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Democratic Services



STRATEGY AND RESOURCES COMMITTEE

Tuesday 26 March 2024 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 Strategy and Resources Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Neil Dallen (Chair)
Councillor Hannah Dalton (Vice-Chair)
Councillor Chris Ames
Councillor Shanice Goldman

Councillor Graham Jones
Councillor Alison Kelly
Councillor Robert Leach
Councillor Alan Williamson

Yours sincerely

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

Chief Executive

For further information, please contact democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live using free YouTube software.

A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for this Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions of Schedule 12A of the Local Government Act 1972 (as amended). The Committee is likely to resolve to exclude the press and public during discussion of these matters 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

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, 21 March 2024**.

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, 25 March 2024**.

For more information on public speaking protocol at Committees, please see [Annex 4.2](#) of the Epsom & Ewell Borough Council Operating Framework.

Filming and recording of meetings

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Members of the Press who wish to film, record or photograph a public meeting should contact the Council's Communications team prior to the meeting by email at: communications@epsom-ewell.gov.uk

Filming or recording must be overt and persons filming should not move around the room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non-handheld devices, including tripods, will not be allowed.

AGENDA

1. QUESTIONS 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 PREVIOUS MEETING (Pages 5 - 12)

The Committee is asked to confirm as a true record the Minutes of the meeting of the Committee held 25 January 2024 (attached) and to authorise the Chair to sign them.

4. PLANNED MAINTENANCE REPORT 2024-25 (Pages 13 - 24)

This report provides an update on the current financial year's approved 2023-24 planned maintenance programme and requests approval for the planned maintenance programme for the next financial year 2024-25.

5. ESTABLISH TOWN HALL SITE WORKING GROUP (Pages 25 - 28)

To establish a cross party Member Working Group to explore proposals around the development/disposal of the current Town Hall site.

6. STONELEIGH FLATS FOR TEMPORARY ACCOMMODATION (Pages 29 - 36)

This report proposes that the Council progresses the grant of an underlease from Surrey County Council to use two Stoneleigh Community Library maisonettes as temporary accommodation for homeless households.

7. CHALK PIT (Pages 37 - 70)

This report sets out the matters considered by the council's Environment Committee on 23rd January 2024 in respect to the options available to respond to complaints of noise from Epsom Chalk Pit.

Following consideration, as funding could not be found from existing budgets and internal resource could not support the work, the Environment Committee resolved that Strategy and Resources Committee be requested to identify funds of £140,000 to instruct external noise consultants to conduct a fresh investigation into activities at Epsom Chalk Pit.

The £140,000 is the total sum anticipated to be needed and is made up of £40,000 for the work to be carried out, £50,000 to support any enforcement action/litigation and a further £50,000 payable to the Appellant in the event of a successful appeal. These amounts can not be considered in isolation from each other in considering the potential total cost to the council.

Members should note that such further external investigation would only proceed if a significant level of complaints continued, despite the required buildings being constructed and commissioned and officers agreed that, in their professional judgement, such work was warranted.

8. EXCLUSION OF PRESS AND PUBLIC (Pages 71 - 72)

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 paragraphs 3 and 7 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.

Minutes of the Meeting of the STRATEGY AND RESOURCES COMMITTEE held at the Council Chamber, Epsom Town Hall on 25 January 2024

PRESENT -

Councillor Neil Dallen (Chair); Councillor Hannah Dalton (Vice-Chair); Councillors Chris Ames, Shanice Goldman, Graham Jones, Alison Kelly, Robert Leach and Alan Williamson

Officers present: Jackie King (Chief Executive), Andrew Bircher (Interim Director of Corporate Services), Brendan Bradley (Head of Finance), Piero Ionta (Head of Legal Services and Monitoring Officer), Debbie Childs (Head of HR and OD) (agenda items 32-36 only), Katherine Lloyd (Communications & Engagement Manager) (agenda items 32-35 only) and Phoebe Batchelor (Democratic Services Officer)

32 QUESTIONS AND STATEMENTS FROM THE PUBLIC

One question was received and delivered verbally at the meeting by a Member of the Public.

The Chair informed the member of the public that a written response would be provided following the meeting.

In response to a point of order raised by Councillor Chris Ames, the Chair informed the Committee that he was not in a position to provide a clear response to the public question at the present time. The Chair invited the comments of the Head of Legal. The Head of Legal informed the Committee that there were particular circumstances where the council was not able to provide an answer to the question prior to this meeting and that an answer would be provided in writing as soon as practical after the meeting. The member of the public had been informed of these reasons in writing in advance of the meeting.

33 DECLARATIONS OF INTEREST

The Chair acknowledged that there was an item on the agenda regarding councillor pay and it was taken as read that this interest is declared by all Members of the Committee.

No declarations of interest were made in relation to any other items of business to be discussed at the meeting.

34 MINUTES OF PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 14 November 2023 and the Minutes and Restricted Minutes of the Special Meeting of the Committee held on 12 December 2023 and authorised the Chair to sign them.

35 COMMUNICATIONS STRATEGY

The Committee received a report providing details of the newly developed Epsom & Ewell Borough Council Communications Strategy for the 2024-28 period.

The following matters were considered:

- a) **Public access to information.** In response to a question from a member, the Committee was informed that Councillor Briefings were intended as a safe and confidential space obtain information and provide a steer to officers about matters that would come to committees for a decision. The Head of Legal and Monitoring Officer informed the Committee that councillors should feel able to disclose to third parties that they were attending a briefing but advised that they should not disclose the nature of the briefing, particularly if it is unclear whether it is a confidential briefing or not. The Committee noted that this matter was not an issue addressed by the Communications Strategy as it was a matter falling within the Council's Constitution.
- b) **Press releases.** In response to a question from a member, the Chair informed the Committee that press releases were prepared in advance of meetings to ensure that information was provided to the public promptly and effectively following a decision being made.

Following consideration, the Committee resolved with 7 votes for and 1 vote against to:

- (1) **Agree that the 2024-28 Communications Strategy be adopted as a living document.**

36 EPSOM & EWELL BOROUGH COUNCIL PAY POLICY STATEMENT

The Committee received a report introducing the draft Epsom & Ewell Borough Council Pay Policy Statement for 2024/25 and seeking approval of the Statement prior to its presentation to Full Council and subsequent publication on the Council's website.

The following matters were considered:

- a) **Increase to national minimum wage.** In response to a question from a member, the Head of People and Organisational Development informed the Committee that the increase to the national minimum wage in April

2024 would affect very few of the Council's staff but that work to implement it would be undertaken prior to April.

- b) **Chief Officer loss of office.** In response to a question from a member, the Head of People and Organisational Development informed the Committee that in the instance of Chief Officer loss of service, each situation would be considered on an individual basis relevant to the circumstances. The Pay Policy Statement set out a consistent method for determining payment in cases of redundancy and the Council's Pension Scheme Discretions Policy would be applied in other situations according to the individual situation.
- c) **Returning redundancy payment.** In response to a question from a member, the Head of People and Organisational Development confirmed that if an employee is required to return a redundancy payment to the Council due to leaving the Council's employment and subsequently returning within 4 weeks, their continuous service would be maintained unbroken.

Following consideration, the Committee unanimously resolved to:

- (1) **Approve the draft Pay Policy Statement for 2024/25.**
- (2) **Agree that the draft Pay Policy Statement for 2024/25 is referred to Full Council for approval.**

Following consideration of this item, the Chair informed the Committee that the Head of People and Organisational Development was due to leave the council's employment imminently to take up a position elsewhere. The Committee expressed its gratitude to the Head of People and Organisational Development for her work on behalf of the Council and wished her well in her new role.

37 ANNUAL PLAN 2024-2025

The Committee received a report asking the Committee to approve the Annual Plan for the council for 2024 – 2025. The Committee noted that a supplement to the agenda had been published in advance of the meeting to provide three items which had not been included previously due to a publication issue.

The following matters were considered:

- a) **Budget implications.** Following a question from a member, the Head of Finance informed the Committee that a budget gap of c.£600,000 to be funded from reserves was projected for 2024/25. The Committee was informed that there might be a slight reduction in amount the following the recent announcement of funding from the government. The Council was still awaiting confirmation of the amount of funding to be provided.

The Head of Finance informed the Committee that the Council would need to continue to review its services, finding more efficient ways to deliver them or provide additional income.

- b) **CIL Protocol.** Following a question from a member, the Chair informed the Committee that a new Community Infrastructure Levy (CIL) Protocol had been approved by the Licensing and Planning Policy Committee last week. The Chair informed the Committee that the target date for consideration and response to CIL applications was November 2024.

Following consideration, the Committee resolved with 6 votes for, 1 abstention and the Chair not voting to:

- (1) Approve the Annual Plan 2024-2025 at Appendix 1.**

38 POLLING DISTRICT AND POLLING PLACES REVIEW

The Committee received a report setting out the outcome of the consultation process on Polling Places and Districts and making recommendations for proposed changes.

Following consideration, the Committee unanimously resolved to:

- (1) Agree the location of the polling places and districts as set out in Appendix 1 to the report for a five-year period from 1st March 2024, or until it is superseded by any subsequent review of any polling place or district; and**
- (2) Delegate to the Chief Executive in their capacity as the Council's Returning Officer any ongoing review or change of polling places during this period, to ensure that polling arrangements in the Borough remain fit for purpose for each election called.**

39 REPORT OF THE INDEPENDENT REMUNERATION PANEL

Further to the appointment of an Independent Remuneration Panel ('IRP') by Full Council at its July 2023 meeting, a report outlining their review of the Council's Member Allowance Scheme and recommended changes was brought to the Committee for its review and recommendation to Full Council.

The following matters were considered:

- a) **Comparison with historical data.** A member informed the Committee that from their analysis of historical data, the basic Members Allowance had increase by an average of 2.1% per year since 2014. The member informed the Committee that on the basis that a councillor spent 15 hours a week working on Council duties, the current basic allowance equated to £5.17 per hour. The member expressed that this amount was half the national minimum wage.

The member informed the Committee that if Option B, as set out in the IRP's report was adopted, it would provide an annual increase of 5.5% since 2014 and an hourly rate of £7.36. The member informed the Committee that if Option B + 6% indexation for 2024/25 was adopted as set out in the report, it would provide an annual increase of 6.17% since

2014 and an hourly rate of £7.80. The member expressed that these figures were still lower than the national minimum wage.

- b) **Diversity of councillors.** A member expressed the view that members allowances needed to be at a sufficient level to enable a diverse range of people to undertake the role of a councillor.
- c) **Standards and Constitution Committee.** The Committee considered the recommendation of the IRP that the Special Responsibility Allowance for the Chair and Vice Chair of the Standards and Constitution Committee be increased.
- d) **Thanks to Panel and Officers.** The Committee requested that it's thanks to the members of the IRP and the Council's Democratic Services Manager and Democratic Services Officer for their work in undertaking the review of allowances be recorded in the minutes.

Following consideration, the Committee unanimously resolved that:

- (1) The report and recommendations of the IRP are noted.**

Resolved with 5 votes for, 1 against, 1 abstaining, and the Chair not voting that:

- (2) The Members Allowances Scheme be updated to accept Option B (as set out in para 2.6 and Appendix 1 to the report)**
- (3) The SRA for the Chair of the Standards and Constitution Committee should be increased from 10% to 30% of the Basic Allowance from 1 April 2024.**

Resolved with 4 votes for, 1 against, 2 abstaining, and the Chair not voting that:

- (4) The SRA for the Vice Chair of the Standards and Constitution Committee should be increased from 5% to 15% of the Basic Allowance from 1 April 2024.**

Resolved with 5 votes for, 2 abstaining, and the Chair not voting that:

- (5) The SRA for Chair of Human Resources Panel should be withdrawn from the end of this municipal year.**
- (6) The SRAs for 2024/25 to be in accordance with those listed in Appendix 1 of the IRP report.**

Unanimously resolved:

- (7) That the Council's existing Dependants Carers Allowance continues without amendment.**

Resolved with 5 votes for, 2 abstaining, and the Chair not voting that:

- (8) The Annual Indexation of Basic and Special Responsibility Allowances in line with the ‘cost of living’ percentage increase in staff salaries should be implemented from 1 April 2024 /or 1 April 2025 for the next two financial years.**

Unanimously resolved:

- (9) To fund any increases to the Members Allowances Scheme that arise from the above recommendations, officers will need to be tasked with identifying compensating savings/additional income within services.**
- (10) The Panel be instructed to review the Scheme on or before December 2025, as to the following specific issues:**
- (a) A full review of Special Responsibility Allowances (SRAs) be undertaken, in particular the ‘One SRA per Councillor’ rule;**
 - (b) Explore awarding a SRA for the Mayor and Deputy Mayor, and**
 - (c) To review and propose a policy for pre-approved payments for travel, subsistence and attendance at conferences, seminars and other official Council business outside of the borough, having reviewed how this should work in future.**

40 REVENUE BUDGET AND CAPITAL PROGRAMME 2024/25

The Committee received a report setting out estimates for income and expenditure on services in 2024/25 and recommending fees and charges for which the Committee is responsible, with the new charges being effective from 1 April 2024. The report also detailed council tax discount bands for 2024/25, a capital scheme proposal and seeks approval to include the project in the capital programme to be submitted to Full Council in February 2024.

The following matters were considered:

- a) **Pay inflation.** In response to a question from a member, the Head of Finance informed the Committee that over the long term, it was anticipated that progression-related pay inflation would eventually become neutral due to staff who had achieved progression leaving the Council and new staff joining on lower pay points.
- b) **Hire of the Town Hall.** In response to a question from a member, the Chair informed the Committee that charges for hire of the Town Hall rooms were included in the report, but that external hire was rarely undertaken. The Chair informed the Committee that the charges were present in case an enquiry for hire was received.
- c) **Cost of Homelessness services.** The Committee noted the cost of homelessness services to the Council and the work of the Council’s Housing department to reduce the impact of homelessness in the

Borough. The Council was considering a number of initiatives to reduce homelessness.

Following consideration, the Committee resolved with 5 votes for, 2 abstaining and the Chair not voting to:

- (1) **Recommend the 2024/25 service estimates for approval at the budget meeting of Full Council in February 2024;**
- (2) **Recommend the 2024/25 fees and charges, as set-out in Appendix 1 of the report, for approval at the budget meeting of Full Council in February 2024;**
- (3) **Agree the Council Tax Discount bands for 2024/25, as set-out in section 9 of the report;**
- (4) **Support the future savings options as set out in 5.2 of the report for inclusion in the Medium Term Financial Strategy.**
- (5) **Submit the capital programme for 2024/25 as identified in section 8 of the report to the Full Council for approval in February 2024;**
- (6) **Note the provisional forecast of schemes for the capital programme for 2025/26 to 2028/29.**

41 URGENT DECISIONS

The Committee received a report setting out decisions taken by the Chief Executive and Directors on the grounds of urgency, in compliance with the requirements of the Constitution.

The following matter was considered:

- a) **Household support fund.** In response to a question from a member, the Head of Finance informed the Committee that the £25,000 returned to the Council would be used to provide residents in receipt of council tax discounts or housing benefits with a more meaningful award than would otherwise be the case.

Following consideration, the Committee unanimously resolved to:

- (1) **Note the urgent decisions taken and the reasons for those decisions, since the last meeting of the Committee.**

The meeting began at 7.30 pm and ended at 8.38 pm

COUNCILLOR NEIL DALLEN (CHAIR)

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PLANNED MAINTENANCE REPORT 2024-25

Head of Service:	Mark Shephard, Head of Property and Regeneration
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Current year progress 2023-24 Appendix 2 – Proposed works for 2024-25

Summary

This report provides an update on the current financial year's approved 2023-24 planned maintenance programme and requests approval for the planned maintenance programme for the next financial year 2024-25.

Recommendation (s)

The Committee is asked to:

- (1) To note the progress and anticipated spend at the end of the current year 2023-24 as shown in Appendix 1.
- (2) To note the additional emergency works raised and carried out in the 2023-24 planned maintenance programme.
- (3) To approve the 2024/25 planned maintenance programme at an estimated cost of £562,000 as set out in Appendix 2, to be funded from planned maintenance budgets and the Property Maintenance Reserve.
- (4) Subject to the Council's financial and contract requirements, to nominate and authorise the Head of Property and Regeneration to make changes within the 2024-25 planned maintenance programme to cover unforeseen matters (such as tender price variances) of up to, but not exceeding £20,000.
- (5) To agree to transfer the unspent budgets back to the Property Maintenance Reserve at the end of the financial year.

1 Reason for Recommendation

- 1.1 Ensuring the Council's property assets are protected and maintained is essential in meeting its health & safety obligations and providing fit for purpose working environments.

2 Background

- 2.1 At its meeting on 28 March 2023, this Committee agreed to fund the planned maintenance programme for the current financial year 2023-24 in the sum of £539,000.
- 2.2 This figure is funded from the £210,000 budgeted each year to fund planned maintenance, with the remainder of £329,000 taken from the Property Maintenance Reserve.
- 2.3 It should be noted that the budgets were derived in February 2023 and the following spend analysis (against last year's budget) takes account of forecasted expenditure up to the end of March 2024 i.e. one year later.

3 Current year 2023-24 update (Appendix 1)

3.1 Proposed Works

- 3.2 The phased replacement of LED lighting to Bourne Hall, Playhouse, Ewell Court House and Gibraltar Recreation Ground continued with 95% of the lighting in buildings changed (the exception being the Old Town Hall due to the future move). The spend was £56,000 exceeding the budget by £6,000.
- 3.3 A significant saving was made to the Roller Shutters allocated repair budget of £40,000 as the majority of the ad hoc repairs could be met from the existing day-to-day Facilities Management (FM) budget. The expenditure incurred was only £5,575 providing a saving of almost £35,000 against budget.
- 3.4 Thermal insulation works were carried out to Longmead Depot and the Playhouse Cottages at a cost £14,000 providing a £6,000 saving against the £20,000 budget.
- 3.5 New drainage pipes, relining and rectification of collapsed drains was identified as a budget requirement from previous CCTV surveys. Issues were addressed at King Georges Field where drains were collapsing under the football pitch and at Shadbolt Park, blockages affecting the doctors surgery (a council tenant) were rectified. The forecast spend is £10,000 against a budget of £20,000.
- 3.6 The replacement of existing windows with triple glazed thermally efficient alternatives were completed at Longmead Depot. The Playhouse Cottages have had secondary glazing fitted as listed building status prevented modern equivalents. The replacement Playhouse Theatre windows have been ordered but will not be fitted until April 2024 due to a delay in the manufacturing process.

- 3.7 We are pleased to report that staff at the Longmead Depot have noticed a real benefit from the increased thermal properties of the new windows and this continues our commitment to carbon reduction and sustainability. £49,756 has been spent out of the £80,000 proposed budget.
- 3.8 The provision of new automatic doors to create a lobby at the Playhouse entrance (and thereby increase the thermal efficiency of the building) was cancelled as further investigation identified that the loss of foyer space would be operationally detrimental to the Playhouse. There was therefore no spend against the £15,000 proposed budget.
- 3.9 The replacement of fan coil heaters in the Playhouse Cottages with energy efficient air source heat pumps continued the Council's commitment to tackle climate change at a cost of £22,444, marginally over the £20,000 budget estimate.
- 3.10 The Ashley Centre Car Park staircase was redecorated including walls, ceiling, floor and also the renewal of the staircase roof at a cost of £36,000 which exceeded the proposed £30,000 budget by £6,000. This was due to extra works to the staircase roof from level 4 adjoining Global House. The roof panels were blown off in high winds and required high level scaffolding and urgent repairs.
- 3.11 Ewell Court House received essential roof repairs and new chimney cowls. However, this work was less than originally envisaged and could be carried out from the day-to-day FM contract budget. Consequently, the proposed budget of £37,000 was not spent.
- 3.12 Similarly, there was no expenditure incurred from the original budget of £5,000 to replace the automatic doors to Ewell Court House library. The work was not required as the door controller was fixed from unused budget in the FM contract.
- 3.13 The Gibraltar Recreation pavilion fan heater was not replaced as intended from the proposed £7,000 budget. The existing fans were cleaned and found to be serviceable.
- 3.14 Health & Safety repairs to hard surfaces included resurfacing, potholes, trip hazards and defective surfaces reported via streetcare and the public. The spend was £48,352 from a proposed budget of £50,000.
- 3.15 Emergency repairs to walls and fences included restoration repairs carried out to Bourne Hall's concrete lattice wall and memorial wall repairs. Emergency repairs were also undertaken to Ewell Court House Grotto, steps, patio wall repairs and areas outside Bambini's Nursery. The spend was £44,547 which exceeded the proposed £40,000 budget. This was due to the excessive number of repairs required within this year's budget allocation. The Council is required to keep all listed and historic walls owned within conservation areas maintained to a standard that prevents the failure and collapse of the walls.

3.16 Regulatory Works

- 3.17 Asbestos management works totalled £5,950 against a proposed budget of £10,000.
- 3.18 Fire Risk Assessments and remedial works were the highest cost element of the regulatory works (following more stringent requirements primarily due to the Grenfell Tragedy). Areas upgraded include the Playhouse, Bourne Hall, Longmead Depot, Wellbeing Centre and residential properties. The works consist of fire door replacement and repairs, signs, fire insulation, fire alarm improvements and compartmentation. The incurred expenditure was £80,000 exactly on the proposed budget of £80,000.
- 3.19 Remedial electrical works required from the 5 yearly fixed electrical tests cost £8,770 against a proposed budget of £15,000.
- 3.20 Energy efficiency works included replacement meters, repairs and upgrades to reduce the Council's carbon footprint from more accurate monitoring. The spend was £10,000 equating to the proposed budget.
- 3.21 Works to watercourses consist of emergency clearances of streams and waterways including protection works to the Great Pond dam. Spend was £3,925 against a proposed budget of £5,000.
- 3.22 Water efficiency consists of replacement meters, repairs and upgrades to reduce usage and repair leaks. This year included a major overhaul of defective meters and cost £12,389 against a proposed budget of £5,000. This was due to failed water meters and these are essential in remote monitoring of our water usage to highlight leaks or problems
- 3.23 Essential Health and Safety works were carried out to the Hogsmill Bridge. This included structural reinforcement, repairs and redecoration together with environmental protection to the Hogsmill Stream while the works were carried out at a cost of £17,990. The works were unbudgeted.

3.24 Summary

- 3.25 It is expected that the 2023-24 Budget of £539,000 will not be fully spent and allowing for actuals and commitments, the spend is forecast to be around £430,000.
- 3.26 The remainder of £109,000 can be returned to the Property Maintenance Reserve. The purpose of the Property Maintenance Reserve is precisely to even out unforeseen budget over and underspends from year to year.

4 Proposals

- 4.1 The planned maintenance budget is set at £230,000 for the forthcoming year, with variations to the budget subject to Committee approval.

- 4.2 The Proposed works for 2024-25 are set out at Appendix 2
- 4.3 Committee is asked to approve these proposed works for 2024-25, at an estimated cost of £562,000 to be funded by the standard annual planned maintenance budget of £230,000 and the remainder of £332,000 to be taken from the Property Maintenance Reserve.
- 4.4 The proposed works are considered necessary as they comprise of either:
 - 4.4.1 Essential maintenance items or
 - 4.4.2 required to meet statutory and / or commercial tenant lease obligations.
- 4.5 Approval is also sought to allow officers authority to make changes within the programme up to, but not exceeding £20,000, in order to cover variances that arise when obtaining quotes that may be higher or lower than the proposed budget.

5 Risk Assessment

Legal or other duties

- 5.1 Equality Impact Assessment
 - 5.1.1 Various works have an impact on the running of operational buildings and works will be managed to minimise impact.
- 5.2 Crime & Disorder
 - 5.2.1 None
- 5.3 Safeguarding
 - 5.3.1 None
- 5.4 Dependencies
 - 5.4.1 None
- 5.5 Other
 - 5.5.1 None

6 Financial Implications

- 6.1 The financial implications are set out within the proposals above.
- 6.2 It is anticipated that the proposed works for 2024/25 can be undertaken without causing a breach of the Council's 5% VAT partial exemption limit. Quarterly forecast calculations will be produced to monitor the ongoing taxation position throughout the year.

6.3 The planned maintenance budget for 2024/25 stands at £230,000. The proposed 2024/25 maintenance programme, at an estimated cost of £562,000 is £332,000 higher than the budget. This difference could be funded from the Property Maintenance Reserve; the reserve currently holds a forecast unallocated balance of £568,000.

6.4 Allocating £332,000 from the Property Maintenance reserve would result in an estimated £15,000 reduction in annual treasury management income, assuming investment returns of 4.5%.

6.5 **Section 151 Officer's comments:** Financial implications are set out in the body of the report.

7 Legal Implications

7.1 **Legal Officer's comments:** None arising from the contents of this report.

8 Policies, Plans & Partnerships

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

8.1.1 Effective Council

8.1.2 Work with partners to reduce our impact on the environment and move closer to becoming carbon neutral.

8.1.3 Encourage high quality design which balances the built environment with new open green spaces.

8.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

8.3 **Climate & Environmental Impact of recommendations:**

8.4 Various projects within the programme are energy saving and will have a positive effect on climate change by reducing carbon emissions.

8.5 **Sustainability Policy & Community Safety Implications:**

8.6 The scope of works within the planned maintenance programme for 2023/24 and the proposed works for 2024/25 contribute to the achievement of the Council's objectives for sustainability.

8.7 **Partnerships:** None

9 Background papers

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

Previous reports:

- Strategy & Resources Committee 28 March 2023 – Planned Maintenance Programme 2023-24

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=132&MId=1300>

Other papers:

- None

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APPENDIX ONE: PLANNED MAINTENACE PROGRAMME 2023-24

Location	Proposed Works	£000's	Comment/Justification	Spend
Bourne Hall, Playhouse	Replacement lighting with low efficiency LED lights to the remaining locations.	50	Works complete, carried out to Bourne Hall, Playhouse, Ewell Court House, Gibraltar Rec.	56,000
Various council buildings	Repairs and replacement of roller shutters	40	Some of these works were carried out on ad hoc maintenance budget and so allocation was not required.	5,575
Various council buildings	Provide and install insulation to prevent heat loss and tackle climate change	20	Fitted insulation to the Playhouse Cottages and ceiling areas in the Longmead Depot.	14,000
Various council buildings	New drainage pipes, relining and rectification of collapse drains picked up on CCTV surveys.	20	Works carried out to King Georges field drains collapsing under football pitch.	10,000
Playhouse, Longmead Depot	Replace existing windows with triple glazed thermally efficient windows.	80	Majority of works complete with positive comments from Depot staff, much warmer and less drafty. Playhouse windows ordered but cannot be installed until April 2024	49,756
Playhouse	Provide new automatic doors to create lobby at entrance to increase thermal efficiency of building	15	Works cancelled as Playhouse did not want to lose space in foyer with new set of doors	0
Playhouse	Replace fan coil heaters in the cottages	20	Works complete.	22,444
Ashley Centre car park	To redecorate one staircase including walls ceiling, floors and roof repairs	30	This included additional roof replacement on staircase damaged by high winds.	36,000
Ewell Court House	Roof repairs and new cowls to Chimneys	37	Carried out on ad hoc maintenance.	0

Ewell Court House	Replace automatic doors to library	5	Fixed controller on ad hoc maintenance, no spend.	0
Gibraltar rec	Fan heater replacement	7	Not required	0
Hard surfaces	Health & Safety repairs to hard surfaces	50	Resurfacing, pot holes, trip hazards and defective surfaces.	52,000
Walls and fences	Emergency repairs to walls and fences	40	Bourne Hall new concrete lattice wall replacement and repairs, memorial wall repairs, Ewell Court House grotto, steps, and patio wall repairs, areas outside nursery.	44,547
Regulatory works				
Asbestos	Surveys, inspections, labelling, removal & encapsulation	10	Legislative must be carried out annually.	5,950
Fire Risk Assessments	Inspections for F.R.A, Repairs and upgrades following Inspections.	80	Areas upgraded include the Playhouse, Bourne Hall, Longmead Depot, Wellbeing Centre and residential housing properties.	80,000
Remedial Electrical works	Condition inspections and remedial works	15	Legislative must be carried out every 5 years.	8,770
Energy efficiency	Replacement meters, repairs and upgrades to reduce carbon foot print.	10	Monitoring via meters helps determine high usage and issues with plant.	10,000
Watercourses	Emergency clearances of streams and waterways	5	These works prevent flooding and ensure free flowing waterways.	3,925
Water efficiency	Replacement meters, repairs and upgrades to reduce usage and repair leaks	5	Monitoring highlights leakages and high usage	12,389
	Total	539		
Emergency works				
Health & Safety	Hogsmill Bridge Repair	0	Urgent structural Health and safety repairs to bridge including redecorations	17,990
	Total			429,346

APPENDIX TWO: PLANNED MAINTENANCE PROGRAMME 2024-25

Location	Proposed Works	£000's	Comment/Justification
Beaconsfield wall reinstatement	This was requested via capital bid process but not agreed and recommended to come out of the planned maintenance budget, the wall is cracked and dangerous.	60	The wall is listed and must be reinstated in approved manor to satisfy heritage requirements and building regulations.
Various council buildings	New drainage pipes, relining and rectification of collapse drains picked up on CCTV surveys.	20	Essential to keep our infrastructure working. Blocked drains, root damage and breaks in the pipework causing blockages and water leaks.
Horton Country Park Workshop & Boxing Club Roof	The existing roof has been leaking in the Lower mole workshop and boxing club and is asbestos. Replace with insulated aluminium roof panels.	110	This will prevent roof leaks and remove the constant issue of management of asbestos to this building.
King Georges field, Poole rd Pavilion.	Replace air handling parts in roof area damaged by water ingress.	20	The air handling system which heats the building was damaged by water leaks through roof. The building is hired out and needs to have suitable heating.
Upper Mill Pond	Remove silt storage ponds and fencing and level and spread silt/soil over existing grounds.	10	Works to tidy up area by Uppermill pond after large Pond works located silt storage to dry up after removing from pond.
Ashley Centre car park	Re-paint staircase floors to 3no staircases.	20	Due to high usage these floors require painting every 4 years.
Ewell Court House	External Decorations.	70	The paint is flaking off and timber exposed, the longer it is left the more repairs to rotten wood will be required all buildings should be painted externally at least every 5-7 years.
Ewell Court House	Install new Trend controllers and IQ4 display for heating control.	12	The existing controllers are broken and require replacement.
West Park Farmhouse	Render and brickwork repairs	30	Experiencing high moisture levels internally as brickwork mortar cannot breathe. This is causing issues with the existing housing tenant.

			Replace mortar and render with lime-based mortar and render.
Hard surfaces	Health & Safety repairs to hard surfaces	50	Resurfacing, potholes, trip hazards and defective surfaces.
Walls and fences	Emergency repairs to walls and fences	40	Throughout the year dangerous and defective areas are reported which have to be repaired on an urgent basis under Health & Safety.
Playhouse Cottages	Decoration and repairs externally to windows and rendered walls.	10	Windows are in poor condition, rotting and paintwork looks flaking off.
Carry over Works			
Playhouse Theatre	Window Replacement	25	The works were ordered before Christmas but due to a delay in manufacturing the windows are not being installed until April 2024
Regulatory works			
Asbestos	Surveys, inspections, labelling, removal & encapsulation	10	Legislative must be carried out annually.
Fire Risk Assessments	Inspections for F.R.A, and repairs and upgrades following Inspections.	40	Changes coming into effect due to the Building Safety Act in March 2022. Legislative must be carried out annually.
Remedial Electrical works	Condition inspections and remedial works	15	Legislative must be carried out every 5 years.
Energy efficiency	Replacement meters, repairs, and upgrades to reduce carbon footprint.	10	Monitoring via meters helps determine high usage and issues with plant.
Water efficiency	Replacement meters, repairs, and upgrades to reduce usage and repair leaks	5	Monitoring highlights leakages and high usage
Watercourses	Emergency clearances of streams and waterways.	5	These works prevent flooding and ensure free flowing waterways
	Total	562	

ESTABLISH TOWN HALL SITE MEMBER WORKING GROUP

Head of Service:	Mark Shephard, Head of Property and Regeneration
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	None

Summary

To establish a cross party Member Working Group to explore proposals around the development/disposal of the current Town Hall site.

Recommendation (s)

The Committee is asked to:

- (1) Establish a Strategy and Resources Member Working Group with terms of reference as set out in paragraph 2.2 of this report to take forward the work around the development/disposal of the current Town Hall site.**

1 Reason for Recommendation

- 1.1 To provide the mechanism for a cross party Member Working Group to determine the Council's position on issues and proposals relating to the future of the existing Town Hall site. The outputs will result in reports back to the Strategy and Resources Committee, and in turn Full Council.

2 Background

- 2.1 At its 13 July 2023 meeting, Committee agreed to the procurement of a specialist regeneration and development consultant to undertake option appraisals and a business case on proposals for the future of the existing Town Hall site.
- 2.2 It is anticipated that there will be workshops for the Working Group to progress to a recommendation which will be presented to the Strategy and Resources Committee and Full Council by the end of the year in line with the Annual Plan 2024/25.

2.3 The working group will:

- Be briefed on national and local property markets;
- Provide a steer to the consultant team on the strategic objectives and priorities of the Council whilst allowing freedom for the consultants to explore all potential options;
- Be briefed on a long list of options for the site including delivery mechanisms, land ownership and potential capital realisation and then to advise the Strategy and Resources Committee on which options to shortlist; and
- Be briefed on the detailed assessment of each of the shortlisted options and advise the Strategy and Resources Committee on the preferable option.

2.4 The membership of the Working Group will be:

- The Leader of each Political Party/Group or their nominee.
- Chair of Strategy and Resources Committee (Chair of the Working Group)
- Chair or Vice Chair of Licensing and Planning Policy Committee.
- Substitute members are not permitted.

2.5 Key officers will be present at the Member Working Group with the consultant team.

2.6 The first meeting of the Member Working Group will take place in April 2024.

2.7 The Working Group will be disbanded following a decision on the future of the town hall site at Full Council.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None for this report

3.2 Crime & Disorder

3.2.1 None for this report

3.3 Safeguarding

3.3.1 None for this report.

3.4 Dependencies

3.4.1 None for this report.

3.5 Other

3.5.1 None for this report.

4 Financial Implications

4.1 None for this report.

4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 Members are reminded that when discussing and offering their opinions regarding the future use of the Town Hall site that any decision taken will likely lead to a planning application, and should those same members be on Planning Committee at that time, comments and opinions made regarding the option that is chosen, will require them to ensure that whilst they may be predisposed toward one outcome or another, any evidence of predetermination exhibited during the considerations of the Working Group and beyond will preclude them from debating and voting on any such planning application.

5.2 **Legal Officer's comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Opportunity and Prosperity, Effective Council.

6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** None for this report

6.4 **Sustainability Policy & Community Safety Implications:** None for this report

6.5 **Partnerships:** None for this report.

7 Background papers

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

Previous reports:

- Town Hall Site, Strategy & Resources Committee 13 July 2023

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=132&MId=1476>

Other papers:

- None

STONELEIGH FLATS FOR TEMPORARY ACCOMMODATION

Head of Service:	Mark Shephard, Head of Property and Regeneration
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Exempt Business Case

Summary

This report proposes that the Council progresses the grant of an underlease from Surrey County Council to use two Stoneleigh Community Library maisonettes as temporary accommodation for homeless households.

Recommendation (s)

The Committee is asked to:

- (1) Agree to the Council being granted a commercial underlease by Surrey County Council (as described in Exempt Appendix 1) to use Stoneleigh Community Library maisonettes for temporary homeless accommodation.**
- (2) Agree to fund the required budget up to £15,000 from S106 developer funds.**
- (3) Note that the Head of Property & Regeneration, Head of Housing & Community in consultation with the Chief Finance Officer will progress the matter to completion.**

1 Reason for Recommendation

- 1.1 To enable delivery of additional temporary accommodation to help address the rising need for homelessness prevention accommodation.
- 1.2 Under its Terms of Reference, this Committee is responsible for real estate acquisitions which include the Council being granted a commercial underlease.

2 Background

- 2.1 Stoneleigh Broadway is a thriving neighbourhood shopping parade offering a wide range of local shops and amenities including Stoneleigh Community Library.
- 2.2 The library is operated by Surrey County Council (SCC) at 1 Stoneleigh Broadway directly next to Stoneleigh Station. The library building comprises the library on the ground floor with two self-contained two bedroom maisonettes above (but accessed from the rear).
- 2.3 The library building is commercially leased by SCC in its entirety from a private landlord i.e. the library and two maisonettes form part of the same commercial lease.

3 Temporary housing accommodation

- 3.1 Under the homeless legislation, the Council is required to provide applicants with emergency accommodation while their application is being investigated and, if their application is accepted, until they are housed in settled accommodation.
- 3.2 The duty is fulfilled through placing applicants in accommodation owned by the Council, a Housing Association, or by exception, expensive nightly paid (B&B) accommodation.
- 3.3 Demand for temporary accommodation is acute and the Council has responded by pursuing initiatives to increase its supply of temporary accommodation.

4 Proposal

- 4.1 Following negotiations, terms have been agreed for the Council to take a commercial underlease of the maisonettes from SCC. This will co-expire with SCC's commercial lease.
- 4.2 The maisonettes have been refurbished by SCC to a high standard and will require minimal preparation by the Council's Housing Team for their use as much needed temporary accommodation.
- 4.3 As the Council will be taking an underlease of SCC's commercial lease, the Council's landlord will be SCC. In turn, SCC's landlord is the owner of the building and the owner's consent will be required to the underlease.
- 4.4 To support the proposal, a Business Case (including Best Value comparison) is attached at Exempt Appendix 1. The Business Case delivers a real cost saving to the Council of £30,920 pa for the two maisonettes combined.
- 4.5 The Business Case is commercially sensitive as it includes financial information relating to the freehold owner of the building and SCC's rental analysis.

- 4.6 When a commercial lease or underlease is granted to the Council, the Council legally acquires a leasehold interest. Leasehold interests are deemed “acquisitions” in the same way as freehold purchases. Both legal interests confer rights and obligations (albeit to varying degrees) on the Council as purchaser.
- 4.7 Under its Terms of Reference, this Committee is responsible for real estate acquisitions i.e. both leasehold and freehold. Accordingly, this report recommends that the necessary sub lease and associated legal documentation is progressed as soon as possible to facilitate the temporary accommodation.
- 4.8 It is recommended a budget of up to £15,000 be allocated from S106 affordable housing developer funds to cover:
- | | |
|---------|--|
| £5,000 | Legal / surveyor costs in respect to EEBC and a contribution to SCC for their landlord approval costs (the building owner) |
| £10,000 | Maisonettes preparation contingency |

5 Risk Assessment

Legal or other duties

5.1 Equality Impact Assessment

5.1.1 The maisonettes are located at 1st floor level via a dedicated external staircase leading to their own entrance. There is no lift available and the Flat would therefore not be suitable for all residents.

5.2 Crime & Disorder

5.2.1 Not applicable

5.3 Safeguarding

5.3.1 Not applicable

5.4 Dependencies

5.4.1 Subject to the consent of the building’s owner i.e. the freeholder.

5.5 Other

5.5.1 Not applicable

6 Financial Implications

6.1 Financial implications are set-out in the attached confidential Appendix 1.

- 6.2 Deploying £15,000 of S106 affordable housing sums to secure the flats would reduce remaining S106 balances available for investment in other future schemes from £1.01m to £1.00m.
- 6.3 Investment of these funds is expected to generate net annual revenue savings on temporary accommodation costs of £30,920, as set-out in Exempt Appendix 1.
- 6.4 This would be marginally offset by an estimated £675 reduction in annual treasury management income, assuming investment returns of 4.5%.
- 6.5 **Section 151 Officer's comments:** Financial implications are included at Appendix 1 and in the body of the report.

7 Legal Implications

- 7.1 The proposed scheme is eligible to be funded by S106 affordable housing sums, because it meets the following two criteria, which were agreed by Social Committee in January 2012:
 - 7.1.1 Where a financial analysis of the s106 investment required can be demonstrated to represent good value for money, either by reference to the number of homes delivered for the investment (e.g. by comparing the level of investment to the average level of grant that might be paid by the Homes & Communities Agency for a home of a similar size and quality) or where the s106 capital investment can be demonstrated to help the Council to achieve revenue savings elsewhere, such as reducing the cost of temporary accommodation.
 - 7.1.2 Where housing schemes will help the Council to prevent homelessness e.g. through the delivery of larger family sized accommodation.
- 7.2 **Legal Officer's comments:** Legal support required to deliver this project will be provided by external solicitors appointed by the Head of Property & Regeneration.

8 Policies, Plans & Partnerships

- 8.1 **Council's Key Priorities:** The following Key Priorities are engaged: Opportunity and Prosperity, Effective Council.
- 8.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 8.3 **Climate & Environmental Impact of recommendations:** The maisonettes have been the subject of full refurbishments.
- 8.4 **Sustainability Policy & Community Safety Implications:** None

8.5 **Partnerships:** None

9 Background papers

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

Previous reports:

None

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CHALK PIT

Head of Service:	Rod Brown Head of Housing and Community
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	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 and 2024 Appendix 4: Draft specification (Part II paper – para 3 and 7 of Sch 12A; exempt from publication

Summary

This report sets out the matters considered by the council's Environment Committee on 23rd January 2024 in respect to the options available to respond to complaints of noise from Epsom Chalk Pit.

Following consideration, as funding could not be found from existing budgets and internal resource could not support the work, the Environment Committee resolved that Strategy and Resources Committee be requested to identify funds of £140,000 to instruct external noise consultants to conduct a fresh investigation into activities at Epsom Chalk Pit.

The £140,000 is the total sum anticipated to be needed and is made up of £40,000 for the work to be carried out, £50,000 to support any enforcement action/litigation and a further £50,000 payable to the Appellant in the event of a successful appeal. These amounts can not be considered in isolation from each other in considering the potential total cost to the council.

Members should note that such further external investigation would only proceed if a significant level of complaints continued, despite the required buildings being constructed and commissioned and officers agreed that, in their professional judgement, such work was warranted.

Recommendation (s)

The Committee is asked to:

- (1) Consider the request from Environment Committee for additional funding, as set-out in this report, and then either:**
- (2) I) Given the overall financial deficit position of the council and the diminishing level of available reserves, agree to temporarily release £40,000 for this work until the Environment Committee identify and put forward the equivalent sum through service reductions in their portfolio to replenish the Corporate Property Reserve. This must be in the 24/25 financial year and be over and above those savings already required to close the budget gap next financial year. If the procurement process indicates that in excess of £40,000 is needed for this work then this must be referred back to this Committee before committing to the expenditure and likewise if subsequent potential enforcement/litigation work is expected to exceed £50,000.**
 - II) If recommendation 2.I. is adopted, authorise and nominate the Head of Housing and Community, in consultation with the Chair of Environment Committee, to commence this work only when in their professional opinion the level of noise and complaints warrant such action following completion and commissioning of the required buildings.**
 - III) Given the financial deficit position of the council, the diminishing level of available reserves and the detrimental impact and service reductions would have Borough wide, advise the Environment Committee that following careful consideration the request for additional funding is not supported. Also, Member's attention is directed to paragraph 7.3 of the report, which speaks to inexpensive action that residents are able to progress themselves in this matter.**

1 Reason for Recommendation

- 1.1 To consider the request from Environment Committee to fund a further extensive noise investigation at the Epsom Chalk Pit, by an external noise consultant and any associated legal costs that may be incurred thereafter by identifying £140,000 from council reserves.

2 Background

- 2.1 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.

- 2.2 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, Reston Waste (previously Epsom Skip Hire) and until recently, a smaller skip business, PM Skips Hire Ltd, which has now ceased operating from the site. Other businesses using the pit are a coach company, scaffolding and vehicle repair workshop.
- 2.3 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.
- 2.4 The sources of noise on the overall site are several.
- Trommel Noise. This is a specific piece of equipment used to process construction waste into different sized elements. The trommels on site, along with associated handling equipment, both have the potential to be noisy and give rise to dust emissions.
 - 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.
 - Noise from site machinery, principally the 360° grabs, their hydraulics, and tracks, separate dumper trucks and other mobile plant.
 - 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 and the rim.
 - Noise from the stacking and manoeuvring of empty skips.
 - Vehicle maintenance activities typically carried out by occupants of the rim.
- 2.5 Operations by the two remaining skip companies, each include the use of a trommel and manual picking line. The smaller skip company which has recently ceased trading from the site did not make use of a trommel during their time of operation.
- 2.6 Although largely out of direct line of sight and separated by natural topography and open fields, 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.

- 2.7 Prior to 2021, complaints about activities on the Chalk Pit giving rise to noise and dust were not significant in number. More recently 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.
- 2.8 Since May 2023 the number of complaints received by the Council had reduced significantly, however in September 2023 there was a further increase in complaint numbers which have fluctuated week on week. The council's dedicated email address established back in September 2021 remains in use for new complaints.

3 Surrey County Council Minerals and Waste Planning

- 3.1 Waste processing and recycling falls to Surrey County Council (SCC) as the County Planning Authority for minerals and waste. This includes the activities of Skip It and Reston Waste.
- 3.2 In 2021, the precursor company to Skip It submitted a planning application to SCC (SCC reference EP21/00223/CMA) for the part retrospective change of use of an existing Waste Transfer Station to a Materials Recycling Facility and extension of this site to incorporate new buildings and facilities.
- 3.3 This application included the construction of a new enclosure to encompass the noisiest operations from the Skip It site including the use of the trommel. This application was approved by SCC on 2 May 2023 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 that there is counterpart planning enforcement action being taken by SCC.

4 Regulatory responsibilities

- 4.1 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 from which the EA derive a subsistence fee from the regulated business.
- 4.2 The EA regulate processes by including technical conditions as part of the permits granted to operators. These controls are intended to mitigate emissions to air, land and water regardless of any complaints received. 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. For example, the operation of the recycling plant will be controllable via the permit, but noise from arrivals of staff in adjacent roads will not.
- 4.3 The relevant planning authority (SCC for the waste processing activities and EEBC for activities outside of this definition), will be able to attach appropriate conditions controlling aspects of the permitted use in the event of planning application. Enforcement of relevant conditions will be the responsibility of the relevant planning authority.
- 4.4 In practice, on receipt of a complaint the local authority would determine whether it likely 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, EEBC would commence a standard statutory nuisance investigation.
- 4.5 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 granted by the EA. These limit their emissions and impose controls on their operation intended to reduce the impact to the environment.
- 4.6 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 conditions or through general statutory nuisance provisions.

- 4.7 Noise and dust can be considered as potential statutory nuisances via section 80 of the Environmental Protection Act 1990. This general provision is the same one used for other nuisances such as a noisy party, barking dogs or unacceptable bonfire smoke. Its operation in respect of a situation such as the Chalk Pit is more complex involving many considerations. There is no set statutory decibel level at which noise would be a statutory nuisance and the assessment is inherently a subjective one based around the common law definition of 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 when considering enforcement options.

5 Council activity in response to complaints

- 5.1 From 2021 the council's Environmental Health service has been heavily involved in investigating noise complaints from the Chalk Pit. This investigation has been the most intensive nuisance investigation the council has conducted over recent years, which up to the summer of 2023 involved:
- Deployment of a multi-officer team monitoring from residential premises and within the Chalk Pit area;
 - In person visits in response to complaints 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.
- 5.2 Given the topography of the site and the fact that there are two operators both 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. As a result the council has developed an investigation strategy which is focussed on both the investigating officer witnessing the noise *and* verifying the source of that noise, identifying the individual business. This requires the use of multiple teams of officers, in communication, to identify noise at resident's properties and to cross reference that to activities on site in real time.

- 5.3 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. The investigation included the installation of CCTV on site to help identify activities. In accordance with legal requirements, at the point when the CCTV was installed the users of the chalk pit were informed.

6 Professional opinion based on the outcome of the June 2022 investigation:

- 6.1 The council's approach to enforcement is evidence based. Despite this extensive monitoring in June 2022, it was the opinion of its qualified officers that at that time the council did not have sufficient justification to issue an abatement notice on any of the site operators.
- 6.2 Officers are very mindful of the concerns from local residents and extend their thanks to those 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 reasonably considered to have had 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 could not evidence the disturbance, at that time, amounted to a statutory nuisance.

7 Further work from October 2023

- 7.1 Following the increase in noise complaints during the first half of October 2023, Environmental Health Officers once again deployed to the locality on the week commencing 9th October and undertook a series of monitoring activities over several days. During this intervention, it was possible to determine that a nuisance existed arising from the use of one particular piece of machinery at one of the two separate waste businesses in operation, and as a result an abatement notice was served on 13th October in line with the Council's duty to do so. This was communicated to residents on 16th October by email.
- 7.2 Since the abatement notice was served, the council has monitored for evidence of non-compliance. This monitoring has not identified a breach of the abatement notice served on Skip It.
- 7.3 The Environmental Protection Act 1990 enables any person affected by any form of nuisance to complain directly to the Magistrates' Court under section 82. There is a court fee of £226 to issue such proceedings. This remains an available option should local residents wish to explore this themselves.

8 Separate Council enforcement action

- 8.1 Separately to the action outlined above, the council has taken the following legal steps prior to 2024:
- 8.2 Community Protection Warning Notice served on/issued to the landowner requiring various management steps and resurfacing of the road surface on the rim.
- 8.3 Nine further Community Protection Warning Notices served on/issued to users of the rim and of the chalk pit mandating chain covers on skip guards.
- 8.4 One Community Protection Warning Notice served/issued requiring a skip company to cease using the site entirely.

9 Options considered

- 9.1 The multiple sources of possible noise and dust arising from the site together with the difficult topography, including lack of visibility from resident's properties, make monitoring and evidence gathering very resource intensive. Fundamentally, the fact that there are two similar businesses, out of visual range, who at any one time may or may not be operating in such a way so as to cause nuisance, requires at least two, preferably three officers to properly assess.
- 9.2 Nevertheless, officers are satisfied that by prioritising investigations at the chalk pit at the expense of other statutory work, the response to this issue as outlined in this report has met and exceeded the statutory requirements on councils to complete a reasonable investigation into the complaints.
- 9.3 During 2023 and early 2024 building construction has taken place and, in the case of Skip It, will mean the noisiest of their activities being carried out from within a building as per the intent of the original 2021 planning application.
- 9.4 The completion of this development will allow the relevant planning condition attached to the SCC consent to be engaged to control noise.
- 9.5 At its meeting on 23 January 2024, Environment Committee considered this matter and were provided with three options.
- 9.6 The Environment Committee was invited to consider the following three options:
 - 9.6.1 Accept the account set out in this report that having extensively investigated the issues, the outcome of an abatement notice associated with the use of a trommel is sufficient and to close this investigation with no further action, or

- 9.6.2 Officers keep this under review and bring this back to the Environment Committee should, in their professional opinion, sufficient evidence of a breach of the abatement notice or a further statutory nuisance be evident to seek any necessary funding to take enforcement action, or
- 9.6.3 A request be submitted to Strategy and Resources Committee that funding be allocated from limited Council reserves to instruct external noise consultants who would need to be procured to conduct a fresh investigation based upon the activities on the site and that significant complaints continue despite the buildings being constructed and commissioned. It is anticipated that further investigations may require a financial commitment of up to £140,000, as set-out in section 10 of the report.
- 9.7 It was outlined to the Committee that save for Option 1, 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 these businesses 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 3 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). This option would represent a once only, last line defence for residents.
- 9.8 It was highlighted that the further investigation as set out in Option 3 requires resourcing that the Environmental Health service could only provide with significant changes to their other statutory functions. These statutory services include food safety inspection programme, private sector housing inspections, other noise and pollution complaints, and health and safety functions.
- 9.9 The Environment Committee were informed that if it were minded to adopt Option 3, if funding cannot be identified within the committee's budget envelope of identified savings within the said budget, that 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 proceedings.
- 9.10 Following a vote of its membership, the decision of Environment Committee was to recommend Option 3 and request that Strategy and Resources Committee approve the use of reserves to settle those identified costs. It is now a decision of this Committee whether or not to accept that recommendation taking into consideration the financial impact that this will have on the council's overall financial wellbeing.

- 9.11 Members of this Committee are advised that in order to operate a compliant procurement process, and to allow the chosen consultant to mobilise, there may be a period of time of 3-4 months between deciding to proceed and deployment of the specified resource.

10 Risk Assessment

Legal or other duties

10.1 Equality Impact Assessment

10.1.1 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 of the Borough and the ability to respond to their needs

10.2 Crime & Disorder

10.2.1 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

10.3 Safeguarding

10.3.1 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.

10.4 Dependencies

10.4.1 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.

11 Financial Implications

- 11.1 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 otherwise (Exempt Appendix 4).

- 11.2 Should any resultant enforcement be contested, legal costs of up to £50,000 would be expected to support any enforcement action taken by the Council, with potentially a further estimated £50,000 payable to the Appellant in the event of their successful appeal. Even if the Council were successful, it is not guaranteed to either be awarded or to recover its costs. There is also risk that costs could escalate beyond these estimates, as inflation remains elevated and litigation can also lead to unforeseen events/matters arising.
- 11.3 Officers have been unable to identify funding within the Environment Committee's existing budget envelope to support the additional cost of £140,000 without impacting existing services. The recommendation to this Committee requests one-off funding from limited Council reserves.
- 11.4 The Council's Corporate Projects Reserve currently holds an uncommitted balance of £1.49m. Members have previously agreed that this reserve should always hold a minimum balance of £1m to ensure funds are retained for future, unforeseen projects. This leaves a balance of just £490,000 available for projects, before the minimum threshold is reached.
- 11.5 Allocating £140,000 from this reserve would reduce the remaining available balance from £490,000 to £350,000, a reduction of c.29% in the funds available for other corporate projects.
- 11.6 In addition, there would be an estimated £6,300 per annum reduction in treasury management income, assuming investment returns of 4.5%.
- 11.7 **Section 151 Officer's comments:** The Council already faces a significant budget gap in future years of c.£0.5m (as reported to Full Council in February 2024), which may place further pressure on the Council's limited available reserves. In deciding whether to allocate significant funding for renewed investigations on top of those that have already taken place, Members are asked to also consider the alternative options, the likelihood of whether renewed investigation would ultimately lead to successful enforcement action and whether it would be a proportionate and effective use of limited council resources.

12 Legal Implications

- 12.1 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 cannot be known. The relevant legislation that applies to statutory nuisance is set out in section 79-81 of the Environment Protection Act 1990.

- 12.2 This report sets out that it is the view of its professional Environmental Health Officers who are experienced in nuisance matters and have the necessary qualifications and training in the area that, having carried out a reasonable investigation in discharge of its statutory duty, there was insufficient previous evidence to justify service of an abatement notice, but that the noise in the week of 9 October 2023 did constitute a statutory nuisance so as to justify service of an abatement notice based on what was witnessed.
- 12.3 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.
- 12.4 Likewise, where the council felt it warranted bringing proceedings further to clear evidence of any alleged breach of the recently served Abatement Notice, the Council would need to set out its case positively supported by evidence. If successful, the Council could seek to recover its costs in bringing such proceedings but cost recovery is not guaranteed. If unsuccessful, the council would need to bear its own costs and potentially be awarded to settle the costs of the successful party.
- 12.5 **Legal Officer's comments:** Any relevant comments are contained within the body of this report.

13 Policies, Plans & Partnerships

- 13.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Safe and Well
- 13.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 13.3 **Climate & Environmental Impact of recommendations:** None arising from this report.
- 13.4 **Sustainability Policy & Community Safety Implications:** None
- 13.5 **Partnerships:** The council works closely with other enforcement partners in responding to complaints from this site.

14 Background papers

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

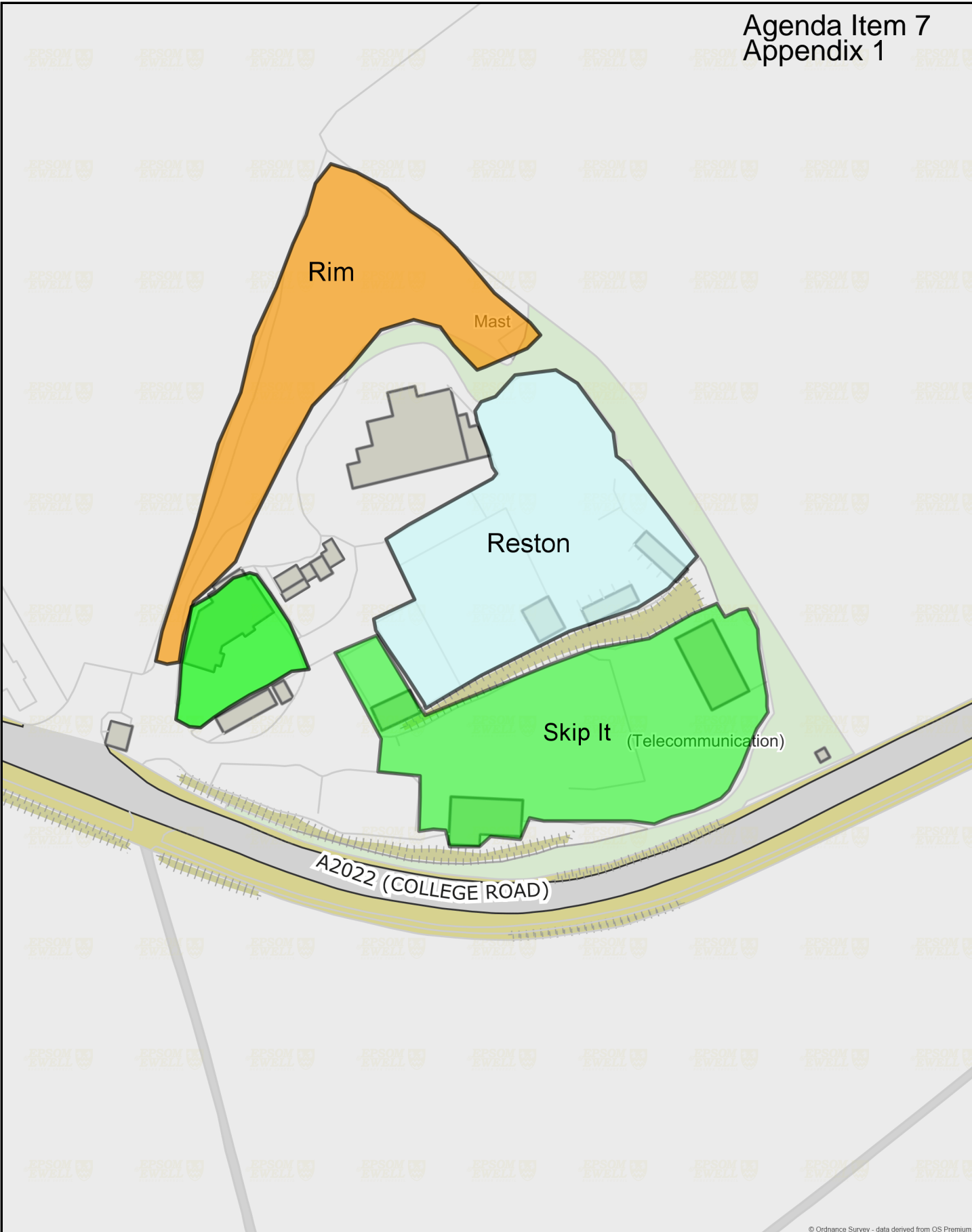
Previous reports:

- Chalk Pit Environment Committee 23rd January 2024

Other papers:

- None

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© Ordnance Survey - data derived from OS Premium

Chalk Pit Epsom

N
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 53
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_A,T_r, 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).
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

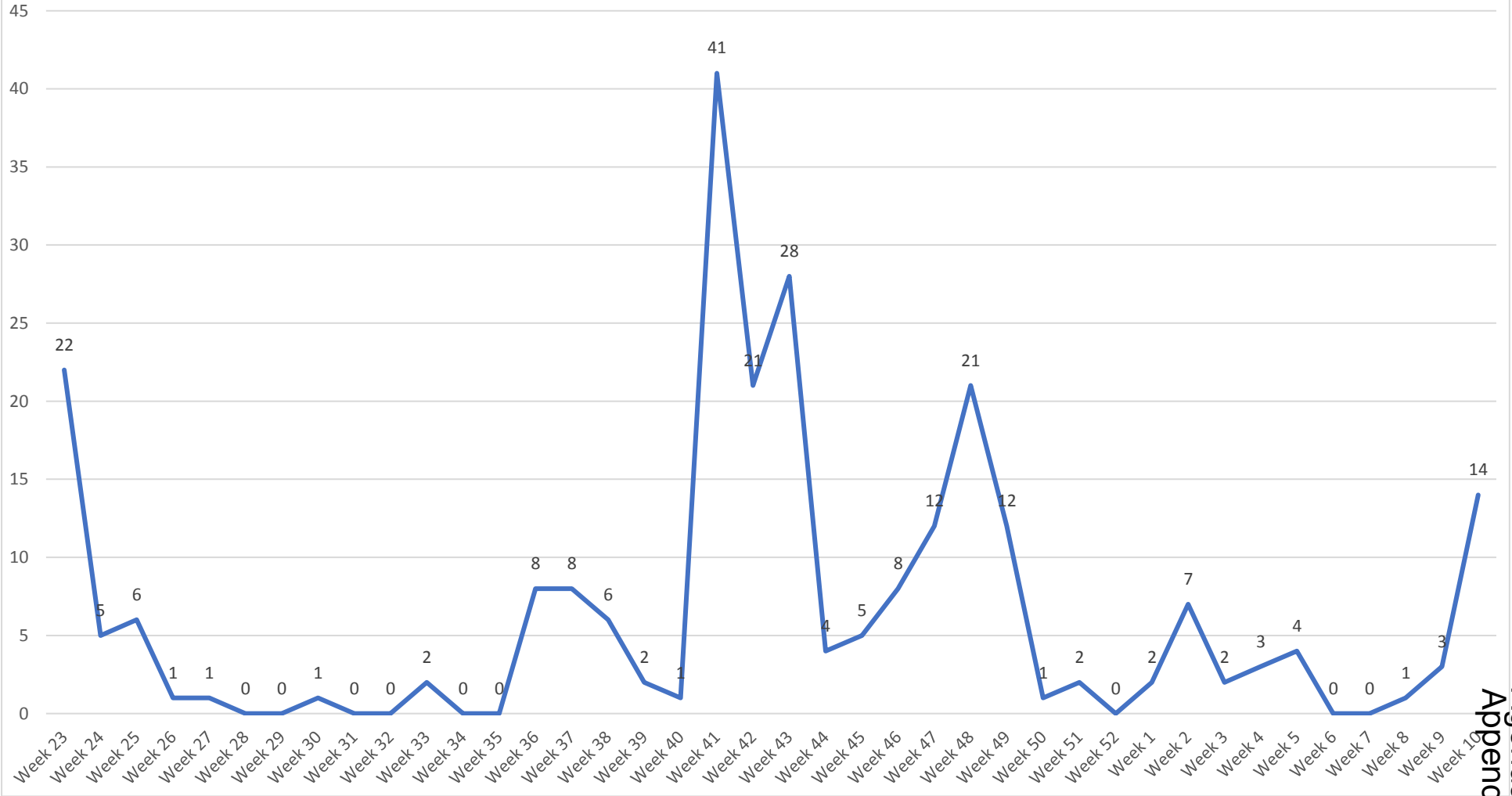
NJB Recycling Ltd
per Suzi Coyne Planning
4 A'Beckets Avenue
Bognor Regis
PO21 4LU

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 2023/2024



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EXCLUSION OF 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 paragraphs 3 and 7 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 06 – Stoneleigh Flats for Temporary Accommodation Appendix 1
The report deals with information relating to the financial or business affairs of the Committee and third parties.
Item 07 – Chalk Pit Appendix 4
The report deals with information relating to the financial or business affairs of the Committee and third parties and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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