clear risk that reserves will continue to diminish with the Council eventually becoming unable to set a balanced budget.

4.5.3 Financial risk assessments will be completed with service estimates for this Committee in January 2024 and for Council in February 2024.

## 5 Financial Implications

- 5.1 Financial implications are set out in the strategic financial planning report to Strategy & Resources Committee of 13 July 2023.
- 5.2 **Section 151 Officer's comments:** It is important that the budgets target recommendations be agreed to maintain the future financial health of the Council.

## 6 Legal Implications

- 6.1 The Council has a statutory responsibility to set a balanced budget each year.
- 6.2 **Legal Officer's comments:** None for the purposes of this report.

## 7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council.
- 7.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** None for the purposes of this report.
- 7.4 **Sustainability Policy & Community Safety Implications:** None for the purposes of this report.
- 7.5 **Partnerships:** None for the purposes of this report.

## 8 Background papers

- 8.1 The documents referred to in compiling this report are as follows:

### **Previous reports:**

- 2024/25 Strategic Financial Planning report to Strategy & Resources 13 July 2023.

### **Other papers:**

- Budget Book 2023/24.
- Medium Term Financial Strategy 2020 to 2024.

**EXCLUSION OF THE PRESS AND PUBLIC**

Under Section 100(A)(4) of the Local Government Act 1972, the Committee may pass a resolution to exclude the public from the Meeting for Part Two of the Agenda on the grounds that the business involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The following documents are included on Part Two of the agenda and have not been published:

Item 11
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The report deals with information relating to the financial or business affairs of the Committee and third parties.
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